RARITAN VALLEY COMMUNITY COLLEGE
ACADEMIC COURSE OUTLINE

LEGAL ETHICS & PROFESSIONAL RESPONSIBILITY  LEGL-132

I. Basic Course Information

A. Course Title and Number: Legal Ethics & Professional Responsibility, LEGL-132

B. New or Modified Course: Modified

C. Date of Proposal: Spring 2011

D. Sponsoring Department: Business & Public Service

E. Semester Credit Hours: 3

F. Weekly Contact Hours: Lecture: 3  
   Lab: 0

G. Prerequisites: None

H. Laboratory Fees: None

I. Name/Email of Coordinator: Maria M. DeFilipps, Esq.  
mdefilip@raritanval.edu

II. Catalog Description

This legal specialty course introduces the student to the types of ethical situations and dilemmas they may encounter in the legal workforce. Students will learn applicable disciplinary rules for both the lawyer and the paralegal, in order to understand how to function responsibly as a legal professional. The content and course work is geared not only to the paralegal student, but also to the practicing paralegal and other legal professionals.

III. Statement of Course Need

Reliance on paralegals to handle many aspects of law office and litigation procedures is widespread among practicing lawyers and among institutions that employ persons with paralegal training. Therefore, this course is designed to provide students with an understanding of basic
ethical principles that govern all legal professionals, as well as the ability to translate these rules into the concrete skills needed to function ethically in a legal setting. The successful student will come away with knowledge that is not only valued by a wide variety of potential employers, but also required by NJ State rules and American Bar Association accreditation as an essential part of a paralegal's professional education.

IV. Place of Course in College Curriculum

A. The course is an elective in the following programs: Paralegal Studies, AAS Degree and Certificate.

B. This course will transfer to any school with a Paralegal Studies four year degree, which includes Montclair, Thomas Edison, and St. Elizabeth College in New Jersey. It will also transfer to any four year institution offering an ABA approved paralegal program of study.

V. Outline of Course Content

A. Introduction
   1. Legal Ethics Defined (3 hours)
   2. Regulation of Attorneys (3 hours)
      a. ABA Model Code of Professional Responsibility
      b. ABA Model Rules of Professional Conduct
      c. N.J. Rules of Professional Conduct
      d. Supreme Court Advisory Opinions & Relevant Case Law
   3. Regulation of Paralegals (3 hours)
      a. History of the Paralegal Profession
      b. Supervision/Liability as Attorney’s Agent & Employee
      c. Growth of Certification & Licensing
      d. Role of National Professional Paralegal Organizations
   4. Existing Regulatory Codes (3 hours)
      a. ABA Guidelines for Utilization of Paralegals
      b. N.J. Proposed Code of Paralegal Conduct
      c. Permissible Functions of Paralegals by Practice Areas

B. Unauthorized Practice of Law (6 hours)
   1. Statutory & Case Law History
   2. Attorney Responsibility to Prevent
   3. Specific Practice Areas constituting Unauthorized Practice
   4. Disclosure of Paralegal Status
   5. Paralegals as Independent Contractors
C. **Confidentiality**
   1. General Principles (1 hour)
   2. Attorney/Client Privilege (1 hour)
   3. Work Product (1 hour)
   4. Ethics Rules of Confidentiality & Exceptions to the Rules (1 hour)
   5. Office Procedures to Prevent Disclosure of Confidential Information (1 hour)
   6. Confidentiality Issues specific to the Paralegal (1 hour)

D. **Conflicts of Interest**
   1. Simultaneous & Successive Representation Issues (1 hour)
   2. Former Client Issues (1 hour)
   3. Business Transactions with Clients (1 hour)
   4. Gifts from Clients (1 hour)
   5. Conflict Checks & Use of Ethical Screens/Chinese Walls (1 hour)
   6. Client Waivers of Conflicts (1 hour)

E. **Advertising & Solicitation** (3 hours)
   1. Solicitation Limitations & as distinguished from Advertising
   2. U.S. Supreme Court cases
   3. N.J. State Laws & Rules
   4. Role of Paralegal in Advertising & Solicitation Issues

F. **Fees & Clients Funds** (3 hours)
   1. General Rules regarding the Handling of Client Funds
   2. Attorney Office v. Trust Accounts
   3. Fee Arrangements with Clients

G. **Competence & Malpractice** (3 hours)
   1. Definition & Regulation
   2. Sanctions for Incompetence & Malpractice
   3. Duty to Keep Client Informed
   4. Drug & Alcohol Abuse Issues
   5. Factors Affecting Paralegal Competence

H. **Zealous Representation & Advocacy Issues** (3 hours)
   1. Ethics of Advocacy
   2. Frivolous/Unmeretorious Claims, Delay & Discovery Abuses
   3. Candor & Honesty Requirements
   4. Relationships & Communication with Judges & Court Staff
   5. Contact with Jurors, Witnesses & Unrepresented Parties

I. **Professionalism** (3 hours)
VI. **Educational Goals and Learning Outcomes**

A. **Education Goals**

Students will:

1. Produce written work that reflects critical and creative thought relative to specific ethical scenarios. (GE NJ 1)

2. Develop the ability to communicate clearly and logically, utilizing both verbal and written skills, in the researching and analysis of ethical issues. (GE NJ 1)

3. Use technology and computer-based legal research tools to research, analyze and solve ethical problems. (GE NJ 4)

4. Recognize, analyze and evaluate ethical problems in given fact patterns. (GE NJ 9)

B. **Learning Outcomes**

Upon completion of this course, students will be able to:

1. Identify and analyze an ethical problem.

2. Assess an ethical dilemma with a reflective and broad perspective, understanding the differing responsibilities of the lawyer, the adversary, the paralegal, the client and the courts.

3. Explain the nature and purpose of existing legal ethics codes and rules of professional responsibility, including the ABA Model Code of Professional Responsibility, the ABA Model Rules of Professional Conduct, the ABA Model Guidelines for the Utilization of Legal Assistants, the New Jersey Rules of Professional Conduct and the proposed New Jersey Code of Paralegal Conduct.

4. Recognize potential conflicts of interest in the legal work environment and diffuse same in accordance with the rules.

5. Develop office procedure to protect client confidentiality.
6. Avoid any behavior that would constitute the unauthorized practice of law.

7. Differentiate between the constraints placed upon legal professionals in areas such as competency, advocacy and client/advisory relations.

8. Apply the rules of ethics to make informed judgments in ethical issues.

VII. Modes of Teaching and Learning

This course will employ the following methods of teaching:
A. lecture/discussion
B. computer-assisted legal research
C. video presentations/media will be utilized to highlight current ethical issues
D. case studies based on proposed ethical fact patterns

VIII. Papers, Examinations, and other Assessment Instruments

This course will employ the following methods of assessment:
A. Examinations
B. Case Studies/Home Assignments
C. Group Discussions & Presentations

IX. Grade Determinants

Written exams, assigned case studies, class participation and attendance, and group discussions and presentations will be used to assess the students according to the general education goals and learning outcomes listed above.

X. Text and Materials

B. web sources
C. movies, video, current media
XI. **Resources**

The course will require the use of a CATT room.