

1 **Rule 8.4. Misconduct.**

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

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

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

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

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

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

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

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17 Comment

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

24 [1a] A violation of paragraph (a) based solely on the licensed paralegal practitioner's violation of
25 another of the Licensed Paralegal Practitioner Rules of Professional Conduct shall not be
26 charged as a separate violation. However, this rule defines professional misconduct as a violation
27 of the Licensed Paralegal Practitioner Rules of Professional Conduct as the term professional
28 misconduct is used in the Supreme Court Rules of Professional Practice, including the Standards
29 for Imposing Licensed Paralegal Practitioner Sanctions. In this respect, if a licensed paralegal

30 practitioner violates any of the Licensed Paralegal Practitioner Rules of Professional Conduct,
31 the appropriate discipline may be imposed pursuant to Rule 15-605.

32 [2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses
33 involving fraud and the offense of willful failure to file an income tax return. However, some
34 kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of
35 offenses involving "moral turpitude." That concept can be construed to include offenses
36 concerning some matters of personal morality, such as adultery and comparable offenses,
37 that have no specific connection to fitness for the practice of law. Although a licensed paralegal
38 practitioner is personally answerable to the entire criminal law, a licensed paralegal practitioner
39 should be professionally answerable only for offenses that indicate lack of those characteristics
40 relevant to law practice. Offenses involving violence, dishonesty, breach of trust or serious
41 interference with the administration of justice are in that category. A pattern of repeated offenses,
42 even ones of minor significance when considered separately, can indicate indifference to legal
43 obligation.

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

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

54 [4] A licensed paralegal practitioner may refuse to comply with an obligation imposed by law
55 upon a good faith belief that no valid obligation exists.

56 [5] Licensed paralegal practitioners holding public office assume legal responsibilities going
57 beyond those of other citizens. A licensed paralegal practitioner's abuse of public office can

58 suggest an inability to fulfill the professional role of licensed paralegal practitioners. The same is
59 true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent
60 and officer, director or manager of a corporation or other organization.