

1 **Rule 14-802. Authorization to practice law.**

2 (a) Except as set forth in subsections (c) and (d) of this rule, only persons who are
3 active, licensed members of the Bar in good standing may engage in the practice of law
4 in Utah.

5 (b) For purposes of this rule:

6 (b)(1) The “practice of law” is the representation of the interests of another person by
7 informing, counseling, advising, assisting, advocating for or drafting documents for that
8 person through application of the law and associated legal principles to that person’s
9 facts and circumstances.

10 (b)(2) The “law” is the collective body of declarations by governmental authorities
11 that establish a person’s rights, duties, constraints and freedoms and consists primarily
12 of:

13 (b)(2)(A) constitutional provisions, treaties, statutes, ordinances, rules, regulations
14 and similarly enacted declarations; and

15 (b)(2)(B) decisions, orders and deliberations of adjudicative, legislative and
16 executive bodies of government that have authority to interpret, prescribe and
17 determine a person’s rights, duties, constraints and freedoms.

18 (b)(3) “Person” includes the plural as well as the singular and legal entities as well as
19 natural persons.

20 (c) Exceptions and Exclusions for Licensed Paralegal Practitioners. A person may
21 be licensed to engage in the limited practice of law in the area or areas of (1) temporary
22 separation, divorce, parentage, cohabitant abuse, civil stalking, and custody and
23 support; (2) forcible entry and detainer; ~~or~~ and (3) debt collection matters in which the
24 dollar amount in issue does not exceed the statutory limit for small claims cases.

25 (c)(1)(A) Within a practice area or areas in which a Licensed Paralegal Practitioner is
26 licensed, a Licensed Paralegal Practitioner who is in good standing may represent the
27 interests of a natural person who is not represented by a lawyer unaffiliated with the
28 Licensed Paralegal Practitioner by:

29 (c)(1)(B) establishing a contractual relationship with the client;

30 (c)(1)(C) interviewing the client to understand the client’s objectives and obtaining
31 facts relevant to achieving that objective;

32 (c)(1)(D) completing ~~an approved~~ forms approved by the Judicial Council;

33 (c)(1)(E) informing, counseling, advising, and assisting in determining which form to
34 use and giving advice on how to complete the form;

35 (c)(1)(F) signing, filing, and completing service of the form;
36 (c)(1)(G) obtaining, explaining, and filing any document needed to support the form;
37 (c)(1)(H) reviewing documents of another party and explaining them;
38 (c)(1)(I) informing, counseling, assisting and advocating for a client in mediated
39 negotiations;
40 (c)(1)(J) filling in, signing, filing and completing service of a written settlement
41 agreement form in conformity with the negotiated agreement;
42 (c)(1)(K) communicating with another party or the party's representative regarding
43 the relevant form and matters reasonably related thereto; and
44 (c)(1)(L) explaining a court order that affects the client's rights and obligations.
45 (d) Other Exceptions and Exclusions. Whether or not it constitutes the practice of
46 law, the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer
47 or to be able to practice law, is permitted:
48 (d)(1) Making legal forms available to the general public, whether by sale or
49 otherwise, or publishing legal self-help information by print or electronic media.
50 (d)(2) Providing general legal information, opinions or recommendations about
51 possible legal rights, remedies, defenses, procedures, options or strategies, but not
52 specific advice related to another person's facts or circumstances.
53 (d)(3) Providing clerical assistance to another to complete a form provided by a
54 municipal, state, or federal court located in the State of Utah when no fee is charged to
55 do so.
56 (d)(4) When expressly permitted by the court after having found it clearly to be in the
57 best interests of the child or ward, assisting one's minor child or ward in a juvenile
58 court proceeding.
59 (d)(5) Representing a party in small claims court as permitted by Rule of Small
60 Claims Procedure 13.
61 (d)(6) Representing without compensation a natural person or representing a legal
62 entity as an employee representative of that entity in an arbitration proceeding, where
63 the amount in controversy does not exceed the jurisdictional limit of the small claims
64 court set by the Utah Legislature.
65 (d)(7) Representing a party in any mediation proceeding.
66 (d)(8) Acting as a representative before administrative tribunals or agencies as
67 authorized by tribunal or agency rule or practice.
68 (d)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

69 (d)(10) Participating in labor negotiations, arbitrations or conciliations arising under
70 collective bargaining rights or agreements or as otherwise allowed by law.

71 (d)(11) Lobbying governmental bodies as an agent or representative of others.

72 (d)(12) Advising or preparing documents for others in the following described
73 circumstances and by the following described persons:

74 (d)(12)(A) a real estate agent or broker licensed by the state of Utah may complete
75 State-approved forms including sales and associated contracts directly related to the
76 sale of real estate and personal property for their customers.

77 (d)(12)(B) an abstractor or title insurance agent licensed by the state of Utah may
78 issue real estate title opinions and title reports and prepare deeds for customers.

79 (d)(12)(C) financial institutions and securities brokers and dealers licensed by Utah
80 may inform customers with respect to their options for titles of securities, bank accounts,
81 annuities and other investments.

