

ETHICS FOR SUPPORT STAFF

The legal liability of a lawyer is sometimes very different from an ethical violation. An ethical violation usually results in a complaint being made to the Bar Association itself. The ethical violation, if proven, can cause a public reprimand, suspension from the practice of law for a period of time, or complete disbarment. Legal liability results in a claim being made against an attorney through his or her malpractice insurance carrier. A malpractice claim results when a client believes the attorney has made an error that results in some of damage to the client. These errors by the attorney are not necessarily ethical violations.

For new staff, the most important thing to remember is that everything you learn in the law office is confidential. Working in a law office is exciting, and you may learn all kinds of interesting things about prominent or well-known people in the community. It's tempting to disclose some of this information to outsiders (these include spouse and family members). It is a natural response because it makes us feel important to convey knowledge others don't have. Revealing information obtained through your employment can be harmful and/or hurtful to other people. It can also result in a malpractice claim being brought against your employer. It can also result in your discharge from your employment and the probability you will never be hired by another law firm.

A situation that often arises with legal staff is when family, friends, or even acquaintances find out you are working in a law office and assume you must know all about the law and ask you for legal advice. Never give legal advice even if you feel you know the answer. Providing legal advice without a license is the unauthorized practice of law and subject to prosecution by the Oregon State Bar. For more information, visit the bar's Web site, <http://www.osbar.org/upl>. See also Helen Hirschbiel, "Supervising Nonlawyers: The watchwords are 'train' and 'supervise,'" *Oregon State Bar Bulletin* (November 2004). <http://www.osbar.org/publications/bulletin/04nov/barcounsel.html>; Amber Hollister, "The Many Faces of UPL: Protecting the Public from the Unlawful Practice of Law," *Oregon State Bar Bulletin* (May 2012). <http://www.osbar.org/publications/bulletin/12may/barcounsel.html>; and Hong Dao, "Good Intentions: Staff Supervision Needed — Maybe More Than You Think," *Oregon State Bar Bulletin* (July 2015) <http://www.osbar.org/publications/bulletin/15jul/managing.html>.

All rules, regulations and policies applicable to Oregon lawyers can be viewed at www.osbar.org/rulesregs. The Oregon Rules of Professional Conduct (ORPC) <http://www.osbar.org/docs/rulesregs/orpc.pdf> contain regulatory provisions that attorneys licensed to practice law in Oregon must follow. All legal staff should be acquainted with the ORPCs and be familiar with the ethics opinions which pertain to them. As a legal professional, conduct yourself in a manner consistent with the ORPCs.

You are a professional in a professional field. This should not be just a job. Perform in such a way as to be respected by others in the profession. You may need to change jobs. This could be because you have outgrown your job or the pay or opportunities are better elsewhere. Unless you have established a good professional attitude in your community, those better jobs will not be available to you. Perform as a professional and you will be recognized as a professional.

IMPORTANT NOTICES

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