

Rule 254. Colorado Lawyer Assistance Program.

(1) Colorado Lawyer Assistance Program. The Colorado Supreme Court hereby establishes an independent Colorado Lawyer Assistance Program (“COLAP”). The goal of such program is:

- (a) To protect the interests of clients, litigants and the general public from harm caused by impaired attorneys or judges;
- (b) To assist impaired members of the legal profession to begin and continue recovery; and
- (c) To educate the bench, bar and law schools to the causes of and remedies for impairments affecting members of the legal profession.

Such program and its director shall be under the supervision of the Supreme Court Advisory Committee (“Advisory Committee”) as set forth in C.R.C.P. 251.34(b)(3).

(2) COLAP Services. The Attorney Assistance Program shall provide the following services:

- (a) Immediate and continuing assistance to members of the legal profession who suffer from physical or mental disabilities that result from disease, disorder, trauma or age and that impair their ability to practice;
- (b) Planning and presentation of educational programs to increase the awareness and understanding of members of the legal profession to recognize problems in themselves and in their colleagues; to identify the problems correctly; to reduce stigma; and, to convey an understanding of appropriate ways of interacting with affected individuals;
- (c) Investigation, planning and participation in interventions with members of the legal profession in need of assistance;
- (d) Aftercare services upon request, by order, or under contract that may include the following: assistance in structuring aftercare and discharge planning; assistance for entry into appropriate aftercare and professional peer support meetings; and assistance in obtaining a primary care physician or local peer counselor; and
- (e) Monitoring services that may include the following: alcohol and/or drug screening programs; tracking aftercare, peer support and twelve step meeting attendance; providing documentation of compliance; and providing such reports concerning compliance by those participating in a monitoring program as may be required by the terms of that program.

(3) Director. The Advisory Committee shall recruit, retain, and supervise a COLAP Director. The Director shall serve at the pleasure of the Advisory Committee as an at-will employee. The Advisory Committee shall set the Director’s annual salary subject to periodic review. The Director shall have the same employee benefits as the employees of the Colorado Judicial Department. The Director shall coordinate the annual budget of COLAP with the Advisory Committee. A portion of the annual attorney registration fee shall be used to establish and administer COLAP.

(4) Qualifications. The director shall have sufficient experience and training to enable the director to identify and assist impaired members of the legal profession.

(5) Powers and Duties. The COLAP Director shall act in accordance with these Rules and shall:

- (a) Provide initial response to help line calls.
- (b) Help Attorneys, judges, law firms, courts and others to identify and intervene with impaired members of the legal profession.
- (c) Help members of the legal profession to secure expert counseling and treatment for chemical dependency and other illnesses, maintaining current information on available treatment services, both those that are available without charge as well as paid services.

- (d) Establish and maintain regular contact with other bar associations, agencies and committees that serve either as sources of referral or resources in providing help.
- (e) Establish and oversee monitoring services with respect to recovery of members of the legal profession for whom monitoring is appropriate.
- (f) Plan and deliver educational programs for the legal community with respect to all sources of potential impairment as well as treatment and preventative measures.
- (h) Perform such other duties as the Supreme Court or Advisory Committee may direct.

(6) Confidentiality.

- (a) Information and actions taken by COLAP shall be privileged and held in strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of COLAP, unless such disclosure is authorized by the member of the legal profession to whom it relates. Such information and actions shall be excluded as evidence in any complaint, investigation or proceeding before the Supreme Court Attorney Regulation Committee, the Presiding Disciplinary Judge of the Supreme Court, or the Colorado Supreme Court.
- (b) COLAP employees, and volunteers recruited under this rule shall be deemed to be participating in a lawyer's peer assistance program approved by the Colorado Supreme Court as provided in Colo. RPC 8.3(c).

(7) Immunity.

- (a) Any person reporting information to COLAP employees or agents including volunteers recruited under rule 254 shall be entitled to the immunities and presumptions under C.R.C.P. 251.32(e).
- (b) COLAP members, employees and agents including volunteers recruited under rule 254 shall be entitled to the immunities and presumptions under C.R.C.P. 251.32(e).
- (c) COLAP members, employees and agents including volunteers recruited under rule are relieved of the duty of disclosure of information to authorities as imposed by Rule 8.3(a).

Amended and Adopted by the Court, En Banc June 16, 2011, effective immediately.

By the Court:

**Nathan B. Coats
Justice, Colorado Supreme Court**

**Monica M. Márquez
Justice, Colorado Supreme Court**