

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

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

6 (b) For purposes of this rule:

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

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

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

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

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

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

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

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

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

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

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

36 (c)(1)(F) signing, filing, and completing service of the form;

37 (c)(1)(G) obtaining, explaining, and filing any document needed to support the form;

38 (c)(1)(H) reviewing documents of another party and explaining them;

39 (c)(1)(I) informing, counseling, assisting and advocating for a client in mediated
40 negotiations;

41 (c)(1)(J) filling in, signing, filing and completing service of a written settlement
42 agreement form in conformity with the negotiated agreement;

43 (c)(1)(K) communicating with another party or the party's representative regarding
44 the relevant form and matters reasonably related thereto; and

45 (c)(1)(L) explaining a court order that affects the client's rights and obligations.

46 (d) Other Exceptions and Exclusions. Whether or not it constitutes the practice of
47 law, the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer
48 or to be able to practice law, is permitted:

49 (d)(1) Making legal forms available to the general public, whether by sale or
50 otherwise, or publishing legal self-help information by print or electronic media.

51 (d)(2) Providing general legal information, opinions or recommendations about
52 possible legal rights, remedies, defenses, procedures, options or strategies, but not
53 specific advice related to another person's facts or circumstances.

54 (d)(3) Providing clerical assistance to another to complete a form provided by a
55 municipal, state, or federal court located in the State of Utah when no fee is charged to
56 do so.

57 (d)(4) When expressly permitted by the court after having found it clearly to be in the
58 best interests of the child or ward, assisting one's minor child or ward in a juvenile court
59 proceeding.

60 (d)(5) Representing a party in small claims court as permitted by Rule of Small
61 Claims Procedure 13.

62 (d)(6) Representing without compensation a natural person or representing a legal
63 entity as an employee representative of that entity in an arbitration proceeding, where
64 the amount in controversy does not exceed the jurisdictional limit of the small claims
65 court set by the Utah Legislature.

66 (d)(7) Representing a party in any mediation proceeding.

67 (d)(8) Acting as a representative before administrative tribunals or agencies as

68 authorized by tribunal or agency rule or practice.

69 (d)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

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

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

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

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

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

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

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

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

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

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93 Advisory Committee Comment:

94 Subsection (a).

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

98

99 Subsection (b).

100 The practice of law defined in Subparagraph (b)(1) includes: giving advice or counsel to
101 another person as to that person's legal rights or responsibilities with respect to that
102 person's facts and circumstances; selecting, drafting or completing legal documents that

103 affect the legal rights or responsibilities of another person; representing another person
104 before an adjudicative, legislative or executive body, including the preparation or filing of
105 documents and conducting discovery; negotiating legal rights or responsibilities on
106 behalf of another person.

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

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

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

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

127 Subparagraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well
128 as the background, such as committee hearings, floor discussions and other legislative
129 history, that often accompanies the written law of legislatures and other law- and rule-
130 making bodies. Reference to adjudicative bodies in this subparagraph includes courts
131 and similar tribunals, arbitrators, administrative agencies and other bodies that render
132 judgments or opinions involving a person's interests.

133 Subsection (c).

134 The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015
135 Report and Recommendation of the Utah Supreme Court Task Force to Examine
136 Limited Legal Licensing. The Task Force was created to make recommendations to
137 address the large number of litigants who are self-represented or forego access to the
138 Utah judicial system because of the high cost of retaining a lawyer. The Task Force
139 recommended that the Utah Supreme Court exercise its constitutional authority to
140 govern the practice of law to create a subset of discreet legal services in the practice

141 areas of: (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking,
142 and custody and support; (2) unlawful detainer and forcible entry and detainer; and (3)
143 debt collection matters in which the dollar amount in issue does not exceed the statutory
144 limit for small claims cases. The Task Force determined that these three practice areas
145 have the highest number of unrepresented litigants in need of low cost legal assistance.
146 Based on the Task Force's recommendations, the Utah Supreme Court authorized
147 Licensed Paralegal Practitioners to provide limited legal services as prescribed in this
148 Rule and in accordance with the Supreme Court Rules of Professional Practice.

149 Subsection (c)(1)(D)

150 **A Licensed Paralegal Practitioner may complete forms that are approved by the Judicial**
151 **Council and that are related to the limited scope of practice of law described in Subpart**
152 **(c) of this rule. The Judicial Council approves forms for the Online Consumer Assistance**
153 **Program and for use by the public. The forms approved by the Judicial Council may be**
154 **found at <https://www.utcourts.gov/ocap/> and <https://www.utcourts.gov/selfhelp/> .**

155 Subsection (d).

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

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

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

Effective May 1, 2019