

Thursday, October 27, 2022 (class 16 of 30!!)

Today: Ethics & Professional Responsibility!

Now: Complete the handout! *Ethics questions.*

By Mon. Oct. 31, 12 noon: Post question for guest speaker Vanella Douglas on OL! *Details on OL.*

For next class (Tu. Nov. 1):

- Read textbook ch. 4, pp. 100-118 *posted on OL!*
- Answer an end-chapter question on OL **by 8am!** *Details on OL.*

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Ethics and professional responsibility! ?? What do those terms mean ?!

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

Paralegal ethical duties!! *Honesty, plus . . . 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 an attorney's representation of one client can injure the interests of another client.

Plus . . . AVOID Unauthorized Practice of Law → conduct constituting the "practice of law" by an individual who is not a licensed attorney.

Some hypotheticals!

Client Carolyn asks Paralegal Peter to lie in a court document Peter is preparing for Carolyn's case.

Peter should:

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

Legal assistants Leonardo and Leticia are eating dinner in a local restaurant. They are discussing a well-known client's case and his poor financial condition. They do not know that their server works days in a bank where the client maintains his accounts. The server overhears their conversation. **Did Leonardo and Leticia do anything wrong? Yes! They violated the duty of confidentiality by revealing confidential client information in public – even though they didn't intend to do it!**

Legal Assistant Luis brings Witness Wanda into his office for an interview. On Luis' desk is a deposition transcript and several letters from the case of Client Coleman. While interviewing Witness Wanda, Luis stops to take a phone call. While Luis talks on the phone, Witness Wanda gets bored so she picks up the transcript and letters from Client Coleman's file and reads them. **Has Luis done anything wrong? Yes! He also violated the duty of confidentiality by providing the opportunity for someone to read confidential information about a client – even though he also didn't intend to do it!**

Princess Paralegal is researching a case for her firm's client. She finds a case that perfectly supports the client's position. She stops there and gives the case to supervising attorney. Had Princess followed up on her research and "validated" the case, she would have learned that the decision was recently overruled by an appellate court. **She violated the duty of competence.**

Lawyer LaTonya assigns a new client's case to Paralegal Patrick. In reviewing the file, Patrick realizes that the case requires LaTonya to sue her former client. **This situation creates a conflict of interest that must be avoided.**

Paralegal ethics are guided by:

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