

**Rule 2.1. Advisor.**

1        In representing a client, a licensed paralegal practitioner shall exercise independent  
2 professional judgment and render candid advice. In rendering advice, a licensed paralegal  
3 practitioner may refer not only to law but to other considerations such as moral, economic, social  
4 and political factors that may be relevant to the client's situation.

5  
6        Comment

7        Scope of Advice

8        [1] A client is entitled to straightforward advice expressing the licensed paralegal  
9 practitioner's honest assessment. Legal advice often involves unpleasant facts and alternatives  
10 that a client may be disinclined to confront. In presenting advice, a licensed paralegal practitioner  
11 endeavors to sustain the client's morale and may put advice in as acceptable a form as honesty  
12 permits. However, a licensed paralegal practitioner should not be deterred from giving candid  
13 advice by the prospect that the advice will be unpalatable to the client.

14        [2] Advice couched in narrow legal terms may be of little value to a client, especially where  
15 practical considerations, such as cost or effects on other people, are predominant. Purely  
16 technical legal advice, therefore, can sometimes be inadequate. It is proper for a licensed  
17 paralegal practitioner to refer to relevant moral and ethical considerations in giving advice.  
18 Although a licensed paralegal practitioner is not a moral advisor as such, moral and ethical  
19 considerations impinge upon most legal questions and may decisively influence how the law will  
20 be applied.

21        [3] A client may expressly or impliedly ask the licensed paralegal practitioner for purely  
22 technical advice. When such a request is made by a client experienced in legal matters, the  
23 licensed paralegal practitioner may accept it at face value. When such a request is made by a  
24 client inexperienced in legal matters, however, the licensed paralegal practitioner's responsibility  
25 as advisor may include indicating that more may be involved than strictly legal considerations.

26        [4] Matters that go beyond strictly legal questions within the scope of the licensed paralegal  
27 practitioner's license may also be in the domain of another profession. Family matters can  
28 involve problems within the professional competence of psychiatry, clinical psychology or social  
29 work; business matters can involve problems within the competence of the accounting profession  
30 or of financial specialists; legal matters may be beyond the expertise of the licensed paralegal

31 practitioner. Where consultation with a professional in another field or with a lawyer is itself  
32 something a competent licensed paralegal practitioner would recommend, the licensed paralegal  
33 practitioner should make such a recommendation. At the same time, a licensed paralegal  
34 practitioner's advice at its best often consists of recommending a course of action in the face of  
35 conflicting recommendations of experts.

36 Offering Advice

37 [5] In general, a licensed paralegal practitioner is not expected to give advice until asked by  
38 the client. However, when a licensed paralegal practitioner knows that a client proposes a course  
39 of action that is likely to result in substantial adverse legal consequences to the client, the  
40 licensed paralegal practitioner's duty to the client under Rule 1.4 may require that the licensed  
41 paralegal practitioner offer advice if the client's course of action is related to the representation.  
42 Similarly, when a matter is likely to involve litigation, it may be necessary under Rules 1.1 and  
43 1.4 to seek competent legal advice from a lawyer. A licensed paralegal practitioner ordinarily has  
44 no duty to initiate investigation of a client's affairs or to give advice that the client has indicated  
45 is unwanted, but a licensed paralegal practitioner may initiate advice to a client when doing so  
46 appears to be in the client's interest and when giving the advice is within the scope of the  
47 licensed paralegal practitioner's license.

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