

1 **Rule 4.3. Dealing with Unrepresented Person.**

2 (a) In dealing on behalf of a client with a person who is not represented by a lawyer or
3 licensed paralegal practitioner, a licensed paralegal practitioner shall not state or imply that the
4 licensed paralegal practitioner is disinterested. When the licensed paralegal practitioner knows or
5 reasonably should know that the unrepresented person misunderstands the licensed paralegal
6 practitioner's role in the matter, the licensed paralegal practitioner shall make reasonable efforts
7 to correct the misunderstanding. The licensed paralegal practitioner shall not give legal advice to
8 an unrepresented person, other than the advice to secure counsel, if the licensed paralegal
9 practitioner knows or reasonably should know that the interests of such a person are or have a
10 reasonable possibility of being in conflict with the interests of the client.

11 (b) A licensed paralegal practitioner may consider a person, whose representation by counsel
12 in a matter does not encompass all aspects of the matter, to be unrepresented for purposes of this
13 Rule and Rule 4.2, unless that person's counsel has provided written notice to the licensed
14 paralegal practitioner of those aspects of the matter or the time limitation for which the person is
15 represented. Only as to such aspects and time is the person considered to be represented by
16 counsel.

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18 Comment

19 [1] An unrepresented person, particularly one not experienced in dealing with legal matters,
20 might assume that a licensed paralegal practitioner is disinterested in loyalties or is a
21 disinterested authority on the law even when the licensed paralegal practitioner represents a
22 client. In order to avoid a misunderstanding, a licensed paralegal practitioner will typically need
23 to identify his or her client and, where necessary, explain that the client has interests opposed to
24 those of the unrepresented person.

25 [2] This rule distinguishes between situations involving unrepresented persons whose interests
26 may be adverse to those of the licensed paralegal practitioner's client and those in which the
27 person's interests are not in conflict with the client's. In the former situation, the possibility that
28 the licensed paralegal practitioner will compromise the unrepresented person's interests is so
29 great that this rule prohibits the giving of any advice, apart from the advice to obtain counsel.

30 Whether a licensed paralegal practitioner is giving impermissible advice may depend on the
31 experience and sophistication of the unrepresented person, as well as the setting in which the
32 behavior and comments occur.

33 [3] Paragraph (b) recognizes that the scope of representation of a person by counsel may, under
34 Rule 1.2, be limited by mutual agreement. Because a lawyer or licensed paralegal practitioner for
35 another party cannot know which of Rule 4.2 or 4.3 applies under these circumstances, a licensed
36 paralegal practitioner who undertakes a limited representation must assume the responsibility for
37 informing another party's lawyer or licensed paralegal practitioner of the limitations. This
38 ensures that such a limited representation will not improperly or unfairly induce an adversary's
39 lawyer or licensed paralegal practitioner to avoid contacting the person on those aspects of a
40 matter for which the person is not represented by counsel. Note that this responsibility on the
41 licensed paralegal practitioner undertaking limited-scope representation also relates to the ability
42 of another party's lawyer or licensed paralegal practitioner to make certain ex parte contacts
43 without violating Rule 4.2.