

RARITAN VALLEY COMMUNITY COLLEGE
ACADEMIC COURSE OUTLINE
LEGAL ETHICS & PROFESSIONAL RESPONSIBILITY LEGL-132
(REVISED)

I. Basic Course Information

A. Course Number and Title:	LEGL 132 LEGAL ETHICS & PROFESSIONAL RESPONSIBILITY
B. New or Modified Course:	Modified
C. Date of Proposal:	Semester: Spring Year: 2021
D. Effective Term:	Fall 2021
E. Sponsoring Department:	Business & Public Service
F. Semester Credit Hours:	3.0
G. Weekly Contact Hours:	Lecture: 3.0 Laboratory: 0.0 Out of class student work per week: 9.0
H. Prerequisites/Corequisites:	None
I. Laboratory Fees:	None
J. Name and Telephone Number or E-Mail Address of Department Chair and Divisional Dean at time of approval:	Tracy Rimple, Chair Tracy.Rimple@raritanval.edu Patrice Marks, Dean Patrice.Marks@raritanval.edu

II. Catalog Description

This legal specialty course introduces the student to the types of ethical situations and dilemmas they may encounter in the legal workforce. Students will learn applicable disciplinary rules for both the lawyer and the paralegal, in order to understand how to function responsibly as a legal professional. The content and course work is geared not only to the paralegal student, but also to the practicing paralegal and other legal professionals.

III. Statement of Course Need

- A. This class is an elective course for both the Paralegal Studies A.A.S. Degree and the Paralegal Studies Certificate. It is designed to provide students with an understanding of basic ethical principles that govern all legal professionals, as well as the ability to translate these rules into the concrete skills needed to function ethically in a legal setting. The successful student will come away with knowledge that is not only valued by a wide variety of potential employers, but also required by NJ State rules and

American Bar Association accreditation as an essential part of a paralegal's professional education.

- B. This course has no lab component.
- C. This course will transfer into any school with a Paralegal Studies four year degree, which includes Montclair, Thomas Edison, and St. Elizabeth College in New Jersey. It will also transfer to any four-year institution offering an ABA approved paralegal program of study.

IV. Place of Course in College Curriculum

- A. Free Elective.
- B. This course serves as an elective for both the Paralegal Studies AAS Degree and the Paralegal Studies Certificate.
- C. To see course transferability: a) for New Jersey schools, go to the NJ Transfer website, www.njtransfer.org; b) for all other colleges and universities, go to the individual websites.

V. Outline of Course Content

A. Introduction

- 1. Legal Ethics Defined
- 2. Regulation of Attorneys
 - a. ABA Model Code of Professional Responsibility
 - b. ABA Model Rules of Professional Conduct
 - c. N.J. Rules of Professional Conduct
 - d. Supreme Court Advisory Opinions & Relevant Case Law
- 3. Regulation of Paralegals
 - a. History of the Paralegal Profession
 - b. Supervision/Liability as Attorney's Agent & Employee
 - c. Growth of Certification & Licensing
 - d. Role of National Professional Paralegal Organizations
- 4. Existing Regulatory Codes
 - a. ABA Guidelines for Utilization of Paralegals
 - b. N.J. Proposed Code of Paralegal Conduct
 - c. Permissible Functions of Paralegals by Practice Areas

B. Unauthorized Practice of Law

- 1. Statutory & Case Law History
- 2. Attorney Responsibility to Prevent
- 3. Specific Practice Areas constituting Unauthorized Practice
- 4. Disclosure of Paralegal Status
- 5. Paralegals as Independent Contractors

C. Confidentiality

- 1. General Principles
- 2. Attorney/Client Privilege
- 3. Work Product
- 4. Ethics Rules of Confidentiality & Exceptions to the Rules
- 5. Office Procedures to Prevent Disclosure of Confidential Information
- 6. Confidentiality Issues specific to the Paralegal

