

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

1 (a) If the award determines that the licensed paralegal practitioner is not entitled to any
2 portion of the disputed fee, service of a copy of such award on the licensed paralegal
3 practitioner:

4 (a)(1) terminates all claims and interests of the licensed paralegal practitioner against the
5 client with respect to the subject matter of the arbitration;

6 (a)(2) terminates all right of the licensed paralegal practitioner to retain possession of any
7 documents, records or other properties of the client pertaining to the subject matter of the
8 arbitration then held under claim of the paralegal practitioner's lien or for other reasons; and

9 (a)(3) terminates all right of the licensed paralegal practitioner to oppose the substitution of
10 one or more other licensed paralegal practitioners designated by the client in any pending
11 litigation pertaining to the subject matter of the arbitration.

12 (b) If the award determines that the licensed paralegal practitioner is entitled to some portion
13 of his fee, the award shall state the amount to which he or she is entitled and payment of this
14 amount shall:

15 (b)(1) constitute a complete accord and satisfaction of all claims of the licensed paralegal
16 practitioner against the client with respect to the subject matter of the arbitration;

17 (b)(2) terminate all right of the licensed paralegal practitioner to retain possession of any
18 documents, records or other properties of the client pertaining to the subject matter of the
19 arbitration then held under claim of the licensed paralegal practitioner's lien or for other reasons;
20 and

21 (b)(3) terminate all right of the licensed paralegal practitioner to oppose the substitution of
22 one or more other licensed paralegal practitioners designated by the client in place of the
23 licensed paralegal practitioner in any pending litigation pertaining to the subject matter of the
24 arbitration.

25 (c) Confidentiality. All documents, records, files, proceedings and hearings pertaining to the
26 arbitration of a fee dispute under these rules shall not be open to the public or to a person not
27 involved in the dispute.

28 (d) If both parties have signed a binding agreement to arbitrate any award rendered in such
29 case may be enforced by any court of competent jurisdiction in the manner provided in the Utah
30 Uniform Arbitration Act without further assistance by the Bar.

31 (e) Claims of malpractice. A decision rendered by the panel regarding a disputed fee
32 generated by the licensed paralegal practitioner/client relationship shall not bar any claim the
33 client may have against the licensed paralegal practitioner for malpractice by the licensed
34 paralegal practitioner in the course of the licensed paralegal practitioner/client relationship.

Effective November 1, 2018