

Rule 15-301. Standards of Licensed Paralegal Practitioner Professionalism and Civility.

1 **Preamble**

2 A licensed paralegal practitioner's conduct should be characterized at all times by
3 personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling a duty
4 to represent a client, we must be mindful of our obligations to the administration of justice,
5 which is a truth-seeking process designed to resolve human and societal problems in a rational,
6 peaceful, and efficient manner. We must remain committed to the rule of law as the foundation
7 for a just and peaceful society.

8 Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive
9 impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such
10 conduct tends to delay and often to deny justice.

11 Licensed paralegal practitioners should exhibit courtesy, candor and cooperation in
12 dealing with the public and participating in the legal system. The following standards are
13 designed to encourage licensed paralegal practitioners to meet their obligations to each other, to
14 litigants and to the system of justice, and thereby achieve the twin goals of civility and
15 professionalism, both of which are hallmarks of a learned profession dedicated to public service.

16 Licensed paralegal practitioners should educate themselves on the potential impact of
17 using digital communications and social media, including the possibility that communications
18 intended to be private may be republished or misused. Licensed paralegal practitioners should
19 understand that digital communications in some circumstances may have a widespread and
20 lasting impact on their clients, themselves, lawyers, other licensed paralegal practitioners, and
21 the judicial system.

22 Licensed paralegal practitioners are expected to make mutual and firm commitments to
23 these standards. Adherence is expected as part of a commitment by all participants to improve
24 the administration of justice throughout this State. We further expect licensed paralegal
25 practitioners to educate their clients regarding these standards.

26 These standards should be followed by licensed paralegal practitioners in all interactions
27 with each other, lawyers, and judges, and in any proceedings in this State. Copies may be made
28 available to clients to reinforce our obligation to maintain and foster these standards. Nothing in
29 these standards supersedes or detracts from existing disciplinary codes or standards of conduct.

30 Cross-References: L.P.P. R. Prof. Cond. Preamble [1], [13]; R. Civ. P. 1.

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1. Licensed paralegal practitioners shall advance the legitimate interests of their clients, without reflecting any ill-will that clients may have for their adversaries, even if called upon to do so by another. Instead, licensed paralegal practitioners shall treat all other licensed paralegal practitioners, lawyers, parties, judges, and other participants in all proceedings in a courteous and dignified manner.

Comment: Licensed paralegal practitioners should maintain the dignity and decorum of judicial and administrative proceedings, as well as the esteem of the legal profession.

Licensed paralegal practitioners are expected to refrain from inappropriate language, maliciousness, or insulting behavior in meetings with opposing licensed paralegal practitioners, lawyers, and clients, telephone calls, email, and other exchanges. They should use their best efforts to instruct their clients to do the same.

Cross-References: L.P.P. R. Prof. Cond. 1.4, 1.16(a)(1), 2.1, 3.1, 3.2, 3.3(a)(1), 3.4, 3.5(d), 3.8, 3.9, 4.1(a), 4.4(a), 8.4(d); R. Civ. P. 10(h), 12(f).

2. Licensed paralegal practitioners shall advise their clients that civility, courtesy, and fair dealing are expected. They are tools for effective advocacy and not signs of weakness. Clients have no right to demand that licensed paralegal practitioners abuse anyone or engage in any offensive or improper conduct.

Cross-References: L.P.P. R. Prof. Cond. Preamble [5], 1.2(a), 1.2(d), 1.4(a)(5).

3. Licensed paralegal practitioners shall not, without an adequate factual basis, attribute to other licensed paralegal practitioners, lawyers, or the court improper motives, purpose, or conduct. Licensed paralegal practitioners should avoid hostile, demeaning, or humiliating words in written and oral communications with adversaries. Written submissions should not disparage the integrity, intelligence, morals, ethics, or personal behavior of an adversary unless such matters are directly relevant under controlling substantive law.

Comment: Hostile, demeaning, and humiliating communications include all expressions of discrimination on the basis of race, religion, gender, sexual orientation, age, handicap, veteran status, or national origin, or casting aspersions on physical traits or appearance. Licensed

61 paralegal practitioners should refrain from acting upon or manifesting bigotry, discrimination, or
62 prejudice toward any participant in the legal process, even if a client requests it.

63 Licensed paralegal practitioners should refrain from expressing scorn, superiority, or
64 disrespect. Legal process should not be issued merely to annoy, humiliate, intimidate, or harass.

