

Client Confidentiality Protocols

All employees, interns, and volunteers at Metro Volunteer Lawyers are required to adhere to the principles of confidentiality regarding applicants and clients.

1. Physical Files:

Applicant/client files are kept in 4 locked filing cabinets in the MVL office. These cabinets are only accessible to MVL staff members. Applicant/client files are not removed from the MVL office except when necessary for clinics, hearings, or applicant/client meetings. Applicant/client documents that are not kept in the locked filing cabinets are scanned, uploaded to an online client file, and the physical documents are shredded.

The MVL office is in a secure building that requires an access badge outside of office hours (8:20 am to 5:00 pm). The office itself is behind a security door that remains locked at all times and requires a code to enter. Visitors are escorted through the office by MVL or CLS staff.

2. Online Files and Computers:

All applicants/clients of MVL have an online file on Legal Server, an online database management program. Information about applicants/clients is shared through Legal Server and SharePoint, two secure online platforms. MVL staff have access to Legal Server and SharePoint through individual, password-protected accounts. MVL interns have access to Legal Server through two intern-specific, password-protected accounts. All passwords are changed on a regular basis to ensure security. Digital files sent to volunteers via email are in .pdf format and password protected to minimize the risk of transmitting confidential metadata.

MVL staff members use company-issued, password-protected laptops to conduct work. MVL staff members do not use personal laptops to access confidential information. The passwords are changed regularly to ensure security. Laptops come with Trend Micro security software that regularly scans for vulnerabilities. Laptops are either kept in the physical possession of the staff member or locked in a cabinet at the MVL office to prevent loss or theft. MVL has an IT department that updates staff as to any potential security issues and how to solve them, including email scams. New staff members must complete network security training.

3. Interns, Volunteers, Staff:

Interns and volunteers sign a confidentiality agreement upon the start of time with MVL. By signing, the intern/volunteer agrees not to disclose information, documents, files, notes, memoranda, programs, materials, writings, etc. obtained through MVL. Most MVL volunteers are attorneys and therefore must adhere to the Colorado Rules of Professional Conduct regarding confidentiality of client information and communication during and after the client-lawyer relationship. Interns, volunteers, and staff do not disclose confidential information outside of MVL except when permitted under RPC 1.6:

- (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b).

- (b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
- (1) to prevent reasonably certain death or substantial bodily harm;
 - (2) to reveal the client's intention to commit a crime and the information necessary to prevent the crime;
 - (3) to prevent the client from committing a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
 - (4) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (5) to secure legal advice about the lawyer's compliance with these Rules, other law or a court order;
 - (6) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;
 - (7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information is not protected by the attorney-client privilege and its revelation is not reasonably likely to otherwise materially prejudice the client; or
 - (8) to comply with other law or a court order.

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

MVL staff, interns, and volunteers also adhere to RPC 1.9 regarding confidentiality:

- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
- (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
 - (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

4. Client Meetings:

MVL staff, interns, and volunteers conduct meetings with applicants/clients meet with clients via telephone, Zoom, and in-person clinics. In-person and Zoom clinics typically host 6-14 applicants. Applicants are informed beforehand that the clinics are not individual meetings.

For Zoom clinics, a waiting room is utilized so the MVL staff member hosting the clinic can ensure that applicants do not have their full names visible on the screen when they join the main room. Some clinics begin with a brief introduction of the program, and applicants have the

option to leave their cameras off during this time. Applicants are placed in breakout rooms with attorneys to ensure their information stays confidential. Zoom clinics are never recorded.

For in-person clinics, applicants go to either a courthouse or senior center. Attorneys sit one-on-one with applicants to fill out forms or offer advice. Tables are set apart to prevent applicants from reading others' documents.

5. Client Information:

Initial applicant information is gathered through an intake by Colorado Legal Services. This information is shared with MVL with the consent of the applicant. The intake occurs over the phone or in person and the person conducting the intake fills out a questionnaire with information about the applicant and their legal issue. This gathered information is:

- Name
- Demographic information (date of birth, gender, race, language, living situation, veteran status)
- Contact information (phone number, email address, physical address)
- Information about the adverse party (name, date of birth, address)
- Social Security Numbers for the applicant and the adverse
- Financial information (pension/retirement information, current income of parties, debts, assets)
- Case information (date/location of marriage, date of separation, names/ages of children and where they are residing, existing protection orders, previous cases)
- Domestic violence information (descriptions of violence, descriptions of injuries, descriptions of aftermath)

This information is sent to MVL through Legal Server and SharePoint.

6. Evaluations:

Applicants/client assisted by MVL share feedback through surveys. These surveys are sent via email, mail, or filled out in person, depending on how services were conducted.