

The practice of paralegals

Law



The practice of paralegals has been a hazy profession for most people who are not involved in the practice of law. For some people, they think that they can hire a paralegal to represent them in simple court cases to save on money. Despite this misconception, paralegals follow a code of conduct that prohibits them from such practice of law. The job of a paralegal is just restricted to what the law provides that they can do, and representing clients in courts is something only a member of the bar of each state is allowed to do.

So for example, if a former client of the firm where a paralegal works sees him or her in the street at a local lunch stand and shows you a copy of a judgment rendered against him in a small-claims court. He tells you he is out of work and cannot afford to hire a lawyer. He cannot help the client. In fact, according to the Indiana paralegal association code of ethics and professional responsibility and rules for enforcement Canon 9, stating that a paralegal shall not engage in the unauthorized practice of law.

He or she should comply with the applicable Indiana legal authority governing the unauthorized practice of law. A paralegal therefore is not allowed to be responsible for establishing an attorney-client relationship, be responsible for establishing the amount of a fee to be charged to a client for a legal service, be responsible for rendering a legal opinion to a client, or enter an appearance on behalf of a client in court unless authorized by that court or by agency rule.

In the theoretical case we presented, all the acts of giving legal advice to a client, establishing an attorney-client relationship with the anybody,

establishing a fee for the legal service and being responsible to enter an appearance behalf of a client in court unless authorized by that court or by agency rule are all clear violations of the code of conduct of paralegals and practice of state law in Indiana. Giving the legal advice and representing a client in a small claims court also constitutes as practicing law.

According to 42 Pa. C. S. A. § 2524, practice of law without admission to the bar is a third degree misdemeanor under. The Pennsylvania courts have declined to define specifically what constitutes the " practice of law" other than to say that it is more than mere appearances in court and the conduct of litigation and that it involves the application of legal knowledge and techniques. *Dauphin County Bar Assoc. v. Mazzarco*, (1976); *Shortz v. Farrell* (1937); *Shortz v. Yetter* (Luzerne Co. C. P. 1940).

Even if the client claims to have no money to afford a lawyer's representation. Bankruptcy courts are obliged to invoke their broad equity powers to develop and define the parameters of the practice of law in bankruptcy proceedings. *In re Arthur*, (Bankr. E. D. Pa. 1981); *In re Campanella* (Bankr. E. D. Pa. 1997). Accordingly, the standard for determining whether a person is engaged in the unauthorized practice of law is " whenever and wherever the service requires legal knowledge, training, skill, and ability beyond those possessed by the average man.

In re Arthur (Bankr. E. D. Pa. 1981); *In re Campanella* (Bankr. E. D. Pa. 1997), See also *Shortz v. Farrell* (1937); *Blair v. Motor Carriers* (Phila. Co. C. P. 1939). Despite the lack of resources a client may have, he or she must know and the paralegal is obliged to tell the client that she is not capable for such

representation in the courts and legal advice. Such offenses has sanctions in local law and legal documents filed in court will not be considered valid even in the small claims court.