



VERMONT  
PARALEGAL  
ORGANIZATION

**VERMONT PARALEGAL ORGANIZATION**

**AMENDED AND RESTATED**

**MODEL RULES OF ETHICS AND  
PROFESSIONAL RESPONSIBILITY**

**PREAMBLE**

The Vermont Paralegal Organization (the “VPO”) is an unincorporated, non-profit organization, comprised of members throughout the State of Vermont. Membership in the VPO consists of voting/non-voting, associate, sustaining, and advisory members, as those terms are defined.

On April 17, 2000, the VPO adopted these Model Rules of Ethics and Professional Responsibility (“Model Rules”) to delineate the principles for ethics and conduct to which paralegals should aspire. The VPO hereby amends and restates these Model Rules, and by adoption of these Model Rules, it is the intent of the VPO to confirm the paralegal profession’s commitment to increase the quality and efficiency of legal services, as well as to recognize its responsibilities to the public, the legal community, and colleagues. The VPO reserves the right to amend these rules as the profession’s expansion dictates.

**I. VPO MODEL RULES AND ETHICAL CONSIDERATIONS.**

**A. A PARALEGAL SHALL ACHIEVE AND MAINTAIN A HIGH LEVEL OF COMPETENCE.**

1. A paralegal shall achieve competency through education, training, and work experience.
2. A paralegal shall participate in continuing education in order to keep informed of current legal, technical and general developments.
3. A paralegal shall perform all assignments promptly and efficiently.

**B. A PARALEGAL SHALL MAINTAIN A HIGH LEVEL OF PERSONAL AND PROFESSIONAL INTEGRITY.**

1. A paralegal shall not engage in any ex parte communications involving the courts or any other adjudicatory body in an attempt to exert undue influence or to obtain advantage or the benefit of only one party

2. A paralegal shall not communicate, or cause another to communicate, with a party the paralegal knows to be represented by a lawyer in a pending matter without the prior consent of the lawyer representing such other party. Exceptions to this ethical consideration are discussed in *Opinions 96-6, 96-7 and 97-2* issued by the *Vermont Bar Association's Professional Responsibility Committee*.

3. A paralegal shall ensure that all timekeeping and billing records prepared by the paralegal are thorough, accurate, honest, and complete.

4. A paralegal shall not knowingly engage in fraudulent billing practices. Such practices may include, but are not limited to: inflation of hours billed to a client or employer; misrepresentation of the nature of tasks performed; submission of fraudulent expense and disbursement documentation.

5. A paralegal shall be scrupulous, thorough and honest in the identification and maintenance of all funds, securities, and other assets of a client and shall provide accurate accounting as appropriate.

6. A paralegal shall advise the proper authority of non-confidential knowledge of any dishonest or fraudulent acts by any person pertaining to the handling of the funds, securities or other assets of a client. The authority to whom the report is made shall depend on the nature and circumstances of the possible misconduct (e.g., managing partner of law firm, professional conduct board, state attorney). Failure to report such knowledge is in itself misconduct and shall be treated as such under these rules.

**C. A PARALEGAL SHALL MAINTAIN A HIGH STANDARD OF PROFESSIONAL CONDUCT.**

1. A paralegal shall refrain from engaging in any conduct that offends the dignity and decorum of proceedings before a court or other adjudicatory body and shall be respectful of all rules and procedures.

2. A paralegal shall avoid impropriety and the appearance of impropriety and shall not engage in any conduct that would adversely affect his/her fitness to practice. Such conduct may include, but is not limited to: violence, dishonesty, interference with the administration of justice, and abuse of a professional position or public office.

3. Should a paralegal's fitness to practice be compromised by physical or mental illness, causing that paralegal to commit an act that is in direct violation of these Model Rules and/or the rules adopted by the Vermont Supreme Court and/or the Vermont Statutes Annotated, that paralegal may be protected from sanction upon review of the nature and circumstances of that illness.

4. A paralegal shall advise the proper authority of non-confidential knowledge of any action of another legal professional that clearly demonstrates fraud, deceit, dishonesty, or misrepresentation. The authority to whom the report is made shall depend on the nature and circumstances of the possible misconduct, (e.g., managing partner of law firm, professional conduct board, state attorney). Failure to report such knowledge is in itself misconduct and shall be treated as such under these rules.

