

Rule 3.4. Fairness to Opposing Party and Counsel.

1 A licensed paralegal practitioner shall not:

2 (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or
3 conceal a document or other material having potential evidentiary value. A licensed paralegal
4 practitioner shall not counsel or assist another person to do any such act;

5 (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a
6 witness that is prohibited by law;

7 (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal
8 based on an assertion that no valid obligation exists;

9 (d) request a person other than a client to refrain from voluntarily giving relevant information
10 to another party unless:

11 (d)(1) the person is a relative or an employee or other agent of a client; and

12 (d)(2) the licensed paralegal practitioner reasonably believes that the person's interests will
13 not be adversely affected by refraining from giving such information.

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15 Comment

16 [1] The procedure of the adversary system contemplates that the evidence in a case is to be
17 marshalled competitively by the contending parties. Fair competition in the adversary system is
18 secured by prohibitions against destruction or concealment of evidence, improperly influencing
19 witnesses, obstructive tactics in discovery procedure and the like.

20 [2] Documents and other items of evidence are often essential to establish a claim or defense.
21 Subject to evidentiary privileges, the right of an opposing party, including the government, to
22 obtain evidence through discovery or subpoena is an important procedural right. The exercise of
23 that right can be frustrated if relevant material is altered, concealed or destroyed. Applicable law
24 in many jurisdictions makes it an offense to destroy material for the purpose of impairing its
25 availability in a pending proceeding or one whose commencement can be foreseen. Falsifying
26 evidence is also generally a criminal offense. Paragraph (a) applies to evidentiary material
27 generally, in whatever form it may exist and on whatever medium it may be found.

Effective November 1, 2018