

8. An attorney is a trustee for the bankruptcy court. He has access to an estate with \$300,000 in one bank account. He borrows \$200,000 and goes to the Kentucky Derby. He wins and pays back the money but does not pay interest. (The funds were gone for about a week.) Discuss.
9. An attorney asks his legal secretary to go to dinner. She accepts but is uncomfortable and tells him she has changed her mind. He convinces her to go. After dinner, the attorney drives her home. When the attorney tries to kiss her, she pushes him away and tells him she is very upset. The attorney apologizes and leaves. The secretary does not feel she can go back to work and quits. Do you believe that she has a valid sexual harassment suit? Discuss.
10. An attorney runs an advertisement on television that states, "Hire us, we'll get the results you deserve." Can you see any ethical concerns with the statement?

§ 6.6

Law Office Etiquette

Rules Governing Socially Acceptable Behavior

Etiquette is dependent on circumstance and environment. In this case, the circumstance is your employment, and the environment is the law office. Since behaving in an acceptable manner is expected, we will point out several behaviors that would likely not be considered acceptable. One major area of poor etiquette is office politics. Engaging in office politics is incredibly corrosive. Below is a list that points out simple poor etiquette, and an expanded list that would likely involve office politics.

POOR ETIQUETTE

1. False information on your resume
2. Being the office cynic
3. Taking credit for the work of others
4. Listening to private conversations
5. Engaging in personal activities on office time
6. Being lazy
7. Being annoying by complaining constantly
8. Bringing your personal issues to work
9. Complaining about your salary
10. White lies about your work
11. Being an insincere "yes person"
12. Sucking up, AKA "brown-nosing"
13. Being generally abusive or rude
14. Engaging in office politics

OFFICE POLITICS

- Gossiping
- Arguing with someone in front of others
- White lies about co-workers
- Participating in an email war
- Sleeping with the boss or a co-worker
- Favoritism
- Nepotism
- Betrayal/Being a hypocrite

Office Politics

One of the quickest ways for a paralegal to be considered part of the staff, instead of as a professional, is for the paralegal to engage in "office politics." Gossip, rumor, and innuendo are remarkably corrosive to an office environment. You will not typically see lawyers hanging around the water cooler, talking about who worked late with who the night before. Such gossip inevitably leads to hurt feelings, or even open hostility. Attorneys hate dealing with those issues. If you engage in office politics, even just listening to it, it will eventually come back to bite you!

Sexual Harassment/Hostile Work Environment

Sexual harassment is a serious problem in the workplace. It is not simply poor ethics or bad etiquette. It is, in most jurisdictions, unlawful. You do not have to put up with a hostile work environment, but do not overreact to some situations. First of all, if a lawyer asks you out for a date, or even makes a pass at you, that is not, in and of itself, harassment. However, if you make it clear you are not interested, and the advances continue, or comments are made, you should start making a record in a journal regarding each comment as soon as you can. You should keep contemporaneous notes. Of course, it is helpful if some of the comments or actions occur in the presence of others. Even if they don't, consider seeing an attorney.

MAKING A POINT, WITH HUMOR

We all get frustrated at times, and often this involves coworkers. A good strategy for coping with these situations is to make your point with humorous signs and posters, sometimes to make a point and sometimes just for fun. Here are a few examples:

- Even if you swallowed a megaphone at birth, please talk quietly.
- HELP WANTED: Trash Fairy to clean up coffee mugs and dishes. Until this position is filled, please clean up after yourself!
- No need to repeat yourself. I ignored you just fine the first time.
- In my defense, I was left unsupervised.
- Sorry. Yesterday was the deadline for all complaints.
- Everyone brings joy to this office. Some when they enter. Others when they leave.
- I thought I wanted a career. Turns out I just wanted a paycheck!
- I sometimes arrive late to work, but don't worry. I make up for it by leaving early.
- Hold on. I need to overthink this.



THE LISTS: STRATEGIES FOR SUCCESS IN A LAW OFFICE ENVIRONMENT

Your first year as a paralegal can define your career. Good habits, as well as bad, are established. First impressions are made that are very hard to change. The first year of your paralegal career is a sort of rebirth; everything is fresh.

The following are provided as discussion points. Can you think of additional keys to succeeding as a paralegal?

The Five Essential Keys to Succeeding in Your First Year as a Paralegal

1. *Be the first person in the office (or online) every day.*

Whether you drink a cup of coffee, read a newspaper, or get a head start on the day, being the first person in the office can be a great career starter. It may not seem important, but it is noticed if a paralegal is there when the attorneys arrive for work.

