**Tips for finding missing clients**

Best practices during initial client contact:

* Always try collect the names, addresses, telephone numbers, and e-mail addresses of at least two emergency contacts from every client.
* Ask clients for the names and numbers of the other professionals with whom your client has regular contact. (Therapists, doctors, and probation officers.) Get your client’s authorization to establish and maintain contact with these professionals. Get written releases signed where possible.

What must you do if your client suddenly drops off the face of the earth?

First:

Search for the missing client using one of (or all) of the following approaches:

* Mailing, e-mailing and telephoning a client at all known addresses and telephone numbers.
* Utilizing web search services such as Google and social networking sites to locate additional contact information.
* Researching public records such as property, tax, voter, marriage and court records and reviewing the client file for alternate contact information.
* Visiting (or sending a staff member to visit) the client’s home or place of employment.
* Contacting the client’s family members, co-workers, employer or medical providers.

To search for incarcerated clients:

**Colorado Department of Corrections**

The locations of all inmates and Department of Corrections facilities can be found at this link.

<http://www.doc.state.co.us/oss/>

**Vinelink**

Vine link allows users to search for inmates at a number of city and county facilities in Colorado. If the client is located in a facility that’s online link you can also sign up for an alert to tell you when the client is released or is moved. You can also use violence to search for incarcerated clients in other states as well.

<https://www.vinelink.com/#/home/site/6000>

**Jails not included in Vine**

Some counties are not on Vine, and require searches on those county sites. Those counties include:

*Arapahoe*

<http://www.arapahoegov.com/index.aspx?NID=1175>

*El Paso*

<https://www.epcsheriffsoffice.com/inmate-search#!/search>

*Jefferson*

<http://jeffco.us/wil/>

**Federal facilities**

You can search all the Bureau of Prison facilities with one search

<https://www.bop.gov/inmateloc/>

**To Find Clients in ICE** **Custody**:

* First, check the ICE Online Detainee Locator System (ODLS). To search by biographical information, you will need the client’s first name, last name, and country of birth. ODLS can be found here: <https://locator.ice.gov/odls/#/index>
* If you cannot locate your client using ODLS, consider contacting your local ICE ERO office with jurisdiction over the location of the arrest. This website has contact info for local ICE offices: <https://www.ice.gov/contact/field-offices> If you are not getting a return call, you can try calling the ICE Community Relations Officer: <https://www.ice.gov/contact/ope>.
* Here is a link to information about ICE detention facilities: <https://www.ice.gov/detention-facilities>
* ORPC provides access for RPCs to consult with an immigration attorney who may be able to provide further guidance in locating your client in ICE custody or determining their status in deportation proceedings. Please email the Case Strategy Director at mjordan@coloradoorpc.org to authorize a consultation.

Secondary Efforts (Investigators):

If your efforts to find your client have failed, request an investigator through ORPC. To find an investigator, you can either look for an investigator located in the area where you believe your client may be or an investigator who works in your jurisdiction. You can search for investigators using a map or county filter on our website: <https://coloradoorpc.org/attorney-center/experts/>.

Once you have located the investigator you would like to use, contact them to let them know what you would like them to do and ask them how many hours and how many travel hours they estimate they would need to perform their work. Request those hours in RPPS. If you do not see the investigator you would like to use in RPPS, please contact Melanie at mjordan@coloradoorpc.org so that they can be added to the county where you would like to request them.

Ethical Issues:

* **Provisional Appointments**: “When a lawyer-client relationship exists, but the lawyer has not previously received direct instruction from the client and has not received direction from the client on how to act, for instance, in the insurance defense context, then immediately upon receiving the assignment the lawyer should exercise reasonable efforts to locate the client.” [Colorado Bar Association Ethics Opinion 128](https://www.cobar.org/Portals/COBAR/Repository/ethicsOpinions/FormalEthicsOpinion_128.pdf?ver=2016-07-11-153848-457). These efforts could include hiring an investigator and contacting family or friends of the client. Also, clients must consent to representation. “An attorney-client relationship is one of agency and arises only when the parties have given their consent, either express or implied, to its formation.” Comm. on Prof’l Ethics and Grievances of Virgin Islands Bar Ass’n v. Johnson, 447 F.2d 169, 174 (3d Cir. 1971).
* **Important Rules of Professional Conduct Relating to Missing Clients:**
	+ [**8.4**](https://www.cobar.org/For-Members/Opinions-Rules-Statutes/Rules-of-Professional-Conduct/Rule-84-Misconduct)**:** Misconduct
	+ [4.1](https://www.cobar.org/For-Members/Opinions-Rules-Statutes/Rules-of-Professional-Conduct/Rule-41-Truthfulness-in-Statements-to-Others): Truthfulness in Statements to Others
	+ [3.3](https://www.cobar.org/For-Members/Opinions-Rules-Statutes/Rules-of-Professional-Conduct/Rule-33-Candor-Toward-the-Tribunal): Candor Toward the Tribunal
* **In some situations, the RPC may not have enough information to act on the client’s behalf.** [**See Rule of Professional Conduct 3.1**](https://www.cobar.org/For-Members/Opinions-Rules-Statutes/Rules-of-Professional-Conduct/Rule-31-Meritorious-Claims-and-Contentions)**, CRCP 11(a).**
* **Discovery Responses:** RPCs should request extensions of time in order to locate the client but must consider RPC 3.3 and 4.1 and not make false statements to tribunals or third parties regarding the client’s availability or participation in the preparation of the responses**. See Ethics Opinion 128.**
* There may be circumstances where disclosing the client’s absence will be detrimental to the client’s interests. However, if the desire to preserve the confidence of “information relating to the representation” conflicts with the lawyer’s duty of candor to the court, then the lawyer must truthfully inform the court of the client’s absence. Colo. RPC [1.6](https://www.cobar.org/For-Members/Opinions-Rules-Statutes/Rules-of-Professional-Conduct/Rule-16-Confidentiality-of-Information); see also [CBA Op. 123](https://www.cobar.org/Portals/COBAR/repository/ethicsOpinions/FormalEthicsOpinion_123_2011.pdf). However, the lawyer should take care to reveal such information only to the extent reasonably necessary to comply with Colo. RPC 3.3 or as otherwise permitted by Colo. RPC 1.6. Colo. RPC 3.3, cmt. [15].
* **Should you withdraw? –** may be required if you do not have sufficient direction and cannot locate client – consider *People v. Silvola*, 915 P.2d 1281, 1284-85 (Colo. 1996).
* Consider reading [Ethics Opinion 128](https://www.cobar.org/Portals/COBAR/Repository/ethicsOpinions/FormalEthicsOpinion_128.pdf?ver=2016-07-11-153848-457).
* Consider reading [Ethics Opinion 114](https://www.cobar.org/Portals/COBAR/repository/ethicsOpinions/FormalEthicsOpinion_114_2011.pdf):