

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

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

4 (b) **Definitions.** For purposes of this rule:

5 (1) "Practice of law" means representing the interests of another person by
6 informing, counseling, advising, assisting, advocating for, or drafting documents
7 for that person through applying the law and associated legal principles to that
8 person's facts and circumstances.

9 (2) "Law" means the collective body of declarations by governmental authorities
10 that establish a person's rights, duties, constraints, and freedoms and includes:

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

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

16 (3) "Person" includes the plural as well as the singular and legal entities as well as
17 natural persons.

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

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

27 (A) establishing a contractual relationship with the client;

28 (B) interviewing the client to understand the client's objectives and
29 obtaining facts relevant to achieving that objective;

30 (C) completing forms approved by the Judicial Council;

- 31 (D) informing, counseling, advising, and assisting in determining which
32 form to use and giving advice on how to complete the form;
- 33 (E) signing, filing, and completing service of the form;
- 34 (F) obtaining, explaining, and filing any document needed to support the
35 form;
- 36 (G) reviewing documents of another party and explaining them;
- 37 (H) informing, counseling, assisting and advocating for a client in mediated
38 negotiations;
- 39 (I) filling in, signing, filing, and completing service of a written settlement
40 agreement form in conformity with the negotiated agreement;
- 41 (J) communicating with another party or the party's representative
42 regarding the relevant form and matters reasonably related thereto; and
- 43 (K) explaining a court order that affects the client's rights and obligations; _z
- 44 (L) standing or sitting with the client during a proceeding to provide
45 emotional support, answering factual questions as needed that are
46 addressed to the client by the court or opposing counsel, taking notes, and
47 assisting the client to understand the proceeding and relevant orders.

48 (d) **Exceptions and Exclusions.** Whether or not it constitutes the practice of law, the
49 following activity by a nonlawyer, who is not otherwise claiming to be a lawyer or to be
50 able to practice law, is permitted:

- 51 (1) Making legal forms available to the general public, whether by sale or
52 otherwise, or publishing legal self-help information by print or electronic media.
- 53 (2) Providing general legal information, opinions, or recommendations about
54 possible legal rights, remedies, defenses, procedures, options, or strategies, but not
55 specific advice related to another person's facts or circumstances.
- 56 (3) Providing clerical assistance to another to complete a form provided by a
57 municipal, state, or federal court located in Utah when no fee is charged to do so.
- 58 (4) When expressly permitted by the court after having found it clearly to be in the
59 best interests of the child or ward, assisting one's minor child or ward in a juvenile
60 court proceeding.

- 61 (5) Representing a party in small claims court as permitted by Rule of Small Claims
62 Procedure 13.
- 63 (6) Representing without compensation a natural person or representing a legal
64 entity as an employee representative of that entity in an arbitration proceeding,
65 where the amount in controversy does not exceed the jurisdictional limit of the
66 small claims court set by the Utah Legislature.
- 67 (7) Representing a party in any mediation proceeding.
- 68 (8) Acting as a representative before administrative tribunals or agencies as
69 authorized by tribunal or agency rule or practice.
- 70 (9) Serving in a neutral capacity as a mediator, arbitrator, or conciliator.
- 71 (10) Participating in labor negotiations, arbitrations, or conciliations arising under
72 collective bargaining rights or agreements or as otherwise allowed by law.
- 73 (11) Lobbying governmental bodies as an agent or representative of others.
- 74 (12) Advising or preparing documents for others in the following described
75 circumstances and by the following described persons:
- 76 (A) A real estate agent or broker licensed in Utah may complete state-
77 approved forms including sales and associated contracts directly related to
78 the sale of real estate and personal property for their customers.
- 79 (B) An abstractor or title insurance agent licensed in Utah may issue real
80 estate title opinions and title reports and prepare deeds for customers.
- 81 (C) Financial institutions and securities brokers and dealers licensed in
82 Utah may inform customers with respect to their options for titles of
83 securities, bank accounts, annuities, and other investments.
- 84 (D) Insurance companies and agents licensed in Utah may recommend
85 coverage, inform customers with respect to their options for titling of
86 ownership of insurance and annuity contracts, the naming of beneficiaries,
87 and the adjustment of claims under the company's insurance coverage
88 outside of litigation.
- 89 (E) Health care providers may provide clerical assistance to patients in
90 completing and executing durable powers of attorney for health care and
91 natural death declarations when no fee is charged to do so.

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

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

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

101 *Effective September 1, 2020*

102 **Advisory Committee Comment:**

103 Paragraph (a).

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

107 Paragraph (b).

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

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

121 Similarly, an employee of a business entity is not engaged in “the representation of the
122 interest of another person” when activities involving the law are a part of the employee’s
123 duties solely in connection with the internal business operations of the entity and do not

124 involve providing legal advice to another person. Further, a person acting in an official
125 capacity as an employee of a government agency that has administrative authority to
126 determine the rights of persons under the law is also not representing the interests of
127 another person.

128 As defined in paragraph (b)(2), “the law” is a comprehensive term that includes not only
129 the black-letter law set forth in constitutions, treaties, statutes, ordinances, administrative
130 and court rules and regulations, and similar enactments of governmental authorities, but
131 the entire fabric of its development, enforcement, application, and interpretation.

132 Laws duly enacted by the electorate by initiative and referendum under constitutional
133 authority are included under paragraph (b)(2)(A).

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

140 Paragraph (c).

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

156 Paragraph (c)(1)(E).

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

162 Paragraph (d).

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

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

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