D. Conflicts of Interest

- 1. Simultaneous & Successive Representation Issues
- 2. Former Client Issues
- 3. Business Transactions with Clients
- 4. Gifts from Clients
- 5. Conflict Checks & Use of Ethical Screens/Chinese Walls

6. Client Waivers of Conflicts

E. **Advertising & Solicitation**

1. Solicitation Limitations & as distinguished from Advertising
2. U.S. Supreme Court cases
3. N.J. State Laws & Rules
4. Role of Paralegal in Advertising & Solicitation Issues

F. **Fees & Clients Funds**

1. General Rules regarding the Handling of Client Funds
2. Attorney Office v. Trust Accounts
3. Fee Arrangements with Clients

G. **Competence & Malpractice**

1. Definition & Regulation
2. Sanctions for Incompetence & Malpractice
3. Duty to Keep Client Informed
4. Drug & Alcohol Abuse Issues
5. Factors Affecting Paralegal Competence

H. **Zealous Representation & Advocacy Issues**

1. Ethics of Advocacy
2. Frivolous/Unmeretorious Claims, Delay & Discovery Abuses
3. Candor & Honesty Requirements
4. Relationships & Communication with Judges & Court Staff
5. Contact with Jurors, Witnesses & Unrepresented Parties

I. **Professionalism**

1. Professionalism & Competence of the Paralegal
2. Pro Bono Work
3. Gender Equality in the Courts & the Profession
4. Educational Requirements & Continuing Education

VI. General Education and Course Learning Outcomes

A. General Education Learning Outcomes:

At the completion of the course, students will be able to:

1. Produce written work that reflects critical and creative thought relative to specific ethical scenarios. (GE NJ 1)
2. Develop the ability to communicate clearly and logically, utilizing both verbal and written skills, in the researching and analysis of ethical issues. (GE NJ 1)
3. Use technology and computer-based legal research tools to research, analyze and solve ethical problems. (GE NJ 4, GE NJ IL)
4. Recognize, analyze and evaluate ethical problems in given fact patterns. (GE-NJ ER*)

*Embedded Critical Thinking

B. Course Learning Outcomes:

At completion of this course, students will be able to:

1. Identify and analyze an ethical problem.
2. Assess an ethical dilemma with a reflective and broad perspective, understanding the differing responsibilities of the lawyer, the adversary, the paralegal, the client and the courts.
3. Explain the nature and purpose of existing legal ethics codes and rules of professional responsibility, including the ABA Model Code of Professional Responsibility, the ABA Model Rules of Professional Conduct, the ABA Model Guidelines for the Utilization of Legal Assistants, the New Jersey Rules of Professional Conduct and the proposed New Jersey Code of Paralegal Conduct.
4. Recognize potential conflicts of interest in the legal work environment and diffuse same in accordance with the rules.
5. Develop office procedure to protect client confidentiality.
6. Avoid any behavior that would constitute the unauthorized practice of law.
7. Differentiate between the constraints place upon legal professionals in areas such as competency, advocacy and client/advisory relations.
8. Apply the rules of ethics to make informed judgments in ethical issues.

C. Assessment Instruments

1. Examinations
2. Legal Research
3. Homework Assignments
4. Discussion Comments & Participation

VII. Grade Determinants

- A. Examinations
- B. Research Assignments
- C. Homework Assignments
- D. Participation in Discussions

Methods for teaching and learning:

- A. online presentations by professor
- B. online discussions
- C. ethics & Lexis computer-based research instruction
- D. Case Studies
- E. Links to movies, video & current media

VIII. Texts and Materials

- A. Textbook: Cannon, Ethics & Professional Responsibility for Legal Assistants (Current Edition); Wolters Kluwer Law
- B. Internet and Web-based legal resources

(Please Note: The course outline is intended only as a guide to course content and resources. Do not purchase textbooks based on this outline. The RVCC Bookstore is the sole resource for the most up-to-date information about textbooks.)

IX. Resources

This online course will require access to the internet.