5. A paralegal shall not knowingly assist any individual with the commission of an act that is in direct violation of these Model Rules and/or the rules adopted by the Vermont Supreme Court and/or the Vermont Statutes Annotated.

6. If a paralegal possesses knowledge of future criminal activity, that knowledge must be reported to the appropriate authority immediately.

**D. A PARALEGAL SHALL SERVE THE PUBLIC INTEREST BY CONTRIBUTING TO THE DELIVERY OF QUALITY LEGAL SERVICES AND THE IMPROVEMENT OF THE LEGAL SYSTEM.**

1. A paralegal shall be sensitive to the legal needs of the public and shall promote the development and implementation of programs that address those needs.

2. A paralegal shall support bona fide efforts to meet the need for legal services by those unable to pay reasonable or customary fees for example, participation in pro bono projects and volunteer work.

3. A paralegal shall support efforts to improve the legal system and access thereto and shall assist in making changes.

**E. A PARALEGAL SHALL PRESERVE ALL CONFIDENTIAL INFORMATION PROVIDED BY THE CLIENT OR ACQUIRED FROM OTHER SOURCES BEFORE, DURING, AND AFTER THE COURSE OF THE PROFESSIONAL RELATIONSHIP.**

1. A paralegal shall be aware of and abide by all legal authority governing confidential information in the jurisdiction in which the paralegal practices.

2. A paralegal shall not use confidential information to the disadvantage of the client.

3. A paralegal shall not use confidential information to the advantage of the paralegal or of a third person.

4. A paralegal may reveal confidential information only after full disclosure and with the client's written consent; or, when required by law or court order; or, when necessary to prevent the client from committing an act that could result in imminent death or serious bodily harm, or will assist a criminal or fraudulent act by a client.

5. A paralegal shall keep those individuals responsible for the legal representation of a client fully informed of any confidential information the paralegal may have pertaining to that client.

6. A paralegal shall not engage in any indiscreet communications concerning clients.

**F. A PARALEGAL SHALL AVOID CONFLICTS OF INTEREST AND SHALL DISCLOSE ANY POSSIBLE CONFLICT TO THE EMPLOYER OR CLIENT, AS WELL AS TO THE PROSPECTIVE EMPLOYERS OR CLIENTS.**

1. A paralegal shall act within the bounds of the law, solely for the benefit of the client, and shall be free of compromising influences and loyalties. Neither the paralegal's personal or business interest, nor those of other clients or third persons, should compromise the paralegal's professional judgment and loyalty to the client.
2. A paralegal shall avoid conflicts of interest that may arise from previous assignments, whether for a present or past employer or client.
3. A paralegal shall avoid conflicts of interest that may arise from family relationships and from personal and business interests.
4. In order to be able to determine whether an actual or potential conflict of interest exists, a paralegal shall create and maintain an effective record keeping system that identifies clients, matters, and parties with which the paralegal has worked.
5. A paralegal shall reveal sufficient non-confidential information about a client or former client to reasonably ascertain if an actual or potential conflict of interest exists.
6. A paralegal shall not participate in or conduct work on any matter where a conflict of interest has been identified.
7. In matters where a conflict of interest has been identified and the client consents to continued representation, a paralegal shall comply fully with the implementation and maintenance of an Ethical (Chinese) Wall.

**G. A PARALEGAL'S TITLE SHALL BE FULLY DISCLOSED.**

1. A paralegal's title shall clearly indicate the individual's status and shall be disclosed in all business and professional communications to avoid misunderstandings and misconceptions about the paralegal's role and responsibilities.
2. A paralegal's title shall be included if the paralegal's name appears on business cards, letterhead, brochures, directories, and advertisements.
3. A paralegal shall not use letterhead, business cards or other promotional materials to create a fraudulent impression of his/her status or ability to practice in the jurisdiction in which the paralegal practices.
4. A paralegal shall not practice under color of any record, diploma, or certificate that has been illegally or fraudulently obtained or issued or which is misrepresentative in any way.

5. A paralegal shall not participate in the creation, issuance, or dissemination of fraudulent records, diplomas, or certificates.