82 (d)(12)(D) insurance companies and agents licensed by the state of Utah may
83 recommend coverage, inform customers with respect to their options for titling of
84 ownership of insurance and annuity contracts, the naming of beneficiaries, and the
85 adjustment of claims under the company's insurance coverage outside of litigation.

86 (d)(12)(E) health care providers may provide clerical assistance to patients in
87 completing and executing durable powers of attorney for health care and natural death
88 declarations when no fee is charged to do so.

89 (d)(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants,
90 public bookkeepers, and tax preparers may prepare tax returns.

91

92 Advisory Committee Comment:

93 Subsection (a).

94 "Active" in this paragraph refers to the formal status of a lawyer, as determined by the Bar.
95 Among other things, an active lawyer must comply with the Bar's requirements for continuing
96 legal education.

97

98 Subsection (b).

99 The practice of law defined in Subparagraph (b)(1) includes: giving advice or counsel to another
100 person as to that person's legal rights or responsibilities with respect to that person's facts and
101 circumstances; selecting, drafting or completing legal documents that affect the legal rights or
102 responsibilities of another person; representing another person before an adjudicative,
103 legislative or executive body, including the preparation or filing of documents and conducting

104 discovery; negotiating legal rights or responsibilities on behalf of another person.

105

106 Because representing oneself does not involve another person, it is not technically the "practice
107 of law." Thus, any natural person may represent oneself as an individual in any legal context. To
108 the same effect is Article 1, Rule 14-111 Integration and Management: "Nothing in this article
109 shall prohibit a person who is unlicensed as an attorney at law or a foreign legal consultant from
110 personally representing that person's own interests in a cause to which the person is a party in
111 his or her own right and not as assignee."

112

113 Similarly, an employee of a business entity is not engaged in "the representation of the interest
114 of another person" when activities involving the law are a part of the employee's duties solely in
115 connection with the internal business operations of the entity and do not involve providing legal
116 advice to another person. Further, a person acting in an official capacity as an employee of a
117 government agency that has administrative authority to determine the rights of persons under
118 the law is also not representing the interests of another person.

119

120 As defined in subparagraph (b)(2), "the law" is a comprehensive term that includes not only the
121 black-letter law set forth in constitutions, treaties, statutes, ordinances, administrative and court
122 rules and regulations, and similar enactments of governmental authorities, but the entire fabric of
123 its development, enforcement, application and interpretation.

124

125 Laws duly enacted by the electorate by initiative and referendum under constitutional authority
126 would be included under subparagraph (b)(2)(A).

127

128 Subparagraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well as the
129 background, such as committee hearings, floor discussions and other legislative history, that
130 often accompanies the written law of legislatures and other law- and rule-making bodies.

131 Reference to adjudicative bodies in this subparagraph includes courts and similar tribunals,
132 arbitrators, administrative agencies and other bodies that render judgments or opinions
133 involving a person's interests.

134

135 Subsection (c).

136 The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015 Report
137 and Recommendation of the Utah Supreme Court Task Force to Examine Limited Legal

138 Licensing. The Task Force was created to make recommendations to address the large number
139 of litigants who are self-represented or forego access to the Utah judicial system because of the
140 high cost of retaining a lawyer. The Task Force recommended that the Utah Supreme Court
141 exercise its constitutional authority to govern the practice of law to create a subset of discreet
142 legal services in the practice areas of: (1) temporary separation, divorce, parentage, cohabitant
143 abuse, civil stalking, and custody and support; (2) unlawful detainer and forcible entry and
144 detainer; and (3) debt collection matters in which the dollar amount in issue does not exceed the
145 statutory limit for small claims cases. The Task Force determined that these three practice areas
146 have the highest number of unrepresented litigants in need of low cost legal assistance. Based
147 on the Task Force's recommendations, the Utah Supreme Court authorized Licensed Paralegal
148 Practitioners to provide limited legal services as prescribed in this Rule and in accordance with
149 the Supreme Court Rules of Professional Practice.

150

151 Subsection (c)(1)(D)

152 **A Licensed Paralegal Practitioner may complete forms that are approved by the Judicial**
153 **Council. The Judicial Council approves forms for the Online Court Assistance Program and for**
154 **use by the public. The forms approved by the Judicial Council may be found at**
155 **<https://www.utcourts.gov/ocap/> and <https://www.utcourts.gov/selfhelp/> .**

156

157 Subsection (d).

158 To the extent not already addressed by the requirement that the practice of law involves the
159 representation of others, subparagraph (d)(2) permits the direct and indirect dissemination of
160 legal information in an educational context, such as legal teaching and lectures.

161

162 Subparagraph (d)(3) permits assistance provided by employees of the courts and legal-aid and
163 similar organizations that do not charge for providing these services.

164

165 Subparagraph (d)(7) applies only to the procedures directly related to parties' involvement
166 before a neutral third-party mediator; it does not extend to any related judicial proceedings
167 unless otherwise provided for under this rule (e.g., under subparagraph (d)(5)).

Effective February 1, 2019