

Rule 4.2. Communication with Persons Represented by Counsel.

1 (a) General Rule. In representing a client, a licensed paralegal practitioner shall not
2 communicate about the subject of the representation with a person the licensed paralegal
3 practitioner knows to be represented by another lawyer or licensed paralegal practitioner in the
4 matter, unless the licensed paralegal practitioner has the consent of the other lawyer or licensed
5 paralegal practitioner. Notwithstanding the foregoing, a licensed paralegal practitioner may,
6 without such prior consent, communicate with another’s client if authorized to do so by any law,
7 rule, or court order, in which event the communication shall be strictly restricted to that allowed
8 by the law, rule or court order, or as authorized by paragraph (b) of this Rule.

9 (b) Rules Relating to Unbundling of Legal Services. A licensed paralegal practitioner may
10 consider a person whose representation by counsel in a matter does not encompass all aspects of
11 the matter to be unrepresented for purposes of this Rule and Rule 4.3, unless that person’s
12 counsel has provided written notice to the licensed paralegal practitioner of those aspects of the
13 matter or the time limitation for which the person is represented. Only as to such aspects and
14 time is the person considered to be represented by counsel.

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16 Comment

17 [1] Reserved.

18 [2] This Rule contributes to the proper functioning of the legal system by protecting a person
19 who has chosen to be represented by a lawyer in a matter against possible overreaching by others
20 who are participating in the matter, interference by a paralegal practitioner with the client-lawyer
21 relationship and the uncounselled disclosure of information relating to the representation.

22 [3] This Rule applies to communications with any person who is represented by a lawyer or a
23 licensed paralegal practitioner concerning the matter to which the communication relates.

24 [4] This Rule applies even though the represented person initiates or consents to the
25 communication. A licensed paralegal practitioner must immediately terminate communication
26 with a person if, after commencing communication, the licensed paralegal practitioner learns that
27 the person is one with whom communication is not permitted by this Rule.

28 [5] Reserved.

29 [6] A licensed paralegal practitioner may not make a communication prohibited by this Rule
30 through the acts of another. See Rule 8.4(a). Parties to a matter may communicate directly with

31 each other, and a licensed paralegal practitioner is not prohibited from advising a client
32 concerning a communication that the client is legally entitled to make.

33 [7] A licensed paralegal practitioner may communicate with a person who is known to be
34 represented by counsel in the matter to which the communication relates only if the
35 communicating licensed paralegal practitioner obtains the consent of the represented person's
36 lawyer or licensed paralegal practitioner, or if the communication is otherwise permitted by
37 paragraphs (a) or (b). Paragraph (a) permits a licensed paralegal practitioner to communicate
38 with a person known to be represented by counsel in a matter without first securing the consent
39 of the represented person's lawyer or LPP if the communicating paralegal practitioner is
40 authorized to do so by law, rule or court order. Paragraph (b) recognizes that the scope of
41 representation of a person by counsel may, under Rule 1.2, be limited by mutual agreement.

42 [8] A communication with a represented person is authorized by paragraph (a) if permitted
43 by law, rule or court order. This recognizes constitutional and statutory authority as well as the
44 well-established role of the state judiciary in regulating the practice of the legal profession.

45 [9] Reserved.

46 [10] In the event the person with whom the licensed paralegal practitioner communicates is
47 not known to be represented by counsel in the matter, the licensed paralegal practitioner's
48 communication is subject to Rule 4.3.

49 [11]-[20] Reserved.

50 [21] This Rule prohibits communications with any person who is known by the licensed
51 paralegal practitioner making the communication to be represented by a lawyer or a licensed
52 paralegal practitioner in the matter to which the communication relates. A person is "known" to
53 be represented when the licensed paralegal practitioner has actual knowledge of the
54 representation. Knowledge is a question of fact to be resolved by reference to the totality of the
55 circumstances, including reference to any written notice of the representation. See Rule 1.0(g).
56 Written notice to a licensed paralegal practitioner is relevant, but not conclusive, on the issue of
57 knowledge.

58 [22]-[23] Reserved.

Effective November 1, 2018