

Colo. Lic. Paraprofe. R. Profe. Cond., Preamble and Scope, Preamble: A Licensed Legal Paraprofessional's Responsibilities

Preamble: A Licensed Legal Paraprofessional's Responsibilities

[1] A Licensed Legal Paraprofessional (LLP), as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients within a limited scope, an LLP performs various functions. As advisor, an LLP provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, an LLP zealously asserts the client's position under the rules of the adversary system. As negotiator, an LLP seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, an LLP acts by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, an LLP may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to LLPs who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4 of these Rules. In addition, there are Rules that apply to LLPs who are not active in the practice of law or to practicing LLPs even when they are acting in a nonprofessional capacity. For example, an LLP who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4 of these Rules.

[4] In all professional functions an LLP should be competent, prompt and diligent. An LLP should maintain communication with a client concerning the representation. An LLP should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by these Rules or other law.

[5] An LLP's conduct should conform to the requirements of the law, both in professional service to clients and in the LLP's business and personal affairs. An LLP should use the law's procedures only for legitimate purposes and not to harass or intimidate others. An LLP should demonstrate respect for the legal system and for those who serve it, including judges, lawyers, other LLPs, and public officials. While it is an LLP's duty, when necessary, to challenge the rectitude of official action, it is also an LLP's duty to uphold legal process.

[6] As a public citizen, an LLP should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, an LLP should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, an LLP should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. An LLP should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all LLPs should devote professional time and resources and use civic

influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. An LLP should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of an LLP's professional responsibilities are prescribed in these Rules, as well as substantive and procedural law and the laws and rules governing LLPs. However, an LLP is also guided by personal conscience and the approbation of professional peers. An LLP should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

[8] An LLP's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, an LLP can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, an LLP can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] Notwithstanding the scope of authority of an LLP, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between an LLP's or a lawyer's responsibilities to clients, to the legal system and to the LLP's or lawyer's own interest in remaining an ethical person while earning a satisfactory living. These Rules and the lawyer Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the LLP's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law. Zealousness does not, under any circumstances, justify conduct that is unprofessional, discourteous or uncivil toward any person involved in the legal system.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that LLPs meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the legal profession. Every LLP is responsible for observance of these Rules. An LLP should also aid in securing their observance by other LLPs. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] LLPs, as well as lawyers, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by LLPs of their relationship to our legal system. These Rules, when properly applied, serve to define that relationship.

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Amended and Adopted by the Court, En Banc, April 13, 2023, effective 7/1/2023.
