

## **28 - CODE OF ETHICS AND PROFESSIONAL RESPONSIBILITY OF THE CINCINNATI PARALEGAL ASSOCIATION**

Adopted by the Membership on May 11, 1994

Amended by Membership on May 10, 1995

Amended by Membership on May 9, 2007

### **PREAMBLE**

The Cincinnati Paralegal Association, Inc. ("CPA") is a professional organization comprised of paralegals throughout the Greater Cincinnati Area. Members of the CPA have unique backgrounds, experience, education, and job responsibilities that reflect the diversity of the paralegal profession.

The CPA promotes the growth, development and recognition of the paralegal profession as an integral partner in the delivery of legal services.

The CPA recognizes that the establishment of guidelines and standards for professional conduct are important for the development and expansion of the paralegal profession. In adopting the following Code of Ethics the CPA hereby delineates the principles for professional ethics and conduct to which every paralegal should aspire. The Code of Ethics expresses CPA's commitment to increasing the quality and efficiency of legal services, and recognizes the profession's responsibilities to the public, the legal community, and colleagues. Paralegals perform many different functions, and these functions differ greatly among practice areas. In addition, each jurisdiction has its own unique legal authority and practices governing ethical conduct and professional responsibilities.

It is essential that each paralegal strive for personal and professional excellence and encourage the professional development of all practicing paralegals as well as those entering the profession. Participation in professional associations intended to advance the quality and standards of the legal profession is of particular importance. Paralegals should possess integrity, professional skill and dedication to the improvement of the legal system, and should support the expansion of the paralegal role in the delivery of legal services.

### **CANON 1**

#### **A PARALEGAL<sup>1</sup> SHALL MAINTAIN A STANDARD OF PROFESSIONAL CONDUCT**

EC-1.1 A paralegal shall refrain from engaging in any conduct that offends the dignity and decorum of proceedings before a court or other adjudicatory body, and shall be respectful of all rules and procedures.

EC-1.2 A paralegal shall advise the proper authority of any action of another legal professional that clearly demonstrates fraud, deceit, dishonesty, or misrepresentation.

EC-1.3 A paralegal shall avoid impropriety and the appearance of impropriety.

EC-1.4 Should a paralegal's ability to perform his/her duties be compromised by physical or mental illness, causing that paralegal to commit an act that is in direct violation of the Model Code/Model Rules

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<sup>1</sup> "Paralegal" is defined by the CPA as a person qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity, or may be authorized by administrative, statutory or court authority to perform this work.

and/or the rules and/or laws governing the jurisdiction in which the paralegal works, that paralegal may be protected from sanction upon review of the nature and circumstances of that illness.

EC-1.5 A paralegal shall not knowingly assist any individual with the commission of an act that is in direct violation of the Model Code/Model Rules and/or the rules and/or laws governing the jurisdiction in which the paralegal practices.

## **CANON 2**

### **A PARALEGAL SHALL MAINTAIN PERSONAL AND PROFESSIONAL INTEGRITY**

EC-2.1 A paralegal shall not engage in any ex parte<sup>2</sup> communications involving the courts or any other adjudicatory body in an attempt to exert undue influence or to obtain advantage for the benefit of only one party.

EC-2.2 A paralegal shall not communicate, or cause another to communicate, with a party the paralegal knows to be represented by a lawyer in a pending matter without the prior consent of the lawyer representing such other party.

EC-2.3 A paralegal shall be scrupulous, thorough and honest in the identification and maintenance of all funds, securities, and other assets of a client, and shall provide accurate accountings as appropriate.

EC-2.4 A paralegal shall advise the proper authority of any dishonest or fraudulent acts by any person pertaining to the handling of the funds, securities or other assets of a client. The authorities to whom the report is made shall depend on the nature and circumstances of the possible misconduct (e.g., ethics committees of law firms, corporations and/or paralegal associations, local or state bar associations, local prosecutors, administrative agencies, etc.). Failure to report such knowledge is in itself misconduct and shall be treated as such under these rules.

EC-2.5 A paralegal shall ensure that all timekeeping and billing records prepared by the paralegal are thorough, accurate, and honest.

## **CANON 3**

### **A PARALEGAL SHALL MAINTAIN COMPETENCY**

EC-3.1 A paralegal shall maintain competency through education, training, and work experience.

EC-3.2 A paralegal shall participate in continuing education to keep informed of legal, technical and general developments in his/her area of practice and in the paralegal profession.

EC-3.3 A paralegal shall aspire to participate in a minimum of eighteen (18) hours of continuing legal education, to include at least one (1) hour of ethics education, one (1) hour of professionalism, and one-half (1/2) hour of substance abuse education, every two (2) years in order to remain current on developments in the law.

EC-3.4 A paralegal shall perform all work and assignments promptly and efficiently.

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<sup>2</sup> "Ex Parte" denotes actions or communications conducted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely interested.

## **CANON 4**

### **A PARALEGAL SHALL SERVE THE PUBLIC INTEREST BY CONTRIBUTING TO THE DELIVERY OF QUALITY LEGAL SERVICES AND THE IMPROVEMENT OF THE LEGAL SYSTEM**

EC-4.1 A paralegal shall be aware of the legal needs of the public, and shall promote the development and implementation of programs that address those needs.

