

LAW OFFICE ETHICS

AND THE ROLE OF THE LEGAL ASSISTANT

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I. INTRODUCTION:

Legal Assistants play an important role in the efficient operation of a law office. The role requires a variety of skills in order to provide the support and organizational assistance that most lawyers require. The purpose of this paper is to outline what legal ethics means and discuss how they apply to the role of the legal assistant. The paper will also discuss some of the ethical obligations on lawyers and how legal assistants can assist the lawyers that they are working with to ensure that they are in compliance with their professional obligations under the Law Society of Alberta's Code of Professional Conduct ("Code of Conduct"). It will also discuss the importance of communication in the office, suggestions as to how to deal with conflicts and competing demands for your time, and how to maintain a good working relationship with your colleagues.

II. LEGAL ETHICS IN THE OFFICE:

Legal ethics are a set of standards that apply to all employees who work in a law office. They guide how employees conduct themselves and interact with others during the course of their employment. These include the duties that each member of the firm owes to one another, their clients, and the courts.¹ Three principles that are discussed here are confidentiality, competency, and professionalism.

One of the cornerstones of law office ethics is confidentiality. A lawyer is required by the Law Society of Alberta's Code of Conduct to take "all reasonable steps to ensure the maintenance of confidentiality by all persons engaged or employed by the lawyer."² On behalf of the lawyer, legal assistants are required to ensure that all information that may come into their possession about a client is kept confidential. No one working in a law office may disclose the identity of a

¹ *Black's Law Dictionary*, 7th ed. S.v. "legal ethics"

² *Code of Professional Conduct*, Law Society of Alberta, C.2, R.4 (the "Code of Conduct").

client, nor the fact that their office has been retained to act on its behalf.³ Any confidential information relating to a client cannot be disclosed without the client's consent.⁴ The relationship between a client and its law firm is an important one. The client has to know that whatever information it entrusts to its law firm, it will be kept confidential at all times and used only for the purposes in which the firm has been retained. This is an important opportunity for legal assistants to help build the mutual trust and respect with the client.

Litigation legal assistants can expect to be the first point of contact for clients and opposing counsel on a variety of files. They will also likely be the person who coordinates multiple schedules for the setting of meetings, discoveries, and applications at the courthouse. Some of the responsibilities of a typical litigation legal assistant can include general file management, the preparation of various documents including correspondence and pleadings, the managing of timelines for the production of documents, and the day to day interaction with clients. At all of these points of contact, the confidentiality of the client's information must be maintained.

Part of the legal assistant's role is to help keep the lawyer and the file organized. Litigation can be a very paper intensive type of practice, and therefore, requires a high level of organizational ability. A skilled legal assistant can help keep multi-party litigation well organized and make it easy for the lawyers to find what they need when they need it. It will also minimize the number of instances of accidental disclosure of confidential information to other parties. Devising a file management strategy at the commencement of a file will help the lawyer and the legal assistant stay organized and keep track of incoming and outgoing correspondence and documents.

A second principle of law office ethics is knowing what your limits are. The competency of the legal assistant (level of experience and knowledge) will dictate the level of supervision that will be required by the lawyer they are working with. The more junior an assistant is, the more supervision that will be required. If a legal assistant is asked to perform a task that they do not feel qualified to do, it is important that they be honest and upfront about it. Admitting that they have not done that type of task before is not some form of terrible admission. All it means is that

³ Ibid, R. 2.

⁴ Ibid, R. 7.