

1 **Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Licensed**
2 **Paralegal Practitioner and Notice to Be Displayed.**

3 (a) Subject to paragraphs (c) and (d), a licensed paralegal practitioner shall abide by a client's
4 decisions concerning the objectives of representation and, as required by Rule 1.4,
5 shall consult with the client as to the means by which they are to be pursued. A licensed
6 paralegal practitioner may take such action on behalf of the client as is authorized to carry out
7 the representation. A licensed paralegal practitioner shall abide by a client's decision whether to
8 settle a matter.

9 (b) A licensed paralegal practitioner's representation of a client does not constitute an
10 endorsement of the client's political, economic, social or moral views or activities.

11 (c) A licensed paralegal practitioner shall limit the scope of the representation to that which
12 is reasonable under the circumstances.

13 (d) A licensed paralegal practitioner shall not counsel a client to engage, or assist a client to
14 engage, in conduct that the licensed paralegal practitioner knows is criminal or fraudulent.

15 (e) A licensed paralegal practitioner shall conspicuously display in the licensed paralegal
16 practitioner's office a notice that shall be at least 12 by 20 inches with boldface type or print with
17 each character at least one inch in height and width that contains a statement that the licensed
18 paralegal practitioner is not an attorney.

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20 Comment

21 Allocation of Authority Between Client and Licensed Paralegal Practitioner

22 [1] Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be
23 served by legal representation, within the limits imposed by law and the licensed paralegal
24 practitioner's professional obligations. The decisions specified in paragraph (a), such as whether
25 to settle a civil matter, must also be made by the client. See Rule 1.4(a)(1) for the licensed
26 paralegal practitioner's duty to communicate with the client about such decisions. With respect
27 to the means by which the client's objectives are to be pursued, the licensed paralegal
28 practitioner shall consult with the client as required by Rule 1.4(a)(2) and may take such action
29 as is authorized to carry out the representation.

30 [2] On occasion, however, a licensed paralegal practitioner and a client may disagree about the
31 means to be used to accomplish the client's objectives. Because of the varied nature of the
32 matters about which a licensed paralegal practitioner and client might disagree and because the
33 actions in question may implicate the interests of a tribunal or other persons, this Rule does not
34 prescribe how such disagreements are to be resolved. Other law, however, may be applicable and
35 should be consulted by the licensed paralegal practitioner. The licensed paralegal practitioner
36 should also consult with the client and seek a mutually acceptable resolution of the disagreement.
37 If such efforts are unavailing and the licensed paralegal practitioner has a fundamental
38 disagreement with the client, the licensed paralegal practitioner may withdraw from the
39 representation. See Rule 1.16(b)(4). Conversely, the client may resolve the disagreement by
40 discharging the licensed paralegal practitioner. See Rule 1.16(a)(3).

41 [3] At the outset of a representation, the client may authorize the licensed paralegal practitioner
42 to take specific action on the client's behalf without further consultation. Absent a material
43 change in circumstances and subject to Rule 1.4, a licensed paralegal practitioner may rely on
44 such an advance authorization. The client may, however, revoke such authority at any time.

45 [4] In a case in which the client appears to be suffering diminished capacity, the licensed
46 paralegal practitioner's duty to abide by the client's decisions is to be guided by reference to
47 Rule 1.14.

48 Independence from Client's Views or Activities

49 [5] Legal representation should not be denied to people who are unable to afford legal services or
50 whose cause is controversial or the subject of popular disapproval. By the same token,
51 representing a client does not constitute approval of the client's views or activities.

52 Agreements Limiting Scope of Representation

53 [6] Reserved.

54 [7] This Rule affords the licensed paralegal practitioner and client substantial latitude to limit the
55 representation to that which is reasonable under the circumstances. If, for example, a client's
56 objective is limited to securing general information about the law the client needs in order to
57 handle a common and typically uncomplicated legal problem, the licensed paralegal practitioner

58 and client may agree that the licensed paralegal practitioner's services will be limited to a brief
59 telephone consultation. Such a limitation, however, would not be reasonable if the time allotted
60 were not sufficient to yield advice upon which the client could rely. The limitation on
61 representation is a factor to be considered when determining the legal knowledge, skill,
62 thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

63 [8] All agreements concerning a licensed paralegal practitioner's representation of a client must
64 accord with the Licensed Paralegal Practitioner Rules of Professional Conduct and other law.
65 See, e.g., Rules 1.1, 1.8 and 5.6.

66 Criminal, Fraudulent and Prohibited Transactions

67 [9] Paragraph (d) prohibits a licensed paralegal practitioner from knowingly counseling or
68 assisting a client to commit a crime or fraud, but the fact that a client uses advice in a course of
69 action that is criminal or fraudulent does not of itself make a licensed paralegal practitioner a
70 party to the course of action.

71 [10] When the client's course of action has already begun and is continuing, the licensed
72 paralegal practitioner's responsibility is especially delicate. The licensed paralegal practitioner is
73 required to avoid assisting the client, for example, by drafting or delivering documents that the
74 licensed paralegal practitioner knows are fraudulent or by suggesting how the wrongdoing might
75 be concealed. A licensed paralegal practitioner may not continue assisting a client in conduct that
76 the licensed paralegal practitioner originally supposed was legally proper but then discovers is
77 criminal or fraudulent. The licensed paralegal practitioner must, therefore, withdraw from the
78 representation of the client in the matter. See Rule 1.16(a). In some cases, withdrawal alone
79 might be insufficient. It may be necessary for the licensed paralegal practitioner to give notice of
80 the fact of withdrawal and to disaffirm any document, affirmation or the like. See Rule 4.1.

81 [11] Where the client is a fiduciary, the licensed paralegal practitioner may be charged with
82 special obligations in dealings with a beneficiary.

83 [12] Paragraph (d) applies whether or not the defrauded party is a party to the transaction. Hence,
84 a licensed paralegal practitioner must not participate in a transaction to effectuate criminal or
85 fraudulent avoidance of tax liability.

86 [13] If a licensed paralegal practitioner comes to know or reasonably should know that a client
87 expects assistance not permitted by the Licensed Paralegal Practitioner Rules of Professional
88 Conduct or other law or if the licensed paralegal practitioner intends to act contrary to the
89 client's instructions, the licensed paralegal practitioner must consult with the client regarding the
90 limitations on the licensed paralegal practitioner's conduct. See Rule 1.4(a)(5).

91 [14] Licensed paralegal practitioners are encouraged to advise their clients that their
92 representations are guided by the Utah Standards of Professionalism and Civility and to provide
93 a copy to their clients.