

Paralegal Division

Code of Ethics and Professional Responsibility

It is the responsibility of every member of the Paralegal Division of the State Bar of New Mexico (hereinafter referred to as "Paralegal") to adhere strictly to the accepted standards of legal ethics. The Canons of Ethics set forth hereafter are adopted by the Paralegal Division of the State Bar of New Mexico as a general guide.

CANON 1. A Paralegal must not perform any of the duties that only attorneys may perform nor take any actions that attorneys may not take.

CANON 2. A Paralegal may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product.

CANON 3. A Paralegal must not: (a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law; and (b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and (c) engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

CANON 4. A Paralegal must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required.

CANON 5. A Paralegal must disclose his or her status as a Paralegal at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A Paralegal must act prudently in determining the extent to which a client may be assisted without the presence of an attorney.

CANON 6. A Paralegal must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal service.

CANON 7. A Paralegal must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney.

CANON 8. A Paralegal must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.

CANON 9. A Paralegal's conduct is governed by the codes of professional responsibility and rules of professional conduct of the State Bar of New Mexico and the New Mexico Supreme Court. A member of the Paralegal Division of the State Bar of New Mexico shall be governed by the Rules Governing Paralegal Services (Rules 20-101 et seq. NMRA, as the same may be amended).