

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

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

4 (b) **Definitions.** For purposes of this rule:

5 (1) "Practice of law" means representing the interests of another person by  
6 informing, counseling, advising, assisting, advocating for, or drafting documents  
7 for that person through applying the law and associated legal principles to that  
8 person's facts and circumstances.

9 (2) "Law" means the collective body of declarations by governmental authorities  
10 that establish a person's rights, duties, constraints, and freedoms and includes:

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

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

16 (3) "Person" includes the plural as well as the singular and legal entities as well as  
17 natural persons.

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

24 (1) Within a practice area or areas in which a Licensed Paralegal Practitioner is  
25 licensed, a Licensed Paralegal Practitioner who is in good standing may represent

26 the interests of a natural person who is not represented by a lawyer unaffiliated  
27 with the Licensed Paralegal Practitioner by:

28 (A) establishing a contractual relationship with the client;

29 (B) interviewing the client to understand the client's objectives and  
30 obtaining facts relevant to achieving that objective;

31 (C) completing forms approved by the Judicial Council;

32 (D) informing, counseling, advising, and assisting in determining which  
33 form to use and giving advice on how to complete the form;

34 (E) signing, filing, and completing service of the form;

35 (F) obtaining, explaining, and filing any document needed to support the  
36 form;

37 (G) reviewing documents of another party and explaining them;

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

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

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

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

45 (L) standing or sitting with the client during a proceeding to provide  
46 emotional support, answering factual questions as needed that are  
47 addressed to the client by the court or opposing counsel, taking notes, and  
48 assisting the client to understand the proceeding and relevant orders.

49 (d) **Exceptions and Exclusions.** Whether or not it constitutes the practice of law, the  
50 following activity by a nonlawyer, who is not otherwise claiming to be a lawyer or to be  
51 able to practice law, is permitted:

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

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

58 (3) Providing clerical assistance to another to complete a form provided by a  
59 municipal, state, or federal court located in Utah when no fee is charged to do so.

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

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

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

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

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

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

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

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

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

78 (A) A real estate agent or broker licensed in Utah may complete state-  
79 approved forms including sales and associated contracts directly related to  
80 the sale of real estate and personal property for their customers.

81 (B) An abstractor or title insurance agent licensed in Utah may issue real  
82 estate title opinions and title reports and prepare deeds for customers.

83 (C) Financial institutions and securities brokers and dealers licensed in  
84 Utah may inform customers with respect to their options for titles of  
85 securities, bank accounts, annuities, and other investments.

86 (D) Insurance companies and agents licensed in Utah may recommend  
87 coverage, inform customers with respect to their options for titling of  
88 ownership of insurance and annuity contracts, the naming of beneficiaries,  
89 and the adjustment of claims under the company's insurance coverage  
90 outside of litigation.

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

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

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

102 (14) Providing legal services under Utah Supreme Court Standing Order No. 15.

103 **Advisory Committee Comment:**

104 Paragraph (a).

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

108 Paragraph (b).

109 The practice of law defined in paragraph (b)(1) includes: giving advice or counsel to  
110 another person as to that person’s legal rights or responsibilities with respect to that  
111 person’s facts and circumstances; selecting, drafting, or completing legal documents that  
112 affect the legal rights or responsibilities of another person; representing another person  
113 before