

**Rule 8.3. Reporting Professional Misconduct.**

1        (a) A licensed paralegal practitioner who knows that a lawyer has committed a violation of  
2 the Rules of Professional Conduct or that another licensed paralegal practitioner has committed a  
3 violation of the Licensed Paralegal Practitioner Rules of Professional Conduct that raises a  
4 substantial question as to that lawyer's or licensed paralegal practitioner's honesty,  
5 trustworthiness or fitness as a lawyer or licensed paralegal practitioner in other respects shall  
6 inform the appropriate professional authority.

7        (b) A licensed paralegal practitioner who knows that a judge has committed a violation of  
8 applicable Rules of Judicial Conduct that raises a substantial question as to the judge's fitness for  
9 office shall inform the appropriate authority.

10       (c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 of  
11 the Rules of Professional Conduct and other Licensed Paralegal Practitioner Rules of  
12 Professional Conduct or information gained by a licensed paralegal practitioner or judge while  
13 participating in an approved lawyers or licensed paralegal practitioners assistance program.

14  
15        Comment

16        [1] Self-regulation of the legal profession requires that members of the profession initiate  
17 disciplinary investigation when they know of a violation of the Licensed Paralegal Practitioner  
18 Rules of Professional Conduct. Licensed paralegal practitioners have a similar obligation with  
19 respect to judicial misconduct. An apparently isolated violation may indicate a pattern of  
20 misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially  
21 important where the victim is unlikely to discover the offense.

22        [2] A report about misconduct is not required where it would involve violation of Rule 1.6 of  
23 the Rules of Professional Conduct and of the Licensed Paralegal Practitioner Rules of  
24 Professional Conduct. However, a licensed paralegal practitioner should encourage a client to  
25 consent to disclosure where prosecution would not substantially prejudice the client's interests.

26        [3] If a licensed paralegal practitioner were obliged to report every violation of the Rules, the  
27 failure to report any violation would itself be a professional offense. This Rule limits the  
28 reporting obligation to those offenses that a self-regulating profession must vigorously endeavor  
29 to prevent. A measure of judgment is, therefore, required in complying with the provisions of  
30 this Rule. The term "substantial" refers to the seriousness of the possible offense and not the

31 quantum of evidence of which the licensed paralegal practitioner is aware. A report should be  
32 made to the Bar disciplinary agency unless some other agency, such as a peer review agency, is  
33 more appropriate in the circumstances. Similar considerations apply to the reporting of judicial  
34 misconduct.

35 [4] Reserved.

36 [5] Information about a licensed paralegal practitioner's misconduct or fitness may be  
37 received by a licensed paralegal practitioner in the course of that licensed paralegal practitioner's  
38 participation in an approved licensed paralegal practitioners assistance program. In that  
39 circumstance, providing for an exception to the reporting requirements of paragraphs (a) and (b)  
40 of this Rule encourages licensed paralegal practitioners to seek treatment through such a  
41 program. Conversely, without such an exception, licensed paralegal practitioners may hesitate to  
42 seek assistance from these programs, which may then result in additional harm to their  
43 professional careers and additional injury to the welfare of clients and the public.

Effective November 1, 2018