
A licensed paralegal practitioner shall provide competent representation to a client.

Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary to a) perform the contracted services; and b) determine when the matter should be referred to an attorney.

Comment

Legal Knowledge and Skill

[1] In determining whether a licensed paralegal practitioner employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the licensed paralegal practitioner's general experience, the licensed paralegal practitioner's training and experience in the field in question, and whether it is appropriate to refer the matter to, or associate with, a lawyer of established competence in the field in question.

[2] A newly admitted licensed paralegal practitioner can be as competent as a practitioner with long experience. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge.


[4] A licensed paralegal practitioner may accept representation in only the fields in which the licensed paralegal practitioner is licensed.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem and use of methods and procedures meeting the standards of competent licensed paralegal practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake.

Retaining or Contracting With Other Licensed Paralegal Practitioners

[6] Before a licensed paralegal practitioner retains or contracts with other licensed paralegal practitioners outside the licensed paralegal practitioner's own firm to provide or assist in the provision of legal services to a client, the licensed paralegal practitioner should ordinarily obtain
informed consent from the client and must reasonably believe that the other licensed paralegal practitioners' services will contribute to the competent and ethical representation of the client.

[7] When licensed paralegal practitioners from more than one firm are providing legal services to the client on a particular matter, the licensed paralegal practitioners ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them. See Rules 1.2 and 1.4. When making allocations of responsibility in a matter pending before a tribunal, licensed paralegal practitioners and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

Maintaining Competence

[8] To maintain the requisite knowledge and skill, a licensed paralegal practitioner should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing education requirements to which the licensed paralegal practitioner is subject.

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