65 Cross-References: L.P.P. R. Prof. Cond. Preamble [5], 3.1, 3.5, 8.4; R. Civ. P. 10(h).

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67 4. Licensed paralegal practitioners shall never knowingly attribute to other licensed
68 paralegal practitioners, or to lawyers, a position or claim that the other professional has not taken
69 or seek to create such an unjustified inference or otherwise seek to create a “record” that has not
70 occurred.

71 Cross-References: L.P.P. R. Prof. Cond. 3.1, 3.3(a)(1), 3.5(a), 8.4(c), (d).

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73 5. Reserved.

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75 6. Licensed paralegal practitioners shall adhere to their express promises and
76 agreements, oral or written, and to all commitments reasonably implied by the circumstances or
77 by local custom.

78 Cross-References: L.P.P. R. Prof. Cond. 1.1, 1.3, 1.4(a), (b), 1.6(a), 1.9, 1.13(a), (b),
79 1.14, 1.15, 1.16(d), 1.18(b), (c), 2.1, 3.2, 3.3, 3.4(c), 3.8, 5.1, 5.3, 8.3(a), (b), 8.4(c), (d).

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81 7. When committing oral understandings to writing, licensed paralegal practitioners shall
82 do so accurately and completely. They shall provide other licensed paralegal practitioners or
83 lawyers a copy for review, and never include substantive matters upon which there has been no
84 agreement, without explicitly advising the other licensed paralegal practitioner or lawyer. As
85 drafts are exchanged, licensed paralegal practitioners shall bring to the attention of other licensed
86 paralegal practitioners or lawyers changes from prior drafts.

87 Comment: When providing the opposing party with a copy of any negotiated document
88 for review, a licensed paralegal practitioner should not make changes to the written document in
89 a manner calculated to cause the opposing party or that party’s representative to overlook or fail
90 to appreciate the changes. Changes should be clearly and accurately identified in the draft or
91 otherwise explicitly brought to the attention of the opposing party. Licensed paralegal

92 practitioners should be sensitive to, and accommodating of, other professionals' inability to make
93 full use of technology and should provide hard copy drafts when requested and a redline copy, if
94 available.

95 Cross-References: L.P.P. R. Prof. Cond. 3.4(a), 4.1(a), 8.4(c), (d).

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97 8. Reserved.

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103 11. Licensed paralegal practitioners shall avoid impermissible ex parte communications.

104 Cross-References: L.P.P. R. Prof. Cond. 1.2, 2.2, 2.9, 3.5, 5.1, 5.3, 8.4(a), (d).

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106 12. Reserved.

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108 13. Reserved.

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110 14. Licensed paralegal practitioners shall advise their clients that they reserve the right
111 to determine whether to grant accommodations to other licensed paralegal practitioners or
112 lawyers in all matters not directly affecting the merits of the cause or prejudicing the client's
113 rights, such as extensions of time. Licensed paralegal practitioners shall agree to reasonable
114 requests for extension of time when doing so will not adversely affect their clients' legitimate
115 rights.

116 Licensed paralegal practitioners shall never request an extension of time solely for the
117 purpose of delay or to obtain a tactical advantage.

118 Comment: Licensed paralegal practitioners should not evade communication with other
119 professionals, should promptly acknowledge receipt of any communication, and should respond
120 as soon as reasonably possible. Licensed paralegal practitioners should only use data-
121 transmission technologies as an efficient means of communication and not to obtain an unfair
122 tactical advantage. Licensed paralegal practitioners should be willing to grant accommodations

123 where the use of technology is concerned, including honoring reasonable requests to retransmit
124 materials or to provide hard copies.

125 Licensed paralegal practitioners should not request inappropriate extensions of time or
126 serve papers at times or places calculated to embarrass or take advantage of an adversary.

127 Cross-References: L.P.P. R. Prof. Cond. 1.2(a), 2.1, 3.2, 8.4.

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129 15. Reserved.

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131 16. Licensed paralegal practitioners shall not cause the entry of a default without first
132 notifying the other party's lawyer or licensed paralegal practitioner whose identity is known,
133 unless their clients' legitimate rights could be adversely affected.

134 Cross-References: L.P.P. R. Prof. Cond. 8.4; R. Civ. P. 55(a).

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136 17. Reserved.

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138 18. Reserved.

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140 19. Reserved.

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142 20. Licensed paralegal practitioners shall not authorize or encourage their clients or
143 anyone under their direction or supervision to engage in conduct proscribed by these Standards.

Effective November 1, 2018