

Rule 8.4. Misconduct.

1 It is professional misconduct for a licensed paralegal practitioner to:

2 (a) violate or attempt to violate the Licensed Paralegal Practitioner Rules of Professional
3 Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

4 (b) commit a criminal act that reflects adversely on the licensed paralegal practitioner’s
5 honesty, trustworthiness or fitness as a licensed paralegal practitioner in other respects;

6 (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

7 (d) engage in conduct that is prejudicial to the administration of justice;

8 (e) state or imply an ability to influence improperly a government agency or official or to
9 achieve results by means that violate the Licensed Paralegal Practitioner Rules of Professional
10 Conduct or other law; or

11 (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable
12 rules of judicial conduct or other law.

13
14 Comment

15 [1] Licensed paralegal practitioners are subject to discipline when they violate or attempt to
16 violate the Licensed Paralegal Practitioner Rules of Professional Conduct or knowingly assist or
17 induce another to do so through the acts of another, as when they request or instruct an agent to
18 do so on the licensed paralegal practitioner’s behalf. Paragraph (a), however, does not prohibit a
19 licensed paralegal practitioner from advising a client concerning action the client is legally
20 entitled to take.

21 [1a] A violation of paragraph (a) based solely on the licensed paralegal practitioner’s
22 violation of another of the Licensed Paralegal Practitioner Rules of Professional Conduct shall
23 not be charged as a separate violation. However, this rule defines professional misconduct as a
24 violation of the Licensed Paralegal Practitioner Rules of Professional Conduct as the term
25 professional misconduct is used in the Supreme Court Rules of Professional Practice, including
26 the Standards for Imposing Licensed Paralegal Practitioner Sanctions. In this respect, if a
27 licensed paralegal practitioner violates any of the Licensed Paralegal Practitioner Rules of
28 Professional Conduct, the appropriate discipline may be imposed pursuant to Rule 15-605.

29 [2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as
30 offenses involving fraud and the offense of willful failure to file an income tax return. However,

31 some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in
32 terms of offenses involving "moral turpitude." That concept can be construed to include offenses
33 concerning some matters of personal morality, such as adultery and comparable offenses,
34 that have no specific connection to fitness for the practice of law. Although a licensed paralegal
35 practitioner is personally answerable to the entire criminal law, a licensed paralegal practitioner
36 should be professionally answerable only for offenses that indicate lack of those characteristics
37 relevant to law practice. Offenses involving violence, dishonesty, breach of trust or serious
38 interference with the administration of justice are in that category. A pattern of repeated offenses,
39 even ones of minor significance when considered separately, can indicate indifference to legal
40 obligation.

41 [3] A licensed paralegal practitioner who, in the course of representing a client, knowingly
42 manifests by words or conduct bias or prejudice based upon race, sex, religion, national origin,
43 disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such
44 actions are prejudicial to the administration of justice. Legitimate advocacy respecting the
45 foregoing factors does not violate paragraph (d).

46 [3a] The Standards of Licensed Paralegal Practitioner Professionalism and Civility approved
47 by the Utah Supreme Court are intended to improve the administration of justice. An egregious
48 violation or a pattern of repeated violations of the Standards of Licensed Paralegal Practitioner
49 Professionalism and Civility may support a finding that the licensed paralegal practitioner has
50 violated paragraph (d).

51 [4] A licensed paralegal practitioner may refuse to comply with an obligation imposed by law
52 upon a good faith belief that no valid obligation exists.

53 [5] Licensed paralegal practitioners holding public office assume legal responsibilities going
54 beyond those of other citizens. A licensed paralegal practitioner's abuse of public office can
55 suggest an inability to fulfill the professional role of licensed paralegal practitioners. The same is
56 true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent
57 and officer, director or manager of a corporation or other organization.

Effective November 1, 2018