2. *Constantly ask yourself, "Is what I am doing now billable?"*

If you work for a private firm, your time will most likely be billed to a client. Every hour you work for a client makes money for the firm. The more billable hours you report, the more valuable you are to the firm. Be aware that time is money for you and your attorney. When it is time to negotiate your salary at your review, your billable hours are the most concrete evidence of your value to the firm.

3. *Look for work around the office if workload is slow.*

Don't sit and twiddle your thumbs if you have completed your assigned tasks. If your attorney doesn't have more work, ask other attorneys and paralegals if they need assistance. This impresses lawyers and co-workers and may give you experience in areas of law to which you may not otherwise be exposed.

4. *Be willing to work late and skip breaks.*

Your situation may dictate whether you can follow this advice, but if you are able to work extra hours, stay late, or come in on a weekend before a big trial, the attorney will remember it. A professional does not work by the clock, but instead works until the task is finished. With this attitude you will probably eventually be able to come in late or leave early without being docked. As long as the privilege is not abused, the attorney will be much more concerned with your completion of assigned tasks than whether and when you punched the clock.

5. *Take responsibility for and learn from your mistakes.*

Making mistakes is human. It is very rare that a paralegal is dismissed for making a mistake. However, repeated mistakes put a paralegal's employment at risk. If you make a mistake, admit it. Set a plan to correct it, if possible. Ask yourself why you made the error and what you could have done to anticipate the problem. Assure the attorney that you will try not to make the same mistake twice, and then move on.

The Five Essential Keys to Paralegal Ethics

1. *Do not discuss client matters with anyone. This means anyone.*

Confidentiality is paramount in legal representation. A client must be able to trust completely that any information provided to an attorney or an attorney's staff remains confidential. This is the attorney/client privilege, which extends to the paralegal as an employee of the attorney. As we will discuss later, a breach of confidentiality may result in a lawsuit against the attorney, since he or she is responsible for the paralegal's conduct under the doctrine of *respondeat superior*.

The general rule is that if information is in the news, it may be discussed. Information that is public knowledge is not privileged. Theoretically, a paralegal may discuss publicly known information about a client, as long as confidential information is not included in the conversation. However, the best policy is not to discuss any aspect of any case with anyone outside the law firm.

2. *Don't pad your time sheets.*

"Padding" time sheets is to increase the number of hours a paralegal or attorney claims to have worked on a matter billed to the client. It is a serious and real problem for attorneys, paralegals, and for the clients of those who engage in this practice. Padding is a corrosive tactic that causes hostility toward the legal profession and corrupts the ethics of the person who pads. Padding is a slippery slope. It may not seem like much to add a few minutes here and there. However, the minutes eventually become hours and entire blocks of time may be fabricated. Once the ethical higher ground has been lost, it is exceedingly difficult to regain.

3. *Don't cover up your mistakes.*

As mentioned above, everyone makes mistakes. Trying to cover up a mistake can turn a bad situation into a horrible situation. The best advice is to take responsibility for your shortcomings. Trying to hide your errors or to deflect the blame to someone else can come back to haunt you. Taking responsibility is a sign of professionalism and maturity. Blaming others for your mistakes is not only unethical, but it will also affect the

way the attorney and other staff in the law firm view you. A paralegal who admits to a mistake may gain more long-term respect.

4. *Never perform an unethical order.*

If your attorney or another paralegal asks you to engage in unethical conduct, just say no! While most attorneys and paralegals attempt to maintain a high ethical standard, some succumb to the temptations of ethical shortcuts. To engage in an unethical act may have many potentially negative repercussions. The firm could fire you. If the act is not only unethical but illegal, there could be criminal implications. Most importantly, you would be compromising your own values and ethics.

A paralegal asked to perform an unethical task should first talk to the attorney who made the request. It is possible that you misunderstood the task, or that the request was not unethical. In such cases, the attorney will explain the situation to help you feel more comfortable. If this does not solve the problem, talk to a partner in the firm about your concerns. Do not accuse the attorney; simply state your discomfort. If the partner agrees that the request is ethically questionable, he or she should deal with the attorney directly. If the conduct becomes part of a pattern, you may need to contact the local Bar Association's Ethics Committee. It's a big step, but one that will make you proud.

5. *Live up to your own standards.*

Ultimately, you are the one who has to decide what standards to set for yourself. Don't let those around you dictate your principles and values. If anything, rise above the mediocrity of those whose ethical standards are not what they should be.

The Five Essential Traits a Paralegal Should Possess

1. *Be enthusiastic, polite and considerate.*

The attitude of a single employee can affect an entire working environment, positively or negatively. Be courteous. Be enthusiastic. As mentioned earlier, the attorney will have to spend more waking hours with you than with his or her family. Be pleasant.

