

IN THE SUPREME COURT OF THE STATE OF UTAH

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In re: proposed new Chapter 15. Rules Governing Licensed Paralegal Practitioners: Rule 15-301, Rules 15-401 through 15-417, Rules 15-501 through 15-533, Rules 15-601 through 15-607, Rule 15-701 through 15-720, Rule 15-1001, Rules 15-1101 through 15-1120, and Rules 1.1 through 8.5 (complete list attached), of the SUPREME COURT RULES OF PROFESSIONAL PRACTICE.


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**ORDER**

IT IS HEREBY ORDERED that the proposed new Chapter 15. Rules Governing Licensed Paralegal Practitioners: Rule 15-301, Rules 15-401 through 15-417, Rules 15-501 through 15-533, Rules 15-601 through 15-607, Rule 15-701 through 15-720, Rule 15-1001, Rules 15-1101 through 15-1120, and Rules 1.1 through 8.5, of the SUPREME COURT RULES OF PROFESSIONAL PRACTICE are adopted and promulgated effective November 1, 2018.

FOR THE COURT:

9.4.18  
\_\_\_\_\_  
Date

  
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Matthew B. Durrant  
Chief Justice

## **Chapter 15. Rules Governing Licensed Paralegal Practitioners**

**Article 1. Reserved.**

**Article 2. Reserved.**

### **Article 3. Standards of Licensed Paralegal Practitioner Professionalism and Civility**

Rule 15-301. Standards of licensed paralegal practitioner professionalism and civility.

### **Article 4. Mandatory Continuing Licensed Paralegal Practitioner Education**

Rule 15-401. Purpose.

Rule 15-402. Definitions.

Rule 15-403. Reserved.

Rule 15-404. Active status licensed paralegal practitioner: MCLE.

Rule 15-405. MCLE requirements for licensed paralegal practitioner on inactive status.

Rule 15-406. MCLE requirements for limited paralegal practitioner on active military duty.

Rule 15-407. Reserved.

Rule 15-408. Credit hour defined; application for approval.

Rule 15-409. Self-study categories of accredited MCLE defined.

Rule 15-410. Accreditation of MCLE; attendance; undue hardship and special accreditation.

Rule 15-411. Board accreditation of non-approved sponsor courses.

Rule 15-412. Presumptively approved sponsors; presumptive MCLE accreditation.

Rule 15-413. MCLE credit for qualified audio and video presentations; webcasts; computer interactive telephonic programs; writing; lecturing; teaching; live attendance.

Rule 15-414. Certificate of compliance; filing, late, and reinstatement fees; suspension; reinstatement.

Rule 15-415. Failure to satisfy MCLE requirements; notice; appeal procedures; reinstatement; waivers and extensions; deferrals.

Rule 15-416. Limited paralegal practitioner on active status not practicing in Utah; limited paralegal practitioner on active status engaged in full-time volunteer work in remote locations.

Rule 15-417. Miscellaneous fees and expenses.

### **Article 5. Licensed Paralegal Practitioner Discipline and Disability**

Rule 15-501. Purpose, authority, scope and structure of licensed paralegal practitioner disciplinary and disability proceedings.

Rule 15-502. Definitions.

Rule 15-503. Ethics and discipline committee.

Rule 15-504. OPC counsel.

Rule 15-505. Reserved.

Rule 15-506. Jurisdiction.  
Rule 15-507. Reserved.  
Rule 15-508. Periodic assessment of licensed paralegal practitioners.  
Rule 15-509. Grounds for discipline.  
Rule 15-510. Prosecution and appeals.  
Rule 15-511. Proceedings subsequent to finding of probable cause.  
Rule 15-512. Sanctions.  
Rule 15-513. Immunity from civil suits.  
Rule 15-514. Service.  
Rule 15-515. Access to disciplinary information.  
Rule 15-516. Dissemination of disciplinary information.  
Rule 15-517. Additional rules of procedure.  
Rule 15-518. Interim suspension for threat of harm.  
Rule 15-519. Licensed paralegal practitioners convicted of a crime.  
Rule 15-520. Discipline by consent.  
Rule 15-521. Reserved.  
Rule 15-522. Reciprocal discipline.  
Rule 15-523. Proceedings in which licensed paralegal practitioner is declared to be incompetent or alleged to be incapacitated.  
Rule 15-524. Reinstatement following a suspension of six months or less.  
Rule 15-525. Reinstatement following a suspension of more than six months; relicensure.  
Rule 15-526. Notice of disability or suspension; return of clients' property; refund of unearned fees.  
Rule 15-527. Appointment of trustee to protect clients' interest when a licensed paralegal practitioner disappears, dies, is suspended or delicensed, or is transferred to disability status.  
Rule 15-528. Appeal by complainant.  
Rule 15-529. Statute of limitations.  
Rule 15-530. Costs.  
Rule 15-531. Noncompliance with child support order, child visitation order, subpoena or order relating to paternity or child support proceeding.  
Rule 15-532. Failure to answer charges.  
Rule 15-533. Diversion.

#### **Article 6. Standards for Imposing Licensed Paralegal Practitioner Sanctions**

Rule 15-601. Definitions.  
Rule 15-602. Purpose and nature of sanctions.  
Rule 15-603. Sanctions.  
Rule 15-604. Factors to be considered in imposing sanctions.  
Rule 15-605. Imposition of sanctions.  
Rule 15-606. Prior discipline orders.  
Rule 15-607. Aggravation and mitigation.

**Article 7. Admissions.**

Rule 15-701. Definitions.

Rule 15-702. Board –general powers.

Rule 15-703. Qualifications for licensure as a licensed paralegal practitioner.

Rule 15-704. Reserved.

Rule 15-705. Limited time waiver.

Rule 15-706. Test accommodations.

