DEFINITION OF A PARALEGAL

A paralegal is a person, qualified through various combinations of education, training, or work experience, who is employed or engaged by a lawyer, law office, governmental agency, or other entity in a capacity of function which involves the performance, under the ultimate direction and supervision of a licensed attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal principles and procedures that, absent such a person, an attorney would be required to perform the task.

The Definition of a Paralegal has been expanded in the Paralegal Standards adopted by the State Bar of Texas in 2006. These Standards can be reviewed on the Division’s website at www.txpd.org.

HISTORICAL OVERVIEW

On October 23, 1981, the State Bar of Texas became the first bar association in the United States to create a separate division for paralegals. One of the first actions taken by the Board of Directors of the Legal Assistants Division (as it was then known) was to adopt a Code of Ethics and Professional Responsibility (the “Code”). The action was ratified by the members at the first Annual Meeting in June 1982. Each applicant for membership agrees to be bound by the Code of Ethics and the Disciplinary Procedures adopted by the Division. Under said agreement, each paralegal is obligated to maintain and perpetuate the highest professional and ethical standards.

FOR MORE INFORMATION CONTACT
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State Bar of Texas
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PROFESSIONAL ETHICS AND THE PARALEGAL

PARALEGAL DIVISION
State Bar of Texas
www.txpd.org
CODE OF ETHICS AND PROFESSIONAL RESPONSIBILITY

Preamble

Fundamental to the success of any professional organization are the integrity of its members and a high standard of conduct. This Code of Ethics and Professional Responsibility is promulgated by the Paralegal Division of the State Bar of Texas and accepted by its members to accomplish these ends.

The paralegal profession is by nature closely related to the legal profession. Although the Code of Professional Responsibility of the State Bar of Texas does not directly govern paralegals except through a supervising attorney, it is incumbent upon the members of the Paralegal Division to know the provisions of the attorneys’ code and avoid any action which might involve an attorney in a violation of that code or even the appearance of professional impropriety.

The canons set forth hereafter are intended as a general guide, and the enumeration of these canons does not exclude others of equal importance although not specifically mentioned.

Canon 1. A paralegal shall not engage in the practice of law as defined by statutes or court decisions, including but not limited to accepting cases or clients, setting fees, giving legal advice, or appearing in a representative capacity in court or before an administrative or regulatory agency (unless otherwise authorized by statute, court or agency rules); the paralegal shall assist in preventing the unauthorized practice of law.

Canon 2. A paralegal shall not perform any of the duties that attorneys only may perform or do things which attorneys themselves may not do.

Canon 3. A paralegal shall exercise care in using independent professional judgment and in determining the extent to which a client may be assisted without the presence of an attorney, and shall not act in matters involving professional legal judgment.

Canon 4. A paralegal shall preserve and protect the confidences and secrets of a client.

Canon 5. A paralegal shall not solicit legal business on behalf of an attorney.

Canon 6. A paralegal shall not engage in performing paralegal functions other than under the direct supervision of an attorney, and shall not advertise or contract with members of the general public for the performance of paralegal functions.

Canon 7. A paralegal shall avoid, if at all possible, any interest or association which constitutes a conflict of interest pertaining to a client matter and shall inform the supervising attorney of the existence of any possible conflict.

Canon 8. A paralegal shall maintain a high standard of ethical conduct and shall contribute to the integrity of the paralegal profession.

Canon 9. A paralegal shall maintain a high degree of competency to better assist the legal profession in fulfilling its duty to provide quality legal services to the public.

Canon 10. A paralegal shall do all other things incidental, necessary or expedient to enhance professional responsibility and the participation of paralegals in the administration of justice and public service in cooperation with the legal profession.

Adopted March 27, 1982, Amended June 26, 2005 - Paralegal Division, State Bar of Texas

PROFESSIONAL ETHICS COMMITTEE

The Professional Ethics Committee is responsible for interpreting the Division’s Code of Ethics and Professional Responsibility, serving as a Grievance Committee, and providing the membership with education on ethical issues. This committee is comprised of a Chairperson and, with the Board of Director’s approval, district ad hoc committee members. The Chair and ad hoc committee members are charged with the responsibility of investigating any complaint it receives against a member of the Division pursuant to the Disciplinary Procedures. To contact the Chair of the Paralegal Division Ethics Committee, please email ethics@txpd.org.

THE PARALEGAL ETHICS HANDBOOK

Authored by the Paralegal Division and published by West Legalworks, the Paralegal Ethics Handbook is a resource for new and experienced paralegals. It includes general ethics information and resources as well as ethics information for specific areas of law. To order, go to www.txpd.org. Frequently Asked Questions (FAQs) can be found on the Division’s website at www.txpd.org. The FAQs answer many questions regarding ethical conduct for paralegals in the State of Texas.