

1 **ARTICLE 12. LICENSED PARALEGAL PRACTITIONER RULES OF**
2 **PROFESSIONAL CONDUCT**

3 Preamble: A Licensed Paralegal Practitioner's Responsibilities.

4 [1] A licensed paralegal practitioner is a representative of clients, an officer of the legal system
5 and a public citizen having special responsibility for the quality of justice. Every licensed
6 paralegal practitioner is responsible to observe the law and the Licensed Paralegal Practitioner
7 Rules of Professional Conduct, shall take the Licensed Paralegal Practitioner's Oath upon
8 licensure as a licensed paralegal practitioner, and shall be subject to the Rules of Licensed
9 Paralegal Practitioner Discipline and Disability.

10 Licensed Paralegal Practitioner's Oath

11 "I do solemnly swear that I will support, obey and defend the Constitution of the United States
12 and the Constitution the State of Utah; that I will discharge the duties of licensed paralegal
13 practitioner as an officer of the courts of this State with honesty, fidelity, professionalism, and
14 civility; and that I will faithfully observe the Licensed Paralegal Practitioner Rules of
15 Professional Conduct and the Standards of Professionalism and Civility promulgated by the
16 Supreme Court of the State of Utah."

17 [2] As a representative of clients, a licensed paralegal practitioner performs various functions. As
18 advisor, a licensed paralegal practitioner provides a client with an informed understanding of the
19 client's legal rights and obligations and explains their practical implications. As advocate, a
20 licensed paralegal practitioner zealously asserts the client's position under the rules of the
21 adversary system. As negotiator, a licensed paralegal practitioner seeks a result advantageous to
22 the client but consistent with requirements of honest dealings with others. A licensed paralegal
23 practitioner's representation of a client does not constitute an endorsement of the client's
24 political, economic, social or moral views or activities.

25 [3] In addition to these representational functions, a licensed paralegal practitioner may serve as
26 a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other
27 matter. Some of these Rules apply directly to licensed paralegal practitioners who are or have
28 served as third-party neutrals. **See, e.g., Rules 1.12 and 2.4.** In addition, there are rules that apply

2302 initiate investigation of a client's affairs or to give advice that the client has indicated is
2303 unwanted, but a licensed paralegal practitioner may initiate advice to a client when doing so
2304 appears to be in the client's interest and when giving the advice is within the scope of the
2305 licensed paralegal practitioner's license.

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2307 Rule 2.2. Reserved.

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2309 Rule 2.3. Evaluation for Use by Third Persons.

2310 (a) A licensed paralegal practitioner may provide an evaluation of a matter affecting a client
2311 for the use of someone other than the client if the licensed paralegal practitioner reasonably
2312 believes that making the evaluation is compatible with other aspects of the licensed paralegal
2313 practitioner's relationship with the client.

2314 (b) When the licensed paralegal practitioner knows or reasonably should know that the
2315 evaluation is likely to affect the client's interests materially and adversely, the licensed paralegal
2316 practitioner shall not provide the evaluation unless the client gives informed consent.

2317 (c) Except as disclosure is authorized in connection with a report of an evaluation,
2318 information relating to the evaluation is otherwise subject to Rule 1.6.

2319 Comment

2320 Definition

2321 [1] An evaluation may be performed at the client's direction or when impliedly authorized in
2322 order to carry out the representation. See Rule 1.2. Such an evaluation may be for the primary
2323 purpose of establishing information which may be used by third parties; for example, a
2324 calculation of child support obligations of another party.

2325 [2]-[6] Reserved.

2326

2327 Rule 2.4. Reserved.

2328