Rule 15-707. Application; deadlines; withdrawals; postponements and fees.

Rule 15-708. Character and fitness.

Rule 15-709. Application denial.

Rule 15-710. Administration of the paralegal practitioner examination(s).

Rule 15-711. Grading and passing the paralegal practitioner examination.

Rule 15-712. Reserved.

Rule 15-713. Ethics exam.

Rule 15-714. Reserved.

Rule 15-715. Requests for review.

Rule 15-716. License fees; enrollment fees; oath and admission.

Rule 15-717. Relicensure after resignation or delicensure of Utah licensed paralegal practitioners.

Rule 15-718. Reserved.

Rule 15-719. Reserved.

Rule 15-720. Confidentiality.

**Article 8. Reserved.****Article 9. Reserved.****Article 10. Interest on Licensed Paralegal Practitioners' Trust Accounts.**

Rule 15-1001. IOLPPTA.

**Article 11. Resolution of Fee Disputes for Licensed Paralegal Practitioners**

Rule 15-1101. Definitions.

Rule 15-1102. Purpose and composition of the committee.

Rule 15-1103. Exclusions.

Rule 15-1104. Petition; agreement to arbitrate, answer, discovery; and extension.

Rule 15-1105. Selection of the arbitration panel; additional claims.

Rule 15-1106. Conduct of the hearing; evidence and civil procedure; right to counsel; right to record hearing; effect of failure to appear; postponements.

Rule 15-1107. Award; form; service of award; judicial confirmation of award.

Rule 15-1108. Relief granted by award; accord and satisfaction application to court; confidentiality; enforceability of award; claims of malpractice.

Rule 15-1109. Ex parte communication between the parties and the panel members.

Rule 15-1110. Necessary parties.

Rule 15-1111. Exemption from future testimony and confidentiality of records and information.

Rule 15-1112. Request and agreement to mediate fee dispute, answer.

Rule 15-1113. Selection of mediator.

Rule 15-1114. Matters entitled to mediation.

Rule 15-1115. Mediation is voluntary.

Rule 15-1116. Conduct of the mediation.

Rule 15-1117. Confidentiality.

Rule 15-1118. Ex parte communications with the mediator.

Rule 15-1119. Exemption from future testimony.

Rule 15-1120. Mediation agreement.

## **Article 12. Licensed Paralegal Practitioner Rules of Professional Conduct**

Preamble: A Licensed Paralegal Practitioner's Responsibilities.

### **Client-LPP Relationship**

Rule 1.0. Terminology.

Rule 1.1. Competence.

Rule 1.2. Scope of representation and allocation of authority between client and licensed paralegal practitioner and notice to be displayed.

Rule 1.3. Diligence.

Rule 1.4. Communication.

Rule 1.5. Requirements for written contract and fees.

Rule 1.6. Confidentiality of information.

Rule 1.7. Conflict of interest: current clients.

Rule 1.8. Conflict of interest: current clients: specific rules.

Rule 1.9. Duties to former clients.

Rule 1.10. Imputation of conflicts of interest: general rule.

Rule 1.11. Special conflicts of interest for former and current government employees.

Rule 1.12. Arbitrator, mediator or other third-party neutral.

Rule 1.13. Organization as a client.

Rule 1.14. Client with diminished capacity.

Rule 1.15. Safekeeping property.

Rule 1.16. Declining or terminating representation.

Rule 1.17. Sale of licensed paralegal practice.

Rule 1.18. Duties to prospective client.

### **Counselor**

Rule 2.1. Advisor.

Rule 2.2. Reserved.

Rule 2.3. Evaluation for use by third persons.

Rule 2.4. Reserved.

**Advocate**

- Rule 3.1. Meritorious claims and contentions.
- Rule 3.2. Reserved.
- Rule 3.3. Candor toward the tribunal.
- Rule 3.4. Fairness to opposing party and counsel.
- Rule 3.5. Impartiality and decorum of the tribunal.
- Rule 3.6. Reserved.
- Rule 3.7. Reserved.
- Rule 3.8. Reserved.
- Rule 3.9. Reserved.

**Transactions with Persons Other Than Clients**

- Rule 4.1. Truthfulness in statements to others.
- Rule 4.2. Communication with persons represented by counsel.
- Rule 4.3. Dealing with unrepresented person.
- Rule 4.4 Reserved.

**Firms and Associations**

- Rule 5.1. Responsibilities of partners, managers, and supervisory licensed paralegal practitioners.
- Rule 5.2. Responsibilities of a subordinate licensed paralegal practitioner.
- Rule 5.3. Responsibilities regarding non-lawyer and non-licensed paralegal practitioner assistants.
- Rule 5.4. Professional independence of a licensed paralegal practitioner.
- Rule 5.5. Unauthorized practice of law; multijurisdictional practice of law.
- Rule 5.6. Restrictions on right to practice.
- Rule 5.7 Reserved.

**Public Service**

- Rule 6.1. Voluntary pro bono legal service.
- Rule 6.2 Reserved.
- Rule 6.3. Membership in legal services organization.
- Rule 6.4. Law reform activities affecting client interests.
- Rule 6.5. Nonprofit and court-annexed limited legal services programs.

**Information About Legal Services**

- Rule 7.1. Communications concerning a licensed paralegal practitioner's services.
- Rule 7.2. Advertising.
- Rule 7.3. Solicitation of clients.
- Rule 7.4. Communication of fields of practice.
- Rule 7.5. Firm names and letterheads.
- Rule 7.6. Reserved.

**Maintaining the Integrity of the Profession**

Rule 8.1. Licensing and disciplinary matters.

Rule 8.2. Judicial officials.

Rule 8.3. Reporting professional misconduct.

Rule 8.4. Misconduct.

Rule 8.5. Disciplinary authority; choice of law.