2. *Have the attitude of an advocate.*

Advocacy is the process of representing a client's interests. A paralegal's attitude can further the firm's advocacy of the client. When attempting to obtain information your client has a right to, your attitude should be one of an advocate. Be zealous in pursuit of your client's rights to access critical information. Don't let obstacles stop you. Find other ways to obtain the information legally and ethically.

3. *Be persistent, patient and flexible.*

Whether you are trying to identify a witness, locate a document, or find a case in the law library, do not give up if you don't initially succeed. Work on "thinking outside the box." In other words, don't limit yourself to typical and expected sources or methods. Find other avenues. Be imaginative. Most of all, stay with it. At the end of the day, successful or not, you will at least be able to list to your supervisor all the sources or techniques you used to try to obtain the information.

4. *Be confident and dependable.*

Respond to requests from an attorney, client, or co-worker in a positive and supportive manner, demonstrating polite self-confidence and thorough professionalism. Attorneys and co-workers will begin to rely upon you, and your value to the firm will increase dramatically.

5. *Be communicative with attorneys and staff.*

Don't make a habit of complaining. If there is a problem situation in the firm or with a co-worker, attempt to resolve the problem directly. Start by approaching the source of the perceived problem in a positive and constructive manner. Remember that the person may be defensive at first, so be sensitive. Innocent comments, even if constructive, can be viewed as criticism, and no one likes to be criticized. Be prepared for and accept any initial defensive response and avoid reacting in a negative fashion. Attempt to soothe any sensitivities with a positive plan of action that involves not just the target of the concern, but all involved.

The Five Essential Skills a Paralegal Should Possess

1. *The skill of organization.*

This important skill can be honed with effort and the right tools. You must make a conscious effort to improve your skills and dedicate yourself to concrete, attainable goals. Commit to taking 15 minutes in the morning to make a list, organizing the tasks you hope to accomplish that day. Commit to a similar 15-minute period at the end of the day. During those few minutes, make sure documents are where they are supposed to be, necessary messages and calls have been handled, and everything is ready to be picked up the next day at the point where you left off. Adhering to those 15-minute organizational breaks can improve self-discipline.

Make a habit of looking at your desk just before you leave for the day. Think for a minute about the projects you have been working on. Then ask yourself a simple question: "If I get food poisoning tonight and have

to call in sick tomorrow, could I relay information about all my projects to someone else? Would someone be able to easily access this information?"

2. *The ability to manipulate forms.*

Ask for a form or template. Someone has probably already created a document similar to the one on which you are working. Perhaps your firm uses boilerplate, fill-in-the-blank forms or templates. You do not need to reinvent the wheel. If the firm does not have an in-house form you need, utilize the form book skills you will learn later in these manuals. If you find a form or template on the firm's computer system, master the following two techniques: "*Cut and Paste*" and "*Find and Replace*."

One danger in form manipulation is leaving previous unrelated or irrelevant information in the new document. To avoid such embarrassing mistakes, review your document out loud. Close your office door; clear your throat; then read the document out loud to yourself. You are much more likely to rush over a mistake if you read it silently to yourself. Reading it out loud forces you to read more slowly and catch mistakes.

3. *Legal research.*

A keen ability to conduct legal research is the difference between a good paralegal and a great one. A paralegal with strong research skills has great learning potential, which increases the individual's value exponentially. Learn the system of legal research. Don't simply try to understand the techniques and differences presented by various law books. Find the common ground all research books possess. Work to understand the methods more than the materials.

4. *Be a self-starter.*

Take initiative. Don't wait to be told every task to perform. Don't just strike out on your own without direction but ask the attorney whether you should check out a witness' background, or if he or she needs help with the complaint for a new client.

If you are attempting a task for the first time, it is tempting to ask the attorney to walk you through it. This is certainly understandable, but it is usually a mistake. After being assigned the task, ask any questions you want. Once you start the task, go to the supervisor only if you are totally stuck or if you are at a point where choosing the wrong direction would result in a total waste of time.

A reasonable attorney will understand that the first time you perform a task, you are likely to make mistakes or not understand all aspects of the work. If you present a final product that demonstrates a good-faith effort, and if you produced that product independently, you have most likely succeeded. The attorney will certainly make suggestions and corrections. Learn from your mistakes and accept the attorney's observations appreciatively. Consider keeping any drafts that the attorney has marked up for future reference.

