

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

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

5 (b) Definitions. For purposes of this rule:

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

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

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

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

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

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

25 (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 | (~~BA~~) establishing a contractual relationship with the client;
- 30 | (~~CB~~) interviewing the client to understand the client's objectives and obtaining
31 | facts relevant to achieving that objective;
- 32 | (~~DC~~) completing forms approved by the Judicial Council;
- 33 | (~~ED~~) informing, counseling, advising, and assisting in determining which form to
34 | use and giving advice on how to complete the form;
- 35 | (~~FE~~) signing, filing, and completing service of the form;
- 36 | (~~GF~~) obtaining, explaining, and filing any document needed to support the form;
- 37 | (~~HG~~) reviewing documents of another party and explaining them;
- 38 | (~~HH~~) informing, counseling, assisting and advocating for a client in mediated
39 | negotiations;
- 40 | (~~IJ~~) filling in, signing, filing, and completing service of a written settlement
41 | agreement form in conformity with the negotiated agreement;
- 42 | (~~KJ~~) communicating with another party or the party's representative regarding the
43 | relevant form and matters reasonably related thereto; and
- 44 | (~~LK~~) 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 law, the
46 | following activity by a non-lawyer, who is not otherwise claiming to be a lawyer or to be able to
47 | practice law, is permitted:

- 48 | (1) Making legal forms available to the general public, whether by sale or otherwise, or
49 | publishing legal self-help information by print or electronic media.
- 50 | (2) Providing general legal information, opinions, or recommendations about possible
51 | legal rights, remedies, defenses, procedures, options, or strategies, but not specific advice
52 | related to another person's facts or circumstances.
- 53 | (3) Providing clerical assistance to another to complete a form provided by a municipal,
54 | state, or federal court located in ~~the State of~~ Utah when no fee is charged to do so.
- 55 | (4) When expressly permitted by the court after having found it clearly to be in the best

56 interests of the child or ward, assisting one's minor child or ward in a juvenile court
57 proceeding.

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

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

64 (7) Representing a party in any mediation proceeding.

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

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

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

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

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

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

76 (B) ~~a~~An abstractor or title insurance agent licensed ~~by the state of~~in Utah may
77 issue real estate title opinions and title reports and prepare deeds for customers.

78 (C) ~~f~~Financial institutions and securities brokers and dealers licensed ~~by~~in Utah
79 may inform customers with respect to their options for titles of securities, bank
80 accounts, annuities, and other investments.

81 (D) ~~i~~Insurance companies and agents licensed ~~by the state of~~in Utah may
82 recommend coverage, inform customers with respect to their options for titling of
83 ownership of insurance and annuity contracts, the naming of beneficiaries, and the

84 adjustment of claims under the company’s insurance coverage outside of
85 litigation.

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

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

91 (13) Representing an Indian tribe that has formally intervened in a proceeding subject to
92 the Indian Child Welfare Act of 1978, 25 U.S.C. sections 1901–63. Before a nonlawyer
93 may represent a tribe, the tribe must designate the nonlawyer representative by filing a
94 written authorization. If the tribe changes its designated representative or if the
95 representative withdraws, the tribe must file a written substitution of representation or
96 withdrawal.

97 **Advisory Committee Comment:**

98 Subsection-Paragraph (a).

99 “Active” in this paragraph refers to the formal status of a lawyer, as determined by the Bar.
100 Among other things, an active lawyer must comply with the Bar’s requirements for continuing
101 legal education.

102 Subsection-Paragraph (b).

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

109 Because representing oneself does not involve another person, it is not technically the “practice
110 of law.” Thus, any natural person may represent oneself as an individual in any legal context. To
111 the same effect is Article 1, Rule 14-111 Integration and Management: “Nothing in this article
112 shall prohibit a person who is unlicensed as an attorney at law or a foreign legal consultant from

113 personally representing that person’s own interests in a cause to which the person is a party in his
114 or her own right and not as assignee.”

115 Similarly, an employee of a business entity is not engaged in “the representation of the interest of
116 another person” when activities involving the law are a part of the employee’s duties solely in
117 connection with the internal business operations of the entity and do not involve providing legal
118 advice to another person. Further, a person acting in an official capacity as an employee of a
119 government agency that has administrative authority to determine the rights of persons under the
120 law is also not representing the interests of another person.

121 | As defined in ~~sub~~paragraph (b)(2), “the law” is a comprehensive term that includes not only the
122 black-letter law set forth in constitutions, treaties, statutes, ordinances, administrative and court
123 rules and regulations, and similar enactments of governmental authorities, but the entire fabric of
124 | its development, enforcement, application, and interpretation.

125 Laws duly enacted by the electorate by initiative and referendum under constitutional authority
126 | ~~would be~~ included under ~~sub~~paragraph (b)(2)(A).

127 | ~~Subp~~Paragraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well as the
128 background, such as committee hearings, floor discussions, and other legislative history, that
129 | often accompanies the written law of legislatures and other law- and rule-making bodies.
130 | Reference to adjudicative bodies in this ~~sub~~paragraph includes courts and similar tribunals,
131 | arbitrators, administrative agencies, and other bodies that render judgments or opinions involving
132 | a person’s interests.

133 | ~~Subsection-Paragraph~~ (c).

134 The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015 Report
135 and Recommendation of the Utah Supreme Court Task Force to Examine Limited Legal
136 Licensing. The Task Force was created to make recommendations to address the large number of
137 | litigants who are ~~self-un~~represented or forego access to the Utah judicial system because of the
138 high cost of retaining a lawyer. The Task Force recommended that the Utah Supreme Court
139 exercise its constitutional authority to govern the practice of law to create a subset of discreet
140 legal services in the practice areas of: (1) temporary separation, divorce, parentage, cohabitant
141 abuse, civil stalking, and custody and support; (2) unlawful detainer and forcible entry and

142 detainer; and (3) debt collection matters in which the dollar amount in issue does not exceed the
143 statutory limit for small claims cases. The Task Force determined that these three practice areas
144 have the highest number of unrepresented litigants in need of low-cost legal assistance. Based
145 on the Task Force's recommendations, the Utah Supreme Court authorized Licensed Paralegal
146 Practitioners to provide limited legal services as prescribed in this ~~R~~rule and in accordance with
147 the Supreme Court Rules of Professional Practice.

148 ~~Subsection Paragraph~~ (c)(1)~~(DE)~~.

149 A Licensed Paralegal Practitioner may complete forms that are approved by the Judicial Council
150 and that are related to the limited scope of practice of law described in ~~Subpart paragraph~~ (c)~~-of~~
151 ~~this rule~~. The Judicial Council approves forms for the Online Consumer Assistance Program and
152 for use by the public. The forms approved by the Judicial Council may be found at
153 <https://www.utcourts.gov/ocap/> and <https://www.utcourts.gov/selfhelp/>.

154 ~~Subsection Paragraph~~ (d).

155 To the extent not already addressed by the requirement that the practice of law involves the
156 representation of others, ~~sub~~paragraph (d)(2) permits the direct and indirect dissemination of
157 legal information in an educational context, such as legal teaching and lectures.

158 ~~Subp~~Paragraph (d)(3) permits assistance provided by employees of the courts and legal-aid and
159 similar organizations that do not charge for providing these services.

160 ~~Subp~~Paragraph (d)(7) applies only to the procedures directly related to parties' involvement
161 before a neutral third-party mediator; it does not extend to any related judicial proceedings unless
162 otherwise provided for under this rule (e.g., under ~~sub~~paragraph (d)(5)).