

Preface

Approach

This book is written for paralegal students, working paralegals, and lawyers who employ paralegals. It is intended for use primarily as a text, but can be used as a reference manual by teachers and those in practice.

In the over 50 years since its inception, the paralegal occupation has truly come into its own. Its growth in numbers, its expansion into all areas of law practice and all sectors of the legal services industry, and its general acceptance by the legal community and the public are impressive. The occupation continues to evolve into a true profession. One of the most critical aspects of any profession is its adherence to an accepted code of ethics. Legal ethics is now taught in virtually every paralegal program in the country. Because of the diversity in paralegal education programs in terms of content, length, and format, ethics is treated in a wide variety of ways in the curriculum. Most programs have a separate course on ethics, and other programs include ethics as a short segment in another required course or teach ethics across the curriculum.

This text is a concise version of *Ethics and Professional Responsibility for Paralegals*. This concise version covers all the same subject matter as the full version, but in an abbreviated format that can be adapted to short courses and to use in several different courses.

Organization and Coverage of the Concise Edition

The content of this book is comprehensive. It covers all the major areas of legal ethics, placing special emphasis on how the rules affect

paralegals. It begins with a chapter on the regulation of lawyers and paralegals, covering ethics codes, disciplinary processes for lawyers, and the variety of ways in which paralegals are regulated both directly and indirectly. Unauthorized practice of law is covered in Chapter 2, including the definitions of the practice of law, detailed descriptions of functions that only lawyers are permitted to perform, and information on how UPL which is evolving in view of the growing role of paralegals and nonlawyer legal service providers. Chapter 3 covers the duty of confidentiality and the attorney–client privilege, including common issues that arise in these areas and ways to prevent disclosure of confidential information, including recent developments related to the use of technology.

Chapter 4 covers conflicts of interest, demonstrating how conflicts rules apply to paralegals, including the use of screens and conflicts checks. Rules regarding legal advertising and solicitation are covered in Chapter 5. Chapter 6 is devoted to financial matters, including billing and fees, fee agreements, statutory fee awards that include compensation for paralegal work, fee splitting, referral fees, partnerships between attorneys and nonlawyers, and handling client funds. Chapter 7 defines competence specifically in relation to paralegals and includes a discussion of malpractice. Special issues confronted by litigation paralegals are covered in Chapter 8. Finally, Chapter 9 examines professionalism, issues facing paralegals in today’s law firm environment, and pro bono work.

Key Features

Each chapter begins with an overview that lists the topics covered in the chapter. The text of each chapter is divided topically. Key terms are spelled out in bold italics when first introduced, with definitions in the margins, and key concepts are noted in bold. At the end of each chapter are a few hypothetical fact situations that require students to apply the rules and concepts covered in the chapter. These may be used in class discussion or for assignments. Review questions that test each student’s memory and understanding of the material and discussion questions that call for in–depth analysis, legal research, or factual investigation are also included. Selected references, including cases and ethics rules, are found at the very end of each chapter.

Recognizing that every paralegal program teaches ethics in its own way, the concise version has been designed for use in short ethics courses or short segments of courses where there is not enough time to use case analysis as a teaching method or to pursue in–depth analysis of the ethics rules, including the history and evolution of those rules. Hypotheticals were added in place of actual cases to provide a method for students to test their understanding of the material by synthesizing it and applying it in a new factual context. Discussion of specific sections of the ABA

Rules, ABA Guidelines for the Utilization of Paralegal Services, and ethics opinions has been abbreviated, as has coverage of trends.

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