

RESPONSIBILITIES REGARDING OTHER LEGAL PRACTITIONERS

With respect to an LLLT employed or retained by or associated with a lawyer;

(a) a partner and a lawyer who individually or together with other lawyers possess comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the LLLT's conduct is compatible with the professional obligations of the lawyer and the professional obligations applicable to the LLLT directly; and

(b) a lawyer having direct supervisory authority over the LLLT shall make reasonable efforts to ensure that the LLLT's conduct is compatible with the professional obligations of the lawyer and the professional obligations applicable to the LLLT directly;

(c) a lawyer shall be responsible for conduct of an LLLT that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the LLLT is employed, or has direct supervisory authority over the LLLT, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

[Adopted effective April 14, 2015.]

Comment

[1] Lawyers may employ, hire, or associate with LLLTs. As with a lawyer's obligations under Rule 5.3 with respect to nonlawyer assistants, a lawyer with managerial authority over LLLTs must make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that LLLTs in the firm will act in a way compatible with the Rules of Professional Conduct, and a lawyer with supervisory authority over an LLLT must make reasonable efforts to ensure that the LLLT's conduct is compatible with the professional obligations of the lawyer. In addition, LLLTs are subject to the LLLT RPC and APR 28. A lawyer with managerial or supervisory authority over an LLLT is also ethically obligated to make reasonable efforts to ensure that the LLLTs conduct is compatible with those specific professional and ethical obligations.

[Comment adopted effective April 14, 2015.]