

Rule 3.1. Meritorious Claims and Contentions.

1 A licensed paralegal practitioner shall not assert or controvert an issue in a negotiation,
2 unless there is a basis in law and fact for doing so that is not frivolous.

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4 Comment

5 [1] The advocate in a negotiation has a duty to use legal procedure for the fullest benefit of
6 the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and
7 substantive, establishes the limits within which an advocate may proceed. However, the law is
8 not always clear and never is static. Accordingly, in determining the proper scope of advocacy,
9 account must be taken of the law's ambiguities and potential for change.

10 [2] What is required of licensed paralegal practitioners is that they inform themselves about
11 the facts of their clients' cases and the applicable law and determine that they can make good
12 faith arguments in support of their clients' positions. Such action is not frivolous even though the
13 paralegal practitioner believes that the client's position ultimately will not prevail. The action is
14 frivolous, however, if the licensed paralegal practitioner is unable either to make a good-faith
15 argument on the merits of the action taken or to support the action taken by a good-faith
16 argument for an extension, modification or reversal of existing law.

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