5. *Analytical skills.*

These manuals will teach you the system of legal analysis. Once you understand that system and begin using it, your mindset changes. You will find yourself reading a newspaper differently. You may find yourself upset because the television news reporter missed the point of the story just covered. Television crime-dramas will never be quite the same again. Analytical skills help the paralegal in many aspects of work, such as anticipating questions during a witness interview, preparing an answer to a complaint, conducting efficient legal research, and more.

The Five Essential Keys to Getting Along With Your Attorney

1. *Don't assume that your attorney knows everything.*

Lawyers suffer from an interesting paradox: We put them on pedestals expecting them to know all, but we also love to tell lawyer jokes. Foster realistic expectations of the attorney for whom you work. Your attorney's endless reservoir of knowledge about the law was acquired by hard work and ongoing effort. Every attorney makes mistakes. Every attorney loses cases. And yes, every attorney will now and then have a bad day.

Don't be intimidated by attorneys. Some will amaze you with their skill, knowledge, and wonderful attitudes. Some will disappoint with their laziness, bad work ethic, and rudeness. This is true of all professions. There are good lawyers and bad lawyers, just as there are good paralegals and bad paralegals. Most attorneys, though, are hard-working individuals and good bosses. Your job is to try to be one of the good paralegals.

2. *Most attorneys are ethical.*

Lawyers are easy targets. It is easy to paint the profession as being generally unethical and sleazy. This is unfair to lawyers and to the public. Most attorneys strive to maintain a high ethical standard. There are examples in this manual of attorneys who lack ethics. These exceptions are provided to demonstrate a point and are not intended to demean the profession.

3. *Provide suggestions, not advice.*

Some attorneys do not feel comfortable communicating with paralegals as equals. Equals can give advice to one another. The same information, when offered as a suggestion instead of advice, will probably be better received. It's a bit petty and shouldn't be necessary but being aware of this may help your communication.

4. *Write down and repeat assignments.*

This is one of the best habits any paralegal can develop. When an attorney or supervisor gives you an assignment, take notes. Before leaving the room, write down the assignment in a single sentence or paragraph. Then read it back to the attorney and ask whether it is correct. Keep the notes in the file, or some other easily accessible place, so it can be used to settle any future misunderstanding about what you were asked to do.

5. *Ask the attorney to prioritize tasks.*

You will never be congratulated for a "great job of prioritizing." You may, however, be criticized for not prioritizing correctly. In other words, there is no upside to prioritizing for yourself. Create a list of your current work projects and ask the attorney to set the priorities. This also serves the function of informing the lawyer of your current workload and case status. Many paralegals work under several attorneys. It is not uncommon for each attorney to view his or her work as your number one priority. It may be necessary to get the lawyers together to set your priorities on various projects. If all the projects from all the attorneys are indeed priorities, it may be necessary to bring in another paralegal, at least temporarily.

Five Ways to Fail in Your First Year as a Paralegal

1. *Get involved in office politics and use social media inappropriately.*

Nothing will limit your career more quickly than getting involved in the petty, vindictive world of office politics. Getting the latest about which lawyer is dating which client or what paralegal was hung-over may seem like a fun distraction, but it is always negative, and is usually destructive. Stay away from office gossip. Social media, whether it be Twitter, Facebook, Instagram, or other services, simply magnifies issues. If you are on social media, build a cement wall between your personal and work lives. Do not "friend", "tweet", or "share" coworkers on social media. Nothing positive can come of it. If you are pressed to share with a superior on social media and cannot get out of it, consider creating a new (and limited) profile just for that purpose.

2. *Be obsessed with money.*

Make a commitment not to ask for more money until after your first year. If the firm offers it, great. If not, do your work and have a great attitude about it. The money will come, either at that firm or the next.

3. *Be constantly late to work.*

Do not fool yourself into thinking that, if the attorney is out for the morning, it won't matter much if you are late. Trust us. It will be noticed.

4. *Refuse to be a team player.*

When a co-worker, whether a paralegal, secretary, or attorney who is not your supervisor asks you for help, you will have three choices.

- *You can choose not to help, since it's not your job.*
This does nothing for your career.
- *You can help, but with a bad attitude.*
This may ensure that you receive no future requests, but again, it will reflect negatively on you.
- *Or you can help with a positive attitude.*
This makes you more valuable to the firm and makes it likely that you will get help in the future if you need it.

5. *Be a "professional coward."*

Be positive and adventurous about your career. Do not be negative, constantly reminding yourself, and others, of what you do not know. Realize that everyone must start somewhere. The firm, if it is well-managed, is more interested in your potential than your initial abilities. Take chances. Be willing to take work from attorneys in areas with which you are unfamiliar.