

1 **Rule 14-113. ~~Creation of p~~Paralegal division.**

2 (a) **Paralegal defined.**

3 (1) A paralegal is a person qualified through education, training, or work  
4 experience, who ~~is~~

5 (A) is employed or retained in Utah by a lawyer licensee of the Utah  
6 State Bar or the bar of another jurisdiction ("bar licensee"), a law office,  
7 a governmental agency, or ~~the another~~ entity;

8 (B) ~~in the capacity of function which involves the performance, under~~  
9 ~~the works under the~~ ultimate direction and supervision of a bar licensee  
10 attorney; and

11 (C), ~~of specifically delegated performs~~ substantive legal work that,  
12 which work, for the most part, requires a sufficient knowledge of legal  
13 concepts and that, absent such assistance, the attorney bar licensee  
14 would perform.

15 (2) A paralegal includes a Utah paralegal on a contract or free-lance basis  
16 who works under the supervision of a lawyer bar licensee or who produces  
17 work directly for a lawyer bar licensee for which a lawyer bar licensee is  
18 accountable.

19 (3) A paralegal may also include a Licensed Paralegal Practitioner as  
20 defined in Rule 14-101. The term "bar licensee" refers to both a lawyer and  
21 a Licensed Paralegal Practitioner.

22 (b) **Membership and structure of paralegal division.**

23 (1) A paralegal may ~~Qualified individuals can~~ become a "paralegal  
24 affiliates" of the Bar upon ~~submitting an~~ application to the Bar's paralegal  
25 ~~division of the Bar.~~

26 (2) -In addition to the application, a paralegal must also submit the  
27 following to the paralegal division: and fulfilling the following:

28 (1A) an initial and annual certification of continuous sponsorship of a  
29 paralegal affiliate by an employer who is a member-bar licensee of the  
30 Bar;

31 (2B) a certification by the attorney-bar licensee and paralegal affiliate  
32 that the paralegal undertakes no legal work outside the attorney's-bar  
33 licensee's supervision or the supervision of attorney-bar licensee  
34 members of the firm, wherein-except that joint sponsorship by joint  
35 employers would-isbe permitted;

36 (3C) an assumption of responsibility by the attorney-bar licensee for the  
37 compliance of the paralegal with all applicable rules of the Bar;

38 (4D) the paralegal affiliate's parallel commitment that the attorney-bar  
39 licensee and paralegal affiliate will notify the Bar of any change of  
40 employment of the paralegal affiliate; ~~The paralegal affiliate's authority~~  
41 ~~to function as a paralegal affiliate will terminate concurrent with~~  
42 ~~employment by the sponsor unless sponsorship is accepted by another~~  
43 ~~employer member of the Bar;~~

44 (E) evidence of compliance with the CLE requirements as reflected on  
45 the membership application; and

46 (5FE) an appropriate fee.

47 The paralegal affiliate's authority to function as a paralegal affiliate will  
48 terminate concurrent with employment by the sponsor unless sponsorship  
49 is accepted by another employer-licensee of the Bar.

50 (3) Except for the fee requirement in (b)(2)(F), the membership  
51 requirements of paragraph (b)(2) are waived if the applicant is an active  
52 member of the Bar as a Licensed Paralegal Practitioner.

53 (c) **Officers of paralegal division and ex officio membership on the Board.**

54 The paralegal division may appoint ~~officers a (president, vice-president,~~  
55 ~~treasurer, and secretary~~ Chair, Chair-Elect, Finance Officer, and Secretary) on  
56 an annual basis. The division may also appoint directors, and an ex officio,

57 non-voting member of the Board who ~~shall~~will report regularly to the  
58 division's membership regarding the overall activities of the Bar.

59 **(d) Paralegal division membership.**

60 (1) Paralegal affiliates are eligible to receive the Utah Bar Journal, notices of  
61 Bar functions, and bar-~~member~~licensee rates at seminars and meetings.  
62 Paralegal affiliates are not eligible for office within the Bar.

63 (2) Except for Licensed Paralegal Practitioners, ~~P~~paralegal affiliates ~~shall~~  
64 ~~not be~~not ~~directly~~ subject to discipline by the ~~Bar~~Office of Professional  
65 Conduct. However, under Rule 5.3 of the Utah Rules of Professional  
66 Conduct, supervising or responsible ~~attorneys~~bar licensees are responsible  
67 for all work undertaken by paralegal affiliates for or on their behalf.

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