

The Proposed Licensed Paralegal Practitioner Rules

Published for Public Comment

On September 27, 2017, the Supreme Court of Utah approved publishing for comment the rules governing the application requirements and licensing process for a new class of legal professional called the Licensed Paralegal Practitioner. The public is invited to submit comments on the proposed rules. To view the proposals and submit comments, please follow the instructions posted on the court's website.

Two groups of Licensed Paralegal Practitioner rules have already been published for comment. Previously published rules govern the rules of professional conduct, Supreme Court Rules of Professional Practice, and continuing legal education requirements for Licensed Paralegal Professional. Changes to Rule 14-802 to include Licensed Paralegal Practitioners have also been published for comment.

A brief description of the Licensed Paralegal Practitioner program is set forth below.

In May 2015, the Utah Supreme Court formed its Task Force to Examine Limited Legal Licensing to study the serious and growing problem of average citizens needing legal assistance but being unable to afford them. The task force was comprised of a broad cross-section of the community, which included elected officials, the Governor's Office, members of the Utah State Bar, public interest and self-help organizations, academia, and the judiciary. The Supreme Court issued two mandates to its task force: (1) consider emerging strategies and programs that permit qualified non-lawyers to provide certain legal services currently provided only by licensed attorneys, and (2) recommend whether such programs should be established in Utah.

The task force — after carefully studying the few states where similar efforts are underway and examining the most pressing needs in our own state and court system — recommended an innovative approach for improving access to justice in Utah. The task force recommended that qualified non-lawyers be authorized to practice law, on a carefully defined basis, in three areas where legal needs are most acute:

- Family law, in the areas of temporary separation, divorce, paternity, cohabitant abuse and civil stalking, custody and support, and name change;
- residential eviction; and
- debt collection.

Within these three areas, the task force had also recommended that the licensed paralegal practitioner be authorized to perform the following essential services:

- establish a contractual relationship with a client who is not represented by a lawyer;

- conduct client interviews to understand the client's objectives and to obtain facts relevant to achieving that objective;
- complete court-approved forms on the client's behalf;
- advise which form to use; advise how to complete the form; sign, file and complete service of the form; obtain, explain and file any necessary supporting documents; and advise the client about the anticipated course of proceedings by which the court will resolve the matter;
- represent a client in mediated negotiations;
- prepare a written settlement agreement in conformity with the mediated agreement; and
- advise a client about how a court order affects the client's rights and obligations.

Finally, the task force recommended that a steering committee be appointed to implement its recommendations. The Supreme Court later approved all of the task force's recommendations.

The task force believes that this new approach holds great promise, not as a substitute for attorneys, but as a complimentary legal resource that provides meaningful assistance in discrete areas where existing legal resources are inadequate and the public's needs are great.