

PUBLIC PERCEPTION INDEX AND LINKS FOR ACTION PROJECT

JUDICIARY HANDBOOK

ICJ (K) MODEL CODE OF CONDUCT FOR PARALEGALS

Forward

This handbook is a publication aimed at supporting effective interest group demand for judicial reform. It is part of a series of four code of conduct handbooks aimed at promoting judicial independence, accountability and effectiveness.

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Paralegals are defined as a distinguishable group of persons who assist judicial officers and legal practitioners in the delivery of legal services. Through formal education, training and experience, paralegals have knowledge and expertise regarding the legal and judicial systems and substantive and procedural law which qualify them to do work of a legal nature. Paralegals are found in public and private legal firms as well as in the Judiciary. However, one unifying factor is that all of these people play a supporting role to either legal practitioners or judicial officers to ensure quality delivery of justice and legal services.

For the purposes of this publication, we shall only address paralegals within the Judiciary. Paralegals in this publication will therefore mean any person working in the Judiciary not as a judge or a magistrate. Therefore they include, Executive Officers, Court Bailiffs and Clerks, Secretaries, Typists, Technicians and any other employee who does not qualify or practice as a magistrate or a judge.

This Model Code of Ethics is designed to delineate the principles for ethics and conduct to which every paralegal should aspire. The publication is intended to lead debate and discussion on the professionalism of court paralegals.

Provisions in this code are largely borrowed from the Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement developed in 1993 by the National Federation of Paralegal Associations, Inc. (NFPA), which is a professional organization comprised of paralegal associations and individual paralegals throughout the United States and Canada.

SPECIFIC ARTICLES

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

- 1.1 A paralegal shall achieve competency through education, training and work experience.
- 1.2 A paralegal shall aspire to participate in a minimum of twelve hours of continuing legal education, which shall include ethics education, every year, in order to remain current on developments in the law and court rules and procedures.
- 1.3 A paralegal shall perform all assignments promptly and efficiently.

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

- 2.1 A paralegal shall not engage in any *ex parte* communications involving the courts or any party to a suit in an attempt to exert undue influence or obtain advantage or the benefit of only one party.
- 2.2 A paralegal shall not communicate, or cause another to communicate, with a party that such paralegal knows to be represented by a lawyer in a pending matter without the prior consent of the lawyer representing such other party.
- 2.3 A paralegal shall ensure that all timekeeping and billing records prepared by the paralegal are thorough, accurate, honest and complete.
- 2.4 A paralegal shall not knowingly engage in any fraudulent practices. Such practices may include, but not limited to soliciting money from any party to a suit, hiding files, fraudulent billing practices such as keeping and issuance of another receipt other than the official receipt and/or submission of fraudulent expense and disbursement documentation.
- 2.5 A paralegal shall be scrupulous, thorough and honest in the identification and maintenance of all funds, securities, and other assets of a party to a suit and shall provide accurate accounting as appropriate.
- 2.6 A paralegal shall advise the proper authority of non-confidential knowledge of any action that clearly demonstrates fraud, deceit, dishonesty or misrepresentation by another legal professional. Failure to report such knowledge shall in itself amount to misconduct and shall be treated as such under these rules.

3. A PARALEGAL SHALL MAINTAIN A HIGH STANDARD OF PROFESSIONAL CONDUCT.

- 3.1 A paralegal shall refrain from engaging in any conduct that offends the dignity and decorum of proceedings before a court, and shall be respectful of all rules and procedures.
- 3.2 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 not limited to, violence, dishonesty, interference with the administration of justice, and/or abuse of a professional position or public office.
- 3.3 A paralegal shall not knowingly assist any individual with commission or omission of an act that is in direct violation of the code of conduct, rules, procedures and/or laws governing the jurisdiction in which the paralegal practices.

4. A PARALEGAL SHALL SERVE THE PUBLIC INTEREST BY CONTRIBUTING TO THE IMPROVEMENT OF THE JUDICIAL AND LEGAL SYSTEMS AND DELIVERY OF QUALITY SERVICES.

- 4.1 A paralegal shall be sensitive to the needs of the public and shall promote the development and implementation of programs that address those needs.
- 4.2 A paralegal shall support efforts to improve the judicial system and access to justice and shall assist in making changes.

5. A PARALEGAL SHALL PRESERVE ALL CONFIDENTIAL INFORMATION THAT IS BEFORE THE COURTS OF LAW.

- 5.1 A paralegal shall be aware of and abide by all legal authority governing confidential information in the jurisdiction in which the paralegal practices.
- 5.2 A paralegal shall not use confidential information to the disadvantage of any party to a suit.
- 5.3 A paralegal may reveal confidential information only after full disclosure and in accordance with the law or court order, rules and procedure.
- 5.4 A paralegal shall not engage in any indiscreet communications concerning any case or party to a suit.

6. A PARALEGAL SHALL AVOID CONFLICTS OF INTEREST AND SHALL DISCLOSE ANY POSSIBLE CONFLICT TO THE COURT.

- 6.1 A paralegal shall act within the bounds of the law, solely for the benefit of achieving justice and shall be free of compromising influences and loyalties.
- 6.2 A paralegal shall avoid conflicts of interest that may arise from previous assignments with any party to a suit before the court of law.
- 6.3 A paralegal shall avoid conflicts of interest that may arise from family relationships and from personal and business interests.

7. A PARALEGAL'S TITLE SHALL BE FULLY DISCLOSED

- 7.1 A paralegal's title shall clearly indicate the individual's status and shall be disclosed in all business and professional transactions to avoid misunderstandings and misconceptions about the paralegal's role and responsibilities.
- 7.2 A paralegal shall not use letterheads, 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.
- 7.3 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.
- 7.4 A paralegal shall not participate in the creation, issuance or dissemination of fraudulent records, receipts, orders, or certificates.

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

8.1 A paralegal shall comply with the applicable legal authority governing the unauthorized practice of law in the jurisdiction in which the paralegal practices.