

CATALOG INFORMATION

Dept and Nbr: PLS 55

Title: LEGAL ETHICS

Full Title: Legal Ethics

Last Reviewed: 8/14/2023

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	2.00	Lecture Scheduled	2.00	17.5	Lecture Scheduled	35.00
Minimum	2.00	Lab Scheduled	0	6	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	2.00		Contact Total	35.00
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 70.00

Total Student Learning Hours: 105.00

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

**Catalog Description:**  
In this course, students will practice the development of ethical judgment in the context of the modern law office team. The course covers the examination of the Rules of Professional Conduct, ethical guidelines for paralegals, and their application to special problems of both civil and criminal practice. Ethical standards for direct providers of legal services are also discussed.

**Prerequisites/Corequisites:**  
Course Completion or current enrollment in PLS 50 and PLS 51

**Recommended Preparation:**

**Limits on Enrollment:**

**Schedule of Classes Information:**  
Description: In this course, students will practice the development of ethical judgment in the context of the modern law office team. The course covers the examination of the Rules of Professional Conduct, ethical guidelines for paralegals, and their application to special problems of both civil and criminal practice. Ethical standards for direct providers of legal services are also discussed. (Grade Only)

Prerequisites/Corequisites: Course Completion or current enrollment in PLS 50 and PLS 51  
Recommended:  
Limits on Enrollment:  
Transfer Credit: CSU;  
Repeatability: Two Repeats if Grade was D, F, NC, or NP

### **ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:**

<b>AS Degree:</b>	<b>Area</b>	Effective:	Inactive:
<b>CSU GE:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>IGETC:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>CSU Transfer:</b>	Transferable	Effective: Fall 2010	Inactive:
<b>UC Transfer:</b>		Effective:	Inactive:

### **CID:**

### **Certificate/Major Applicable:**

Major Applicable Course

### **COURSE CONTENT**

#### **Student Learning Outcomes:**

At the conclusion of this course, the student should be able to:

1. Recognize when ethical standards are in danger of being breached.
2. Identify ways to protect clients' interests by adhering to principles of confidentiality and attorney-client privilege.
3. Identify conflicts of interest.
4. Recognize how to avoid the unauthorized practice of law.
5. Recognize the consequences of unethical conduct in a legal setting.

#### **Objectives:**

At the conclusion of this course, the student should be able to:

1. Describe behavior that demonstrates an ethically responsible and professional manner.
2. Analyze and apply the rules of professional conduct.
3. Develop a system for conflicts checks.
4. Recognize the need to maintain ethical and professional relationships with judges, witnesses, jurors, opposing counsel, and other parties.
5. Recognize the need for screening in a conflict situation.
6. Distinguish between dispensing legal advice and legal information.

#### **Topics and Scope:**

- I. Regulation of Lawyers
  - A. State courts and bar associations
  - B. American Bar Association
  - C. State statutes and other forms of regulation
  - D. Sanctions and remedies
  - E. California Rules of Professional Conduct

## II. Ethical Guidelines and Regulation of Paralegals

- A. Direct regulation of paralegals
- B. Regulation of attorney-supervised paralegals
- C. Non-lawyer legal service providers
- D. Liability of paralegals as agents for attorneys
- E. State guidelines for utilization of paralegals
- F. California statute defining paralegals
- G. Paralegal Associations' Codes of Ethics and Guidelines

## III. Unauthorized Practice of Law

- A. Attorney's responsibility for prevention
- B. Unauthorized practice of law defined
- C. Potential tasks that may constitute unauthorized practice of law
- D. Practice before administrative agencies
- E. Disclosure of status as a paralegal
- F. Paralegals as independent contractors
- G. Legal document assistants

## IV. Confidentiality and Attorney Client Privilege

- A. Principles of confidentiality
- B. Attorney client privilege defined
- C. Work product
- D. Ethical rules of confidentiality
- E. Application of confidentiality rules to paralegals

## V. Conflicts of Interest

- A. Simultaneous and Successive Representation of Clients
- B. Conflicts of interest involving paralegals
- C. Attorney and paralegal as witnesses
- D. Other conflicts in relationships with clients
- E. Imputed disqualifications and screening
- F. Conflicts checks and systems
- G. Non-representation letters
- H. Dis-engagement letters

## VI. Advertising and Solicitation

- A. Protocol for attorneys and paralegals
- B. Ethical considerations in advertising and solicitation

## VII. Fees and Client Funds

- A. Fee agreements with clients
- B. Terms and communication of fee agreements
- C. Statutory fees
- D. Fee splitting, referral fees, and partnerships between attorneys and non-lawyers
- E. Client trust funds

## VIII. Competence

- A. Definition
- B. Sanctions for incompetence
- C. Legal malpractice
- D. Factors affecting paralegal competence
- E. Paralegal education and continuing education obligations

## IX. Other Ethical Issues

- A. Candor and honesty
- B. Relationships and communications with the court and court staff
- C. Conduct with jurors
- D. Conduct with opposing parties and unrepresented litigants
- E. Conduct with witnesses

## X. Professionalism

- A. Current issues in professionalism
- B. Pro bono work

### Assignment:

1. Read textbook and outside source materials
2. Homework - memorizing legal terminology, research procedural and substantive law
3. Participate in weekly discussions based on reading assignments
4. Complete weekly assignments on topical ethical issues and case analysis
5. Quizzes

### Methods of Evaluation/Basis of Grade:

**Writing:** Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Weekly writing assignments

Writing  
15 - 20%

**Problem Solving:** Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

Homework - memorizing legal terminology, research procedural and substantive law

Problem solving  
40 - 50%

**Skill Demonstrations:** All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None

Skill Demonstrations  
0 - 0%

**Exams:** All forms of formal testing, other than skill performance exams.

Quizzes

Exams  
10 - 15%

**Other:** Includes any assessment tools that do not logically fit into the above categories.

Participate in weekly discussions based on reading assignments; attendance

Other Category  
20 - 25%

### Representative Textbooks and Materials:

Ethics and Professional Responsibility for Legal Assistants. 8th ed. Cannon, Therese. Aspen Publishing. 2017.

Ethics for Paralegals. Spagnola, Linda and Batts, Vivian. McGraw-Hill. 2008 (classic).