

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

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

5 (b) For purposes of this rule:

6 (b)(1) The “practice of law” is the representation of the interests of another person by  
7 informing, counseling, advising, assisting, advocating for or drafting documents for that  
8 person through application of the law and associated legal principles to that person’s  
9 facts and circumstances.

10 (b)(2) The “law” is the collective body of declarations by governmental authorities  
11 that establish a person’s rights, duties, constraints and freedoms and consists primarily  
12 of:

13 (b)(2)(A) constitutional provisions, treaties, statutes, ordinances, rules, regulations  
14 and similarly enacted declarations; and

15 (b)(2)(B) decisions, orders and deliberations of adjudicative, legislative and  
16 executive bodies of government that have authority to interpret, prescribe and  
17 determine a person’s rights, duties, constraints and freedoms.

18 (b)(3) “Person” includes the plural as well as the singular and legal entities as well as  
19 natural persons.

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

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

29 (c)(1)(B) establishing a contractual relationship with the client;

30 (c)(1)(C) interviewing the client to understand the client's objectives and obtaining  
31 facts relevant to achieving that objective;

32 (c)(1)(D) completing ~~an approved~~ forms approved by the Judicial Council;

33 (c)(1)(E) informing, counseling, advising, and assisting in determining which form to  
34 use and giving advice on how to complete the form;

35 (c)(1)(F) signing, filing, and completing service of the form;

36 (c)(1)(G) obtaining, explaining, and filing any document needed to support the form;

37 (c)(1)(H) reviewing documents of another party and explaining them;

38 (c)(1)(I) informing, counseling, assisting and advocating for a client in mediated  
39 negotiations;

40 (c)(1)(J) filling in, signing, filing and completing service of a written settlement  
41 agreement form in conformity with the negotiated agreement;

42 (c)(1)(K) communicating with another party or the party's representative regarding  
43 the relevant form and matters reasonably related thereto; and

44 (c)(1)(L) explaining a court order that affects the client's rights and obligations.

45 (d) Other Exceptions and Exclusions. Whether or not it constitutes the practice of  
46 law, the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer  
47 or to be able to practice law, is permitted:

48 (d)(1) Making legal forms available to the general public, whether by sale or  
49 otherwise, or publishing legal self-help information by print or electronic media.

50 (d)(2) Providing general legal information, opinions or recommendations about  
51 possible legal rights, remedies, defenses, procedures, options or strategies, but not  
52 specific advice related to another person's facts or circumstances.

53 (d)(3) Providing clerical assistance to another to complete a form provided by a  
54 municipal, state, or federal court located in the State of Utah when no fee is charged to  
55 do so.

56 (d)(4) When expressly permitted by the court after having found it clearly to be in the  
57 best interests of the child or ward, assisting one's minor child or ward in a juvenile court  
58 proceeding.

59 (d)(5) Representing a party in small claims court as permitted by Rule of Small  
60 Claims Procedure 13.

61 (d)(6) Representing without compensation a natural person or representing a legal  
62 entity as an employee representative of that entity in an arbitration proceeding, where  
63 the amount in controversy does not exceed the jurisdictional limit of the small claims  
64 court set by the Utah Legislature.

65 (d)(7) Representing a party in any mediation proceeding.

66 (d)(8) Acting as a representative before administrative tribunals or agencies as  
67 authorized by tribunal or agency rule or practice.

68 (d)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

69 (d)(10) Participating in labor negotiations, arbitrations or conciliations arising under  
70 collective bargaining rights or agreements or as otherwise allowed by law.

71 (d)(11) Lobbying governmental bodies as an agent or representative of others.

72 (d)(12) Advising or preparing documents for others in the following described  
73 circumstances and by the following described persons:

74 (d)(12)(A) a real estate agent or broker licensed by the state of Utah may complete  
75 State-approved forms including sales and associated contracts directly related to the  
76 sale of real estate and personal property for their customers.

77 (d)(12)(B) an abstractor or title insurance agent licensed by the state of Utah may  
78 issue real estate title opinions and title reports and prepare deeds for customers.

