

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

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

5 (b) Definitions. For purposes of this rule:

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

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

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

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

18 (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 be  
21 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 support;  
23 (2) forcible entry and detainer; and (3) debt collection matters in which the dollar amount  
24 in issue does not exceed the statutory limit for small claims cases.

25 (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

27 the interests of a natural person who is not represented by a lawyer unaffiliated  
28 with the Licensed Paralegal Practitioner by:

29 (~~B~~A) establishing a contractual relationship with the client;

30 (~~E~~B) interviewing the client to understand the client's objectives and  
31 obtaining facts relevant to achieving that objective;

32 (~~D~~C) completing forms approved by the Judicial Council;

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

35 (~~F~~E) signing, filing, and completing service of the form;

36 (~~G~~F) obtaining, explaining, and filing any document needed to support the  
37 form;

38 (~~H~~G) reviewing documents of another party and explaining them;

39 (~~H~~H) informing, counseling, assisting and advocating for a client in  
40 mediated negotiations;

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

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

45 (~~L~~K) 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 law,  
47 the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer or  
48 to be able to practice law, is permitted:

49 (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 (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 (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  
56 charged to do so.

57 (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  
59 court proceeding.

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

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

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

67 (8) Acting as a representative before administrative tribunals or agencies as  
68 authorized by tribunal or agency rule or practice.

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

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

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

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

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

78 customers.

79 (B) ~~a~~An abstractor or title insurance agent licensed ~~by the state of~~in Utah  
80 may issue real estate title opinions and title reports and prepare deeds for  
81 customers.

82 (C) ~~f~~Financial institutions and securities brokers and dealers licensed ~~by~~in  
83 Utah may inform customers with respect to their options for titles of  
84 securities, bank accounts, annuities, and other investments.

85 (D) ~~i~~Insurance companies and agents licensed ~~by the state of~~in Utah may  
86 recommend coverage, inform customers with respect to their options for  
87 titling of ownership of insurance and annuity contracts, the naming of  
88 beneficiaries, and the adjustment of claims under the company's insurance  
89 coverage outside of litigation.

90 (E) ~~h~~Health care providers may provide clerical assistance to patients in  
91 completing and executing durable powers of attorney for health care and  
92 natural death declarations when no fee is charged to do so.

93 (F) Certified Public Accountants, enrolled IRS agents, public accountants,  
94 public bookkeepers, and tax preparers may prepare tax returns.

95 (13) Representing an Indian tribe that has formally intervened in a proceeding  
96 subject to the Indian Child Welfare Act of 1978, 25 U.S.C. sections 1901-63. Before  
97 a nonlawyer may represent a tribe, the tribe must designate the nonlawyer  
98 representative by filing a written authorization. If the tribe changes its designated  
99 representative or if the representative withdraws, the tribe must file a written  
100 substitution of representation or withdrawal.

101 (14) Providing legal services under Utah Supreme Court Standing Order No. 15.

102 Effective September 1, 2020

103 **Advisory Committee Comment:**

104 ~~Subsection~~Paragraph (a).

105 “Active” in this paragraph refers to the formal status of a lawyer, as determined by the  
106 Bar. Among other things, an active lawyer must comply with the Bar’s requirements for  
107 continuing legal education.

108 ~~Subsection~~Paragraph (b).

109 The practice of law defined in ~~Sub~~paragraph (b)(1) includes: giving advice or counsel to  
110 another person as to that person’s legal rights or responsibilities with respect to that  
111 person’s facts and circumstances; selecting, drafting, or completing legal documents that  
112 affect the legal rights or responsibilities of another person; representing another person  
113 before an adjudicative, legislative, or executive body, including ~~the preparation~~preparing  
114 or filing ~~of~~ documents and conducting discovery; and negotiating legal rights or  
115 responsibilities on behalf of another person.

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

122 Similarly, an employee of a business entity is not engaged in “the representation of the  
123 interest of another person” when activities involving the law are a part of the employee’s  
124 duties solely in connection with the internal business operations of the entity and do not  
125 involve providing legal advice to another person. Further, a person acting in an official  
126 capacity as an employee of a government agency that has administrative authority to  
127 determine the rights of persons under the law is also not representing the interests of  
128 another person.

129 As defined in ~~sub~~paragraph (b)(2), “the law” is a comprehensive term that includes not  
130 only the black-letter law set forth in constitutions, treaties, statutes, ordinances,

131 administrative and court rules and regulations, and similar enactments of governmental  
132 authorities, but the entire fabric of its development, enforcement, application, and  
133 interpretation.

134 Laws duly enacted by the electorate by initiative and referendum under constitutional  
135 authority ~~would be~~are included under ~~sub~~paragraph (b)(2)(A).

136 ~~Subp~~Paragraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well  
137 as the background, such as committee hearings, floor discussions, and other legislative  
138 history, that often accompanies the written law of legislatures and other law- and rule-  
139 making bodies. Reference to adjudicative bodies in this ~~sub~~paragraph includes courts  
140 and similar tribunals, arbitrators, administrative agencies, and other bodies that render  
141 judgments or opinions involving a person's interests.

142 ~~Subsection~~Paragraph (c).

143 The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015  
144 Report and Recommendation of the Utah Supreme Court Task Force to Examine Limited  
145 Legal Licensing. The Task Force was created to make recommendations to address the  
146 large number of litigants who are ~~self-un~~represented or forego access to the Utah judicial  
147 system because of the high cost of retaining a lawyer. The Task Force recommended that  
148 the Utah Supreme Court exercise its constitutional authority to govern the practice of law  
149 to create a subset of discreet legal services in the practice areas of: (1) temporary  
150 separation, divorce, parentage, cohabitant abuse, civil stalking, and custody and support;  
151 (2) unlawful detainer and forcible entry and detainer; and (3) debt collection matters in  
152 which the dollar amount in issue does not exceed the statutory limit for small claims  
153 cases. The Task Force determined that these three practice areas have the highest number  
154 of unrepresented litigants in need of low-cost legal assistance. Based on the Task Force's  
155 recommendations, the Utah Supreme Court authorized Licensed Paralegal Practitioners  
156 to provide limited legal services as prescribed in this ~~R~~rule and in accordance with the  
157 Supreme Court Rules of Professional Practice.

158 ~~Subsection~~Paragraph (c)(1)(~~D~~E).

159 A Licensed Paralegal Practitioner may complete forms that are approved by the Judicial  
160 Council and that are related to the limited scope of practice of law described in ~~Subpart~~  
161 paragraph (c)-~~of this rule~~. The Judicial Council approves forms for the Online Consumer  
162 Assistance Program and for use by the public. The forms approved by the Judicial  
163 Council may be found at <https://www.utcourts.gov/ocap/> and  
164 <https://www.utcourts.gov/selfhelp/>.

165 ~~Subsection~~Paragraph (d).

166 To the extent not already addressed by the requirement that the practice of law involves  
167 the representation of others, ~~sub~~paragraph (d)(2) permits the direct and indirect  
168 dissemination of legal information in an educational context, such as legal teaching and  
169 lectures.

170 ~~Subp~~Paragraph (d)(3) permits assistance provided by employees of the courts and legal-  
171 aid and similar organizations that do not charge for providing these services.

172 ~~Subp~~Paragraph (d)(7) applies only to the procedures directly related to parties'  
173 involvement before a neutral third-party mediator; it does not extend to any related  
174 judicial proceedings unless otherwise provided for under this rule (e.g., under  
175 ~~sub~~paragraph (d)(5)).