

Bridge the Gap Mentoring Program
Introduction to Prevention of the Unauthorized Practice of Law
Resource 25

Resource 25 is material about how to prevent the unauthorized practice of law with staff.

- Discuss the types of behavior that constitute the unauthorized practice of law in New Mexico and to the extent possible, define the “practice of law”. See the attached American Bar Association center for Professional Responsibility. *The Legal Assistants Practical Guide to Professional Responsibility* (2nd Edition). ABA, 1998. (See Resource 21.)
- Discuss the policy interests that are served by the prosecution of non-licensed persons engaging in the unauthorized practice of law.
- Discuss an attorney’s ethical obligation to prevent the unauthorized practice of law and provide specific tips on how to prevent non-lawyer personnel from inadvertently (or intentionally) engaging in it. See Rule 16-503 NMRA and Rule 16-505 NMRA (find at <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0> or <http://www.law.cornell.edu/ethics/nm/code/>)
- If mentoring Inside, discuss the office policies (if any) that are in place to prevent the unauthorized practice of law by non-lawyer staff.
- Share with the new lawyer appropriate ways to monitor the work product and activities of support staff for which the new lawyer is ultimately responsible as an attorney.
- Discuss what constitutes adequate supervision of non-lawyer employees and the types of non-lawyer employees that attorneys have the obligation to supervise.
- Discuss the types of business relationships in which a lawyer could become involved which might potentially cause him to aid the unauthorized practice of law. See Rule 16-503 NMRA and Rule 16-505 NMRA. (find at <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0> or <http://www.law.cornell.edu/ethics/nm/code/>)

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