

Wednesday, November 11, 2020 (Intro class 21 of 30!) *Happy Veterans' Day!* Show a Veteran some love.

Today: *Finish* ethics & professional responsibility! *and* QUIZ #3!

Fri. Nov. 13 (Civ Pro):

- QUIZ #3! Causes of action & remedies; SOL; commencing action; summonses & pleadings
- Qs #1-5 in S&C Assignment *due by email 1pm*.
- Read C&W chs. 9 (Venue) & 11 ("Papers..."), *just* pp. 95-98.

For Mon. Nov. 16 (Intro):

- Read M&M ch. 9 (legal writing) and sample legal memorandum posted. ***NOTE use of quotes in memo!*
- Read K. Stedman, "Annoying Ways People Use Sources" and FYLC Collaborative Assignment #3.

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Ethics and professional responsibility!

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

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

Scenario: Client Carla asks Paralegal Pete to lie in a court document he is preparing for Carla's case. Pete should:

- (A) do what Carla says because "the client is always right."
- (B) inform his supervising attorney of Carla's request, and tell Carla he will not lie in the document.**
- (C) pretend he did not hear Carla, draft the document truthfully, and tell no one.
- (D) draft the document with the lies, because no one will ever know except Carla and him.

Paralegal ethical duties (in addition to honesty) → *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.

Scenario: Princess Paralegal is researching a case for her firm's client. She finds a case that perfectly supports the client's position. She stops researching, gives the case to her supervising attorney, and takes the rest of the day off. Had Princess continued her research and validated the case, she would have learned that the decision was recently overruled by an appellate court. **?? What ethical rule has Princess violated?** *Competence.*

Scenario: Legal assistants Leonardo and Leticia are eating dinner in a local restaurant. They are discussing a client's case and his poor financial condition. Unbeknownst to them, their server works days in a bank where the client maintains his accounts. The server overhears their conversation. **?? What ethical rule did Leonardo and Leticia violate?** *Confidentiality.*

Scenario: Lawyer LaTonya assigns Paralegal Patrick to a new client's case. While reviewing the file, Patrick realizes that the case will require LaTonya to sue her former client. **?? What should Patrick do?** *Inform LaTonya that there appears to be a conflict of interest, which she should avoid.*

Consequences to attorneys for violating ethical rules *include:*

- disciplinary proceedings before state governing body, *resulting in* reprimand *or* suspension *or* disbarment ☹
- losing one's job, business, reputation
- getting sued for malpractice!

Consequences to paralegals for violating ethical rules *include:*

- losing one's job, business, reputation
- statutory violations: UPL, business laws—*like Marcia Grado!*
- personal liability for damages—*like Marcia Grado!*
- lose certification (per NALA, NFPA ethical codes)

Don't let this happen to Y☹U!! I'm confident you won't. ☺