

1 **Rule 8.3. Reporting Professional Misconduct.**  
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3 (a) A licensed paralegal practitioner who knows that a lawyer has committed a violation of  
4 the Rules of Professional Conduct or that another licensed paralegal practitioner has committed a  
5 violation of the Licensed Paralegal Practitioner Rules of Professional Conduct that raises a  
6 substantial question as to that lawyer's or licensed paralegal practitioner's honesty,  
7 trustworthiness or fitness as a lawyer or licensed paralegal practitioner in other respects shall  
8 inform the appropriate professional authority.

9 (b) A licensed paralegal practitioner who knows that a judge has committed a violation of  
10 applicable Rules of Judicial Conduct that raises a substantial question as to the judge's fitness for  
11 office shall inform the appropriate authority.

12 (c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 of  
13 the Rules of Professional Conduct and other Licensed Paralegal Practitioner Rules of  
14 Professional Conduct or information gained by a licensed paralegal practitioner or judge while  
15 participating in an approved lawyers or licensed paralegal practitioners assistance program.  
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18 Comment

19 [1] Self-regulation of the legal profession requires that members of the profession initiate  
20 disciplinary investigation when they know of a violation of the Licensed Paralegal Practitioner  
21 Rules of Professional Conduct. Licensed paralegal practitioners have a similar obligation with  
22 respect to judicial misconduct. An apparently isolated violation may indicate a pattern of  
23 misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially  
24 important where the victim is unlikely to discover the offense.

25 [2] A report about misconduct is not required where it would involve violation of Rule 1.6 of the  
26 Rules of Professional Conduct and of the Licensed Paralegal Practitioner Rules of Professional  
27 Conduct. However, a licensed paralegal practitioner should encourage a client to consent to  
28 disclosure where prosecution would not substantially prejudice the client's interests.

29 [3] If a licensed paralegal practitioner were obliged to report every violation of the Rules, the  
30 failure to report any violation would itself be a professional offense. This Rule limits the  
31 reporting obligation to those offenses that a self-regulating profession must vigorously endeavor  
32 to prevent. A measure of judgment is, therefore, required in complying with the provisions of  
33 this Rule. The term "substantial" refers to the seriousness of the possible offense and not the  
34 quantum of evidence of which the licensed paralegal practitioner is aware. A report should be  
35 made to the Bar disciplinary agency unless some other agency, such as a peer review agency, is  
36 more appropriate in the circumstances. Similar considerations apply to the reporting of judicial  
37 misconduct.

38 [4] Reserved.

39 [5] Information about a licensed paralegal practitioner's misconduct or fitness may be received  
40 by a licensed paralegal practitioner in the course of that licensed paralegal practitioner's  
41 participation in an approved licensed paralegal practitioners assistance program. In that  
42 circumstance, providing for an exception to the reporting requirements of paragraphs (a) and (b)  
43 of this Rule encourages licensed paralegal practitioners to seek treatment through such a  
44 program. Conversely, without such an exception, licensed paralegal practitioners may hesitate to  
45 seek assistance from these programs, which may then result in additional harm to their  
46 professional careers and additional injury to the welfare of clients and the public.