

**Monday, November 9, 2020** (Intro class 20 of 30!)

**Today:** Ethics & Professional Responsibility!

**By end of today:**

- Post FYLC Collab. Assmt. #2! (legal source entry)
- Post election response—*if you didn't already!*

**Wed. Nov. 11** (Intro): QUIZ #3! *Midterm exam through today.*

**Fri. Nov. 13** (Civ Pro):

- QUIZ #3! *From midterm exam through last class.*
- Qs #1-5 in Summons & Complaint Assignment *due by email 1pm.*
- Read C&W chs. 9-11 (Venue; Personal Jurx; Prep, Service & Filing of Papers).
- Review K. Stedman, "Annoying Ways..." *from English class!*

**For Mon. Nov. 16** (Intro): Read M&M chs. 7 & 9 excerpts (legal research & writing).

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**Ethics and professional responsibility!** ?? *What do those terms mean ?! (generally)*

**ethics** = basic concepts and fundamental principles of decent human conduct

**professional responsibility** = legal and moral duty of a professional to apply her/his knowledge in ways that benefit the client, and the wider society

(Source: business-dictionary.com)

**Attorney ethics!!**

**Ethical rules governing attorneys are determined by:**

- bar associations (voluntary organizations of lawyers—provide guidance to government) *and*
- state legislatures *and*
- state courts . . . *all together!* 😊

**NY's attorney ethical rules** = NY Rules of Professional Conduct! They have force of LAW. *Obey them.*

**Some key rules regarding \$\$ → Attorneys must NOT:**

- mix firm \$ and client \$ in the same account!
- charge paralegal billing rates when paralegals do clerical work!! *Clerical work should cost less.*
- double bill! . . . *and many more rules.*

**Hypothetical!!** Attorney Angela has an hourly fee arrangement with each of her clients. On Monday, she spent **three hours** in court (10am-1pm) for a motion hearing in **client Collins'** case. The motion was scheduled for 10am but the judge got called away, so the clerk asked Angela to come back at 12:30pm. Angela stayed at the courthouse. To pass the time, she spent **one hour** reading documents for **client Lee's** case (10:30-11:30am), and a **half-hour** talking to a court clerk about **client Rodriguez's** case (11:30-12 noon). From noon to 12:30, Angela reviewed her notes in preparation for **client Collins'** motion hearing, and from 12:30-1pm she participated in the hearing.

When Angela sent out her monthly bills, she charged:

- **client Collins** for **3 hours** (10am-1pm, the whole time she was in court for Collins' case);
- **client Lee** for **1 hour** (10:30-11:30am reading documents)
- **client Rodriguez** for **1/2 hour** (12-12:30pm talking to court clerk).

**TOTAL: 4 ½ hours → HUH?!**

**?? Did Angela bill each of her clients properly? *NO!!*** This is an example of double-billing: billing more than one client for the same period of time. It is unethical, and prohibited!!

She should have charged:

- **client Lee** for **1 hour** (10:30-11:30am reading documents)
- **client Rodriguez** for **1/2 hour** (12-12:30pm talking to court clerk).
- **client Collins** for **1 and ½ hours** (10-10:30am and 12-1pm, when she actually worked on Collins' case).

**TOTAL: 3 hours → CORRECT!! ☺**

**Unauthorized practice of law** (UPL) = conduct constituting the "practice of law" by an individual who is not a licensed attorney. See *Sussman v. Grado* case that we read for an example. ***DON'T DO IT!!***

**Paralegal ethics!!** . . . *are guided by:*

- NALA Code of Ethics & Professional Responsibility
- NFPA Model Code of Ethics & Professional Responsibility

**Paralegal ethical duties** → there are many but we will focus on *the "3 C's"!*

- Competence → *be good!*
  - Be knowledgeable and thorough in performing your job.
- Confidentiality → *be quiet!*
  - Includes attorney-client privilege.
- Conflicts of interest → *be careful!*
  - Conflicts arise when representing one client can injure the interests of another client.