79 (d)(12)(C) financial institutions and securities brokers and dealers licensed by Utah  
80 may inform customers with respect to their options for titles of securities, bank accounts,  
81 annuities and other investments.

82 (d)(12)(D) insurance companies and agents licensed by the state of Utah may  
83 recommend coverage, inform customers with respect to their options for titling of

84 ownership of insurance and annuity contracts, the naming of beneficiaries, and the  
85 adjustment of claims under the company's insurance coverage outside of litigation.

86 (d)(12)(E) health care providers may provide clerical assistance to patients in  
87 completing and executing durable powers of attorney for health care and natural death  
88 declarations when no fee is charged to do so.

89 (d)(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants,  
90 public bookkeepers, and tax preparers may prepare tax returns.

91

92 Advisory Committee Comment:

93 Subsection (a).

94 "Active" in this paragraph refers to the formal status of a lawyer, as determined by the Bar. Among  
95 other things, an active lawyer must comply with the Bar's requirements for continuing legal education.

96

97 Subsection (b).

98 The practice of law defined in Subparagraph (b)(1) includes: giving advice or counsel to another  
99 person as to that person's legal rights or responsibilities with respect to that person's facts and  
100 circumstances; selecting, drafting or completing legal documents that affect the legal rights or  
101 responsibilities of another person; representing another person before an adjudicative, legislative or  
102 executive body, including the preparation or filing of documents and conducting discovery; negotiating  
103 legal rights or responsibilities on behalf of another person.

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

110 Similarly, an employee of a business entity is not engaged in "the representation of the interest of  
111 another person" when activities involving the law are a part of the employee's duties solely in  
112 connection with the internal business operations of the entity and do not involve providing legal advice  
113 to another person. Further, a person acting in an official capacity as an employee of a government  
114 agency that has administrative authority to determine the rights of persons under the law is also not  
115 representing the interests of another person.

116 As defined in subparagraph (b)(2), "the law" is a comprehensive term that includes not only the black-  
117 letter law set forth in constitutions, treaties, statutes, ordinances, administrative and court rules and  
118 regulations, and similar enactments of governmental authorities, but the entire fabric of its  
119 development, enforcement, application and interpretation.

120 Laws duly enacted by the electorate by initiative and referendum under constitutional authority would  
121 be included under subparagraph (b)(2)(A).

122 Subparagraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well as the  
123 background, such as committee hearings, floor discussions and other legislative history, that often  
124 accompanies the written law of legislatures and other law- and rule-making bodies. Reference to  
125 adjudicative bodies in this subparagraph includes courts and similar tribunals, arbitrators,

126 administrative agencies and other bodies that render judgments or opinions involving a person's  
127 interests.

128 Subsection (c).

129 The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015 Report and  
130 Recommendation of the Utah Supreme Court Task Force to Examine Limited Legal Licensing. The Task  
131 Force was created to make recommendations to address the large number of litigants who are self  
132 represented or forego access to the Utah judicial system because of the high cost of retaining a  
133 lawyer. The Task Force recommended that the Utah Supreme Court exercise its constitutional  
134 authority to govern the practice of law to create a subset of discreet legal services in the practice  
135 areas of: (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking, and custody  
136 and support; (2) unlawful detainer and forcible entry and detainer; and (3) debt collection matters in  
137 which the dollar amount in issue does not exceed the statutory limit for small claims cases. The Task  
138 Force determined that these three practice areas have the highest number of unrepresented litigants  
139 in need of low cost legal assistance. Based on the Task Force's recommendations, the Utah Supreme  
140 Court authorized Licensed Paralegal Practitioners to provide limited legal services as prescribed in this  
141 Rule and in accordance with the Supreme Court Rules of Professional Practice.

142 Subsection (c)(1)(D)

143 A Licensed Paralegal Practitioner may complete forms that are approved by the Judicial Council. The  
144 Judicial Council approves forms for the Online Consumer Assistance Program and for use by the public.  
145 The forms approved by the Judicial Council may be found at <https://www.utcourts.gov/ocap/> and  
146 <https://www.utcourts.gov/selfhelp/>.

147 Subsection (d).

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

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

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