

Paralegal  **Course Outlines**

TITLE: Legal Ethics
(PARA 375)

- OBJECTIVES:
1. To study the rules and law of professional ethics which apply to attorneys and paralegals.
 2. To become familiar with the American Bar Association Model Rules of Professional Conduct, and some important ways in which local rules differ from the ABA Model Rules.
 3. To develop a full understanding of the need for paralegals to follow the rules of ethics and laws regarding unauthorized practice of law.

CREDITS: 3 semester credit hours

INSTRUCTION: Lecture; videotapes; small groups

EVALUATION: Tests; papers; presentations

OUTLINE:

	<u>Time</u>
I. Overview	4 hours
A. How and why the legal profession is regulated	
B. Sources and enforcement of rules of ethics	
C. Regulation of paralegals	
D. Admission to practice law	
E. Professionalism and pro bono opportunities for paralegals	
II. Unauthorized practice of law	6 hours
A. Practice of law defined	
B. Authorized practice by a non-lawyer	
C. Consequences and penalties for unauthorized practice	
III. Advertising and solicitation	4 hours
A. Historical view	
B. Modern rules and trends	
C. Distinctions between advertising and solicitation	

- IV. Beginning and ending the relationship between attorney/paralegal and client 5 hours
 - A. Paralegal's role in establishing the relationship
 - B. Duty to accept/reject cases
 - C. Termination of relationship
 - 1. Client discharges
 - 2. Attorney withdrawal: permissive and mandatory

- V. Conflicts of interest 6 hours
 - A. Interference by third party
 - B. Conflicts between lawyer and client
 - C. Conflicts between clients
 - D. Related lawyers
 - E. Former judges or government lawyers
 - F. Imputed disqualification

- VI. Competence and malpractice 4 hours
 - A. Distinguish ethical violations and civil liability
 - B. Elements of each
 - C. Consequences and penalties

- VII. Fees and client funds 3 hours
 - A. Factors in setting fees
 - B. Types of fees
 - C. Retainer agreements
 - D. Fee splitting among lawyers and sharing fees with a non-lawyer
 - E. Paralegals and fees
 - F. Client trust accounts and advances for expenses

- VIII. Confidentiality 5 hours
 - A. Distinguish from attorney-client privilege
 - B. Definitions of confidences and secrets
 - C. Exceptions to the rules

- IX. Special advocacy issues 8 hours
 - A. Zealous representation within the bounds of civility, professionalism, and rules of ethics
 - B. Frivolous claims
 - C. Delays
 - D. Abuse of discovery process
 - E. Courtroom behavior
 - F. Candor and honesty
 - G. Clients or witnesses who have or will violate the law

or demand the advocate take action which violates ethical rules

- H. Attorney commentary on judges and adversaries
- I. Contact and communication with judges
- J. Juror contact
- K. Communications with opposing party
- L. Communications with witnesses
- M. Trial publicity