

15. Reporting Professional Misconduct

An attorney who knows that another attorney is engaging in professional misconduct must report such conduct to the appropriate authority.

16. Appearance of Impropriety

An attorney is not supposed to engage in activity that might have the appearance of being unethical or improper.

17. Unauthorized Practice of Law

An attorney may not assist a nonlawyer in the unauthorized practice of law.

18. Paralegals, Secretaries, and Other Legal Staff

An attorney may delegate virtually any task to a staff member as long as the attorney takes responsibility for the staff's conduct and work product. The only tasks that the staff may not perform are giving legal advice and/or acting in a legally representative capacity.

§ 6.4

Legal Advice and Legal Representation

If you have to think twice, don't do it

PARALEGALS ARE NOT ALLOWED TO GIVE LEGAL ADVICE

If a paralegal expresses an opinion on a legal issue to a client or prospective client or attempts to apply a law to a client's legal situation, he or she is probably giving legal advice, which is unethical and likely unlawful.

A good rule of thumb is that a paralegal should never express an opinion about a legal matter to a client.

PARALEGALS TYPICALLY DO NOT ACT AS LEGAL REPRESENTATIVES

A paralegal may not represent another in a court of law. Exceptions include some small claims courts and a few jurisdictions that allow paralegals to enter motions that do not anticipate opposition as well as some administrative agencies that allow paralegals to represent clients. But those are exceptions to the rule, and it is important that you know the rule.