



MASSACHUSETTS PARALEGAL
ASSOCIATION, INC.

CODE OF ETHICS AND PROFESSIONAL RESPONSIBILITY

PREAMBLE

The Massachusetts Paralegal Association, Inc. ("MPA") is the oldest largest professional association for paralegals, within the Commonwealth of Massachusetts. The MPA was organized in 1975 by paralegals in Massachusetts to promote the development of the paralegal profession. Membership in MPA includes membership in the National Federation of Paralegal Associations ("NFPA"), of which MPA is a member. NFPA is the oldest and largest national association for paralegals in the United States and Canada, representing over 17,500 paralegals and over 60 paralegal associations.

Early in 1992, the MPA was asked to be a co-sponsoring association of an agenda topic regarding the development of a model code of ethics, to be discussed at that year's NFPA Annual Meeting. Feeling the topic was essential to the professional development of MPA, NFPA and the paralegal profession as

a whole, the Board of Directors gladly lent its support. At that Annual Meeting, NFPA delegates assigned the responsibility for development of a model code to committee and for the next year that committee researched the topic, consulted with ethics experts and requested input from all member associations. After many revisions and much discussion, the NFPA Model Code of Ethics and Professional Responsibility was adopted by NFPA delegates in May 1993.

Keenly aware of the need for the implementation of a Code of Ethics for its members, the MPA Board of Directors presented the NFPA Model Code to its members in October of 1993. The Board of Directors authorized adoption at its December, 1993 Board meeting, a decision which was ratified by individual members in February of 1994.

It is the hope of the MPA that each member will become familiar with the Code and aspire to the standards which it sets.

CANON 1

A PARALEGAL¹ SHALL ACHIEVE AND MAINTAIN A HIGH LEVEL OF COMPETENCE.

- EC-1.1 A paralegal shall achieve competency through education, training, and work experience.
- EC-1.2 A paralegal shall participate in continuing education to keep informed of current legal, technical and general developments.
- EC-1.3 A paralegal shall perform all assignments efficiently.

CANON 2

A PARALEGAL SHALL MAINTAIN A HIGH LEVEL OF PERSONAL AND PROFESSIONAL INTEGRITY.

- EC-2.1 A paralegal shall not engage in any ex parte² 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 ensure that all time-keeping and billing records prepared by the paralegal are thorough, accurate, and honest.
- EC-2.4 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-2.5 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.

CANON 3

A PARALEGAL SHALL MAINTAIN A HIGH STANDARD OF PROFESSIONAL CONDUCT.

- EC-3.1 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-3.2 A paralegal shall advise the proper authority of any action of another legal professional which clearly demonstrates fraud, deceit, dishonesty, or misrepresentation.
- EC-3.3 A paralegal shall avoid impropriety and the appearance of impropriety.

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 sensitive to 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 bonafide efforts to meet the need for legal services by those unable to pay reasonable or customary fees; for example, participation in pro bono projects and volunteer work.
- EC-4.3 A paralegal shall support efforts to improve the legal system and shall assist in making changes.

CANON 5

A PARALEGAL SHALL PRESERVE ALL CONFIDENTIAL INFORMATION³ PROVIDED BY THE CLIENT OR ACQUIRED FROM OTHER SOURCES BEFORE, DURING, AND AFTER THE COURSE OF THE PROFESSIONAL RELATIONSHIP.

- EC-5.1 A paralegal shall be aware of and abide by all legal authority governing confidential information.
- EC-5.2 A paralegal shall not use confidential information to the disadvantage of the client.
- EC-5.3 A paralegal shall not use confidential information to the advantage of the paralegal or of a third person.
- EC-5.4 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-5.5 A paralegal shall keep those individuals responsible for the legal representation of the client fully informed of any confidential information the paralegal may have pertaining to that client.
- EC-5.6 A paralegal shall not engage in any indiscreet communications concerning clients.

CANON 6

A PARALEGAL'S TITLE SHALL BE FULLY DISCLOSED.⁴

- EC-6.1 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-6.2 A paralegal's title shall be included if the paralegal's name appears on the business cards, letterhead, brochures, directories, and advertisements.

CANON 7

A PARALEGAL SHALL NOT ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW.

- EC-7.1 A paralegal shall comply with the applicable legal authority governing the unauthorized practice of law.

CANON 8

A PARALEGAL SHALL AVOID CONFLICTS OF INTEREST AND SHALL DISCLOSE ANY POSSIBLE CONFLICT TO THE EMPLOYER OR CLIENT, AS WELL AS TO THE PROSPECTIVE EMPLOYERS OR CLIENTS.

- 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 judgement and loyalty to the client.
- EC-8.2 A paralegal shall avoid conflicts of interest which may arise from previous assign-

ments whether for a present or past employer or client.

- EC-8.3 A paralegal shall avoid conflicts of interest which may arise from family relationships and from personal and business interests.
- EC-8.4 A paralegal shall create and maintain an effective recordkeeping system that identifies clients, matters, and parties with which the paralegal has worked, to be able to determine whether an actual or potential conflict of interests exists.
- EC-8.5 A paralegal shall reveal sufficient non-confidential information about a client or former client to reasonably ascertain if any actual or potential conflict of interest exists.
- EC-8.6 A paralegal shall not participate in or conduct work on any matter where a conflict of interest has been identified.
- EC-8.7 In matters where a conflict of interest has been identified and the client consents to continued representation, a paralegal shall comply fully with the implementation and maintenance of an Ethical Wall.⁵

NOTES

1. "Paralegal" is synonymous with "Legal Assistant" and is defined 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.

2. "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.
3. "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.)
4. "Disclose" denotes communication of information reasonably sufficient to permit identification of the significance of the matter in question.
5. "Ethical Wall" refers to the screening method implemented in order to protect a client from a conflict of interest. An Ethical Wall generally includes, but is not limited to, the following elements: (1) prohibit the paralegal from having any connection with the matter; (2) ban discussions with or the transfer of documents to or from the paralegal; (3) restrict access to files; and (4) educate all members of the firm, corporation or entity as to the separation of the paralegal (both organizationally and physically) from the pending matter. For more information regarding the Ethical Wall see the NFPA publication entitled "The Ethical Wall - Its Application to Paralegals."