

1 **Rule 5.2. Responsibilities of a Subordinate Licensed Paralegal Practitioner.**

2 (a) A licensed paralegal practitioner is bound by the Licensed Paralegal Practitioner Rules of
3 Professional Conduct notwithstanding that the licensed paralegal practitioner acted at the
4 direction of another person.

5 (b) A subordinate licensed paralegal practitioner does not violate the Licensed Paralegal
6 Practitioner Rules of Professional Conduct if that licensed paralegal practitioner acts in
7 accordance with a supervisory lawyer or licensed paralegal practitioner's reasonable resolution
8 of a question of professional duty.

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10 Comment

11 [1] Although a licensed paralegal practitioner is not relieved of responsibility for a violation
12 by the fact that the licensed paralegal practitioner acted at the direction of a supervisor, that fact
13 may be relevant in determining whether a licensed paralegal practitioner had the knowledge
14 required to render conduct a violation of the Rules. For example, if a subordinate filed a
15 frivolous pleading at the direction of a supervisor, the subordinate would not be guilty of a
16 professional violation unless the subordinate knew of the document's frivolous character.

17 [2] When licensed paralegal practitioners in a supervisor-subordinate relationship encounter a
18 matter involving professional judgment as to ethical duty, the supervisor may assume
19 responsibility for making the judgment. Otherwise a consistent course of action or position could
20 not be taken. If the question can reasonably be answered only one way, the duty of both licensed
21 paralegal practitioners is clear and they are equally responsible for fulfilling it. If the question is
22 reasonably arguable, someone has to decide upon the course of action. That authority ordinarily
23 reposes in the supervisor, and a subordinate may be guided accordingly. For example, if a
24 question arises whether the interests of two clients conflict under Rule 1.7, the supervisor's
25 reasonable resolution of the question should protect the subordinate professionally if the
26 resolution is subsequently challenged.

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