

**Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Licensed Paralegal Practitioner and Notice to Be Displayed.**

1        (a) Subject to paragraphs (c) and (d), a licensed paralegal practitioner shall abide by a client's  
2 decisions concerning the objectives of representation and, as required by Rule 1.4,  
3 shall consult with the client as to the means by which they are to be pursued. A licensed  
4 paralegal practitioner may take such action on behalf of the client as is authorized to carry out  
5 the representation. A licensed paralegal practitioner shall abide by a client's decision whether to  
6 settle a matter.

7        (b) A licensed paralegal practitioner's representation of a client does not constitute an  
8 endorsement of the client's political, economic, social or moral views or activities.

9        (c) A licensed paralegal practitioner shall limit the scope of the representation to that which  
10 is reasonable under the circumstances.

11       (d) A licensed paralegal practitioner shall not counsel a client to engage, or assist a client to  
12 engage, in conduct that the licensed paralegal practitioner knows is criminal or fraudulent.

13       (e) A licensed paralegal practitioner shall conspicuously display in the licensed paralegal  
14 practitioner's office a notice that shall be at least 12 by 20 inches with boldface type or print with  
15 each character at least one inch in height and width that contains a statement that the licensed  
16 paralegal practitioner is not an attorney.

17  
18       Comment

19       Allocation of Authority Between Client and Licensed Paralegal Practitioner

20       [1] Paragraph (a) confers upon the client the ultimate authority to determine the purposes to  
21 be served by legal representation, within the limits imposed by law and the licensed paralegal  
22 practitioner's professional obligations. The decisions specified in paragraph (a), such as whether  
23 to settle a civil matter, must also be made by the client. See Rule 1.4(a)(1) for the licensed  
24 paralegal practitioner's duty to communicate with the client about such decisions. With respect  
25 to the means by which the client's objectives are to be pursued, the licensed paralegal  
26 practitioner shall consult with the client as required by Rule 1.4(a)(2) and may take such action  
27 as is authorized to carry out the representation.

28       [2] On occasion, however, a licensed paralegal practitioner and a client may disagree about  
29 the means to be used to accomplish the client's objectives. Because of the varied nature of the

30 matters about which a licensed paralegal practitioner and client might disagree and because the  
31 actions in question may implicate the interests of a tribunal or other persons, this Rule does not  
32 prescribe how such disagreements are to be resolved. Other law, however, may be applicable and  
33 should be consulted by the licensed paralegal practitioner. The licensed paralegal practitioner  
34 should also consult with the client and seek a mutually acceptable resolution of the disagreement.  
35 If such efforts are unavailing and the licensed paralegal practitioner has a fundamental  
36 disagreement with the client, the licensed paralegal practitioner may withdraw from the  
37 representation. See Rule 1.16(b)(4). Conversely, the client may resolve the disagreement by  
38 discharging the licensed paralegal practitioner. See Rule 1.16(a)(3).

39 [3] At the outset of a representation, the client may authorize the licensed paralegal  
40 practitioner to take specific action on the client's behalf without further consultation. Absent a  
41 material change in circumstances and subject to Rule 1.4, a licensed paralegal practitioner may  
42 rely on such an advance authorization. The client may, however, revoke such authority at any  
43 time.

44 [4] In a case in which the client appears to be suffering diminished capacity, the licensed  
45 paralegal practitioner's duty to abide by the client's decisions is to be guided by reference to  
46 Rule 1.14.

#### 47 Independence from Client's Views or Activities

48 [5] Legal representation should not be denied to people who are unable to afford legal  
49 services or whose cause is controversial or the subject of popular disapproval. By the same  
50 token, representing a client does not constitute approval of the client's views or activities.

#### 51 Agreements Limiting Scope of Representation

52 [6] Reserved.

53 [7] This Rule affords the licensed paralegal practitioner and client substantial latitude to limit  
54 the representation to that which is reasonable under the circumstances. If, for example, a client's  
55 objective is limited to securing general information about the law the client needs in order to  
56 handle a common and typically uncomplicated legal problem, the licensed paralegal practitioner  
57 and client may agree that the licensed paralegal practitioner's services will be limited to a brief  
58 telephone consultation. Such a limitation, however, would not be reasonable if the time allotted  
59 were not sufficient to yield advice upon which the client could rely. The limitation on

60 representation is a factor to be considered when determining the legal knowledge, skill,  
61 thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

62 [8] All agreements concerning a licensed paralegal practitioner's representation of a client  
63 must accord with the Licensed Paralegal Practitioner Rules of Professional Conduct and other  
64 law. See, e.g., Rules 1.1, 1.8 and 5.6.

65 Criminal, Fraudulent and Prohibited Transactions

66 [9] Paragraph (d) prohibits a licensed paralegal practitioner from knowingly counseling or  
67 assisting a client to commit a crime or fraud, but the fact that a client uses advice in a course of  
68 action that is criminal or fraudulent does not of itself make a licensed paralegal practitioner a  
69 party to the course of action.

70 [10] When the client's course of action has already begun and is continuing, the licensed  
71 paralegal practitioner's responsibility is especially delicate. The licensed paralegal practitioner is  
72 required to avoid assisting the client, for example, by drafting or delivering documents that the  
73 licensed paralegal practitioner knows are fraudulent or by suggesting how the wrongdoing might  
74 be concealed. A licensed paralegal practitioner may not continue assisting a client in conduct that  
75 the licensed paralegal practitioner originally supposed was legally proper but then discovers is  
76 criminal or fraudulent. The licensed paralegal practitioner must, therefore, withdraw from the  
77 representation of the client in the matter. See Rule 1.16(a). In some cases, withdrawal alone  
78 might be insufficient. It may be necessary for the licensed paralegal practitioner to give notice of  
79 the fact of withdrawal and to disaffirm any document, affirmation or the like. See Rule 4.1.

80 [11] Where the client is a fiduciary, the licensed paralegal practitioner may be charged with  
81 special obligations in dealings with a beneficiary.

82 [12] Paragraph (d) applies whether or not the defrauded party is a party to the transaction.  
83 Hence, a licensed paralegal practitioner must not participate in a transaction to effectuate  
84 criminal or fraudulent avoidance of tax liability.

85 [13] If a licensed paralegal practitioner comes to know or reasonably should know that a  
86 client expects assistance not permitted by the Licensed Paralegal Practitioner Rules of  
87 Professional Conduct or other law or if the licensed paralegal practitioner intends to act contrary  
88 to the client's instructions, the licensed paralegal practitioner must consult with the client  
89 regarding the limitations on the licensed paralegal practitioner's conduct. See Rule 1.4(a)(5).

90        [14] Licensed paralegal practitioners are encouraged to advise their clients that their  
91 representations are guided by the Utah Standards of Professionalism and Civility and to provide  
92 a copy to their clients.

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