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**1/78 B      Paralegals**

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Use of paralegals is ethical and to be encouraged because it offers the opportunity to provide legal services to more people at potentially lower costs. There are ethical problems involved, however, particularly in the area of avoiding the unauthorized practice of law. In general, to avoid charges of fostering the unauthorized practice of law, an attorney must be primarily responsible to the client for any work done by a paralegal. What specific work a paralegal may perform is best answered on a case-by-case basis. It appears s/he could ethically negotiate settlements providing the attorney retains final discretion whether to accept or reject an offer.

Attorney who use of paralegals should keep in mind the prohibition stated in DR 3-102 against sharing of fees with a non-lawyer. The ABA has concluded, however, in Informal Opinion 1333, that an attorney may ethically itemize on a fee statement the time spent on a matter by a law student, so long as the student's limitation as a non-attorney is clearly stated. The prohibition in DR 3-103 against forming a partnership with a non-attorney if the partnership engages in the practice of law should also be kept in mind.

Paralegals may sign correspondence which is incident to their responsibilities, provided their capacity is carefully spelled out to avoid the impression that they are an attorney.

Paralegals may not be listed on a firm's letterhead even with a designation as to their capacity. They may, however, use a business card containing the name, designation and the firm's name.

It would not be per se unethical for two or more law firms to share the services of a paralegal as long as the cautions against divulgence of a client's confidence, secrets and the avoidance of conflicts of interest are scrupulously avoided.