



# Catawba Valley Paralegal Association

Ethics Seminar January 13, 2009

CVCC Auditorium at 6:15 pm

Presentation by: Attorney William E. Morgan

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## **I. Integrity and Ethical Guidelines** (5 minutes)

- definition, foundations, boundaries of ethics
- professions and professionalism/compared to what?
- dignity and decorum of proceedings
- professional and personal conduct
  - duties of candor and honesty
  - dillgence
  - support efforts to improve legal system

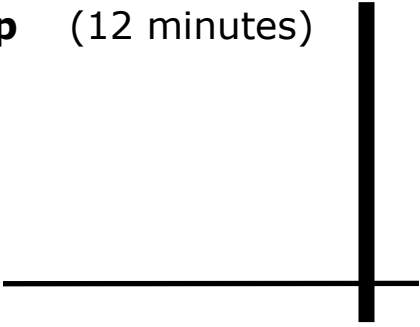
## **II. Definition of legal assistant/paralegal** (7 minutes)

- qualified, competent
  - know your limitations
  - specialization
- employed
  - tips on how to keep your job
- substantive legal work
- lawyer is responsible
  - notice pleading vs. good faith duty to investigate
  - signatures

## **III. Unauthorized practice of law** (12 minutes)

- disclosure of status as legal assistant/paralegal
- legal advise- know the line
- supervision and delegation
- non-lawyer legal service providers, independent contractors

## **IV. The attorney/client/paralegal relationship** (12 minutes)

- forming the relationship
    - formal definition
    - contract be good
    - tort be bad
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#### **IV. The attorney/client/paralegal relationship**

- ☑ who is the client (corporate/domestic situations)
- ☑ conflicts of interest
  - conflict checks and screening responsibility
  - getting in the loop
- ☑ what is a conflict
  - simultaneous and successive representation
  - special conflict situations
- ☑ what to do about it
  - disclosure to client, employer—current or prospective

#### **VI. Confidentiality**

(10 minutes)

- ☑ attorney-client privilege, work product
- ☑ client relations—know the line
- ☑ maintaining confidentiality
  - what to say at the water-cooler
  - with technology/the rule about e-mails
  - maintaining it over time
  - who can you trust
- ☑ ex parte communications

#### **VI. Financial matters**

(7 minutes)

- ☑ correct billing
  - thorough
  - complete
  - accurate
  - honest
    - don't inflate but don't overcharge!
    - say what you do and do what you say
    - document correctly
- ☑ handling of funds
- ☑ fee agreements and settlements
  - why contingency fees bend the rules
- ☑ other matters
  - financial relationships with clients

#### **VII. Questions/answers**

(5 minutes)