

Rule 5.3. Responsibilities Regarding Non-Lawyer and Non-Licensed Paralegal Practitioner Assistants.

1 With respect to a non-lawyer or non-licensed paralegal practitioner employed or retained by
2 or associated with a licensed paralegal practitioner:

3 (a) a partner, and a licensed paralegal practitioner who individually or together with other
4 licensed paralegal practitioners possesses comparable managerial authority in a firm of licensed
5 paralegal practitioners, shall make reasonable efforts to ensure that the firm has in effect
6 measures giving reasonable assurance that the person's conduct is compatible with the
7 professional obligations of the licensed paralegal practitioner;

8 (b) a licensed paralegal practitioner having direct supervisory authority over the non-lawyer
9 or non-licensed paralegal practitioner shall make reasonable efforts to ensure that the person's
10 conduct is compatible with the professional obligations of the licensed paralegal practitioner; and

11 (c) a licensed paralegal practitioner shall be responsible for conduct of such a person that
12 would be a violation of the Licensed Paralegal Practitioner Rules of Professional Conduct if
13 engaged in by a licensed paralegal practitioner if:

14 (c)(1) the licensed paralegal practitioner orders or, with knowledge of the specific conduct,
15 ratifies the conduct involved; or

16 (c)(2) the licensed paralegal practitioner is a partner or has comparable managerial authority
17 in the firm of licensed paralegal practitioners in which the person is employed, or has direct
18 supervisory authority over the person, and knows of the conduct at a time when its consequences
19 can be avoided or mitigated but fails to take reasonable remedial action.

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21 Comment

22 [1] Paragraph (a) requires licensed paralegal practitioners with managerial
23 authority within a firm of licensed paralegal practitioners to make reasonable efforts to
24 ensure that the firm has in effect measures giving reasonable assurance that non-lawyers or non-
25 licensed paralegal practitioners in the firm and non-lawyers or non-paralegals outside the firm
26 who work on firm matters act in a way compatible with the professional obligations of the
27 licensed paralegal practitioner. See Comment [1] to Rule 5.1 (responsibilities with respect to
28 licensed paralegal practitioners within a firm). Paragraph (b) applies to licensed paralegal
29 practitioners who have supervisory authority over such non-lawyers or non-licensed paralegal

30 practitioners within or outside the firm. Paragraph (c) specifies the circumstances in which a
31 licensed paralegal practitioner is responsible for the conduct of such non-lawyers or non-licensed
32 paralegal practitioners within or outside the firm that would be a violation of the Licensed
33 Paralegal Practitioner Rules of Professional Conduct if engaged in by a licensed paralegal
34 practitioner. The firm's compliance with paragraph (a) resides with each partner or other licensed
35 paralegal practitioner in the firm with comparable authority.

36 [1a] Even though the concept of firm discipline is possible, a firm should not be responsible
37 in the absence of individual culpability for a rule violation.

38 Non-Lawyers or Non-Licensed Paralegal Practitioners Within the Firm

39 [2] Licensed paralegal practitioners may employ assistants in their practice, including
40 secretaries, investigators, law student interns and paraprofessionals. Such assistants, whether
41 employees or independent contractors, act for the licensed paralegal practitioner in the rendition
42 of the licensed paralegal practitioner's professional services. A licensed paralegal practitioner
43 must give such assistants appropriate instruction and supervision concerning the ethical aspects
44 of their employment, particularly regarding the obligation not to disclose information relating to
45 representation of the client, and should be responsible for their work product. The measures
46 employed in supervising non-lawyers or non-paralegal practitioners should take account of the
47 fact that they do not have legal training and are not subject to professional discipline.

48 Non-lawyers or Non-Licensed Paralegal Practitioners Outside the Firm

49 [3] A licensed paralegal practitioner may use non-lawyers or non-LPPs outside the firm to
50 assist the LPP in rendering legal services to the client. Examples include sending client
51 documents to a third party for printing or scanning, and using an Internet-based service to store
52 client information. When using such services outside the firm, a licensed paralegal practitioner
53 must make reasonable efforts to ensure that the services are provided in a manner that is
54 compatible with the licensed paralegal practitioner's professional obligations. The extent of this
55 obligation will depend upon the circumstances, including the education, experience and
56 reputation of the non-lawyer or non-licensed paralegal practitioner; the nature of the services
57 involved; the terms of any arrangements concerning the protection of client information; and the
58 legal and ethical environments of the jurisdictions in which the services will be performed,
59 particularly with regard to confidentiality. See also Rules 1.1 (competence), 1.2 (allocation of
60 authority), 1.4 (communication with client), 1.6 (confidentiality), 5.4(a) (professional

61 independence of the licensed paralegal practitioner), and 5.5(a) (unauthorized practice of law).
62 When retaining or directing a non-lawyer or non-licensed paralegal practitioner outside the firm,
63 a licensed paralegal practitioner should communicate directions appropriate under the
64 circumstances to give reasonable assurance that the non-lawyer's or non-licensed paralegal
65 practitioner's conduct is compatible with the professional obligations of the licensed paralegal
66 practitioner.

67 [4] Where the client directs the selection of a particular non-lawyer or non-licensed paralegal
68 practitioner service provider outside the firm, the licensed paralegal practitioner ordinarily
69 should agree with the client concerning the allocation of responsibility for monitoring as between
70 the client and the licensed paralegal practitioner. See Rule 1.2. When making such an allocation
71 in a matter pending before a tribunal, licensed paralegal practitioners and parties may have
72 additional obligations that are a matter of law beyond the scope of these Rules.

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