**H. A PARALEGAL SHALL NOT ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW.**

1. A paralegal shall comply with the applicable legal authority governing the unauthorized practice of law in Vermont.

**II. VPO GUIDELINES FOR THE ENFORCEMENT OF THE MODEL CODE OF ETHICS and PROFESSIONAL RESPONSIBILITY.**

**A. Basis for Discipline.**

Disciplinary investigations and proceedings brought under authority of the Rules shall be conducted in accord with obligations imposed on the paralegal professional by the Model Code of Ethics and Professional Responsibility.

**B. Procedure for the Reporting of Alleged Violations of the Model Code/Disciplinary Rules.**

1. An individual or entity in possession of non-confidential knowledge or information concerning possible instances of misconduct shall make a confidential written report to the Chair of the VPO Ethics Committee, with a copy to the then presiding VPO president. The report shall include details of the alleged misconduct.

2. If it is determined that the alleged misconduct warrants further investigation, the matter shall be brought to the attention of the full VPO Board and Ethics Committee.

3. After review of the facts involving the alleged misconduct, if the Board and the Ethics Committee consider the allegation of misconduct to warrant further investigation, the Chair of the Ethics Committee shall initiate investigatory actions, which shall include, but not be limited to, a written report and request for Advisory Opinion from the NFPA Disciplinary Committee and/or the Vermont Bar Association, as the matter and investigation of the matter so warrants.

## **DEFINITIONS:**

**“Advisory Member”** means any person interested in supporting the VPO in an advisory capacity shall only be eligible to become an advisory member of the VPO by special invitation of the Board of Directors of the VPO. Advisory members shall be persons who can advise the Organization on specific matters.

**“Associate Member”** means (1) any person who is enrolled in a formal course of study, upon completion of which, such person will be qualified for a position as a paralegal, shall be eligible for membership as an associate member of the VPO; (2) any person who has been employed as a paralegal or who has completed a formal course of study, as defined in the VPO Bylaws, but who is not employed as a paralegal at the time of application for membership in the VPO, shall be eligible for membership as an associate member of the VPO, (3) any paralegal employed and residing outside the State of Vermont shall be eligible for membership as an associate member of the VPO; (4) any person who is employed as a paralegal coordinator, who does not spend time as a paralegal, shall be eligible for membership as an associate member of the VPO; (5) any person employed as a paralegal educator who does not spend time as a paralegal, shall be eligible for membership as an associate member of the VPO; (6) any person employed as a paralegal who has not yet met the criteria for voting membership as set by the membership committee and adopted by the VPO.

**“Confidential Information”** means information relating to a client, whatever its source, that is not public knowledge nor available to the public. (“Non-Confidential Information” would generally include the name of the client and the identity of the matter for which the paralegal provided services.)

**“Disclose”** means communication of information reasonably sufficient to permit identification of the significance of the matter in question.

**“Ethical (Chinese) Wall”** means the screening method implemented in order to protect a client from a conflict of interest. An Ethical (Chinese) Wall generally includes, but is not limited to, the following elements: (1) prohibit the paralegal from having any connection with the matter; (2) ban discussions with or the transfer of documents to or from the paralegal; (3) restrict access to files; and (4) educate all members of the firm, corporation, or entity as to the separation of the paralegal (both organizationally and physically) from the pending matter.

**“Ex parte”** means actions or communications conducted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely interested.

**“Misconduct”** means the knowing or unknowing commission of an act that is in direct violation of those Canons and Ethical Considerations of any and all applicable codes and/or rules of conduct.

**“Paralegal”** is synonymous with “Legal Assistant” and is defined as a person qualified through education, training, or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency, or other entity or may be authorized by administrative, statutory, or court authority to perform this work.

**“Proper Authority”** means managing partner of law firm, corporation, or other entity, the professional conduct board or state’s attorney.

**“Sustaining Member”** means any person, partnership, association, paralegal training program or other entity interested in supporting the VPO shall be eligible to become a sustaining member of the VPO.

**“Voting Member”** means any paralegal who resides or is employed in the State of Vermont shall be eligible for membership as a Voting member in the Organization.

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*The VPO Model Code is modified to comply with and refers to specific ethics opinions issued by the Vermont Bar Association’s Professional Responsibility Committee. The following provides more information about these opinions: [www.vtbar.org](http://www.vtbar.org) & [www.legalethics.com](http://www.legalethics.com)*