EC-4.2 A paralegal shall support and participate in *pro bono publico* services and community projects to meet the public's need for legal services.

(a) A paralegal shall aspire annually to contribute twenty-four (24) hours of *pro bono publico* services and/or community projects under the supervision of a lawyer (as applicable) or as authorized by administrative, statutory or court authority to:

- (i) Persons of limited means; or
- (ii) Charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the legal needs of the community; or
- (iii) Individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights.

The twenty-four (24) hours of *pro bono* services contributed annually by a paralegal may consist of such services as detailed in EC-4.2(a), and/or administrative matters designed to develop and implement the attainment of this aspiration as detailed above in EC-4.1, or any combination of the two.

EC-4.3 A paralegal shall support efforts to improve the legal system, and shall assist in implementing changes to accommodate access to legal services and the legal system.

## **CANON 5**

### **A PARALEGAL'S TITLE SHALL BE FULLY DISCLOSED**

EC-5.1 A paralegal's title shall clearly indicate the individual's status, and shall be disclosed in all business and professional communications to avoid misunderstandings and misconceptions about the paralegal's role and responsibilities.

EC-5.2 A paralegal's title shall be included if the paralegal's name appears on business cards, letterhead, brochures, directories, and advertisements.

EC-5.3 A paralegal shall not practice under color of any record, diploma, certificate, or credential that has been illegally or fraudulently obtained or issued or which is misrepresentative in any way.

EC-5.4 A paralegal shall not participate in the creation, issuance, or dissemination of fraudulent records, diplomas, or certificates.

EC-5.5 A paralegal shall not use letterhead, business cards or other promotional materials to create a fraudulent impression of his/her status as a paralegal.

**CANON 6**  
**A PARALEGAL SHALL NOT ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW**

EC-6.1 A paralegal shall comply with all applicable legal authority governing the unauthorized practice of law.

**CANON 7**  
**A PARALEGAL SHALL PRESERVE ALL CONFIDENTIAL INFORMATION<sup>3</sup> PROVIDED BY ANY CLIENT OR ACQUIRED FROM OTHER SOURCES BEFORE, DURING, AND AFTER THE COURSE OF HIS/HER PROFESSIONAL RELATIONSHIP**

EC-7.1 A paralegal shall be aware of and abide by all legal authority governing confidential information.

EC-7.2 A paralegal shall not use confidential information to the disadvantage of the client.

EC-7.3 A paralegal shall not use confidential information to the advantage of the paralegal or of a third person.

EC-7.4 A paralegal may reveal confidential information only after full disclosure and with the client's written consent; or, when required by law or court order, or, when necessary to prevent the client from committing an act which could result in death or serious bodily harm.

EC-7.5 A paralegal shall keep those individuals responsible for the legal representation of a client fully informed of any confidential information the paralegal may have pertaining to that client.

EC-7.6 A paralegal shall not engage in any indiscreet communications regarding clients.

**CANON 8**  
**A PARALEGAL SHALL AVOID CONFLICTS OF INTEREST AND SHALL DISCLOSE<sup>4</sup> ANY POTENTIAL CONFLICTS TO AN EMPLOYER OR CLIENT, OR A PROSPECTIVE EMPLOYER OR CLIENT**

EC-8.1 A paralegal shall act within the bounds of the law, solely for the benefit of the client, and shall be free of compromising influences and loyalties. Neither the paralegal's personal or business interest, nor those of other clients or third persons should compromise the paralegal's professional judgment and loyalty to the client.

EC-8.2 A paralegal shall avoid conflicts of interest that may arise from previous assignments whether for a present or past employer or client.

EC-8.3 A paralegal shall avoid conflicts of interest that may arise from family relationships and from personal and business interests.

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<sup>3</sup> "Confidential Information" denotes information relating to a client, whatever its source, which is not public knowledge nor available to the public. ("Non-Confidential Information" would generally include the name of the client and the identity of the matter for which the paralegal provided services.)

<sup>4</sup> "Disclose" denotes communication of information reasonably sufficient to permit identification of the significance of the matter in question.

EC-8.4 In order to determine whether actual or potential conflicts of interest exist, a paralegal shall create and maintain an effective recordkeeping system that identifies clients, matters, and parties with whom the paralegal has worked and be able to determine whether an actual or potential conflict of interest exists.

EC-8.5 A paralegal shall reveal sufficient non-confidential information about a client or former client to reasonably ascertain whether actual or potential conflicts of interest exist.

EC-8.6 A paralegal shall not participate in or conduct work on any matter where conflicts of interest have been identified.

EC-8.7 In matters where a paralegal has identified a conflict of interest and the client consents to continued representation, a paralegal shall comply fully with the implementation and maintenance of an Ethical Wall.<sup>5</sup>

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<sup>5</sup> "Ethical Wall" refers to the screening method implemented in order to protect a client from a conflict of interest. It generally includes, but is not limited to: (1) prohibiting the paralegal from having any connection with the matter; (2) banning discussions with or the transfer of documents to or from the paralegal; (3) restricting access to files; and (4) educating all members of the firm, corporation or entity as to the separation of the paralegal (both organizationally and physically) from the pending matter. For additional information on the Ethical Wall, see the publication of the National Federation of Paralegal Association, Inc. entitled "The Ethical Wall – Its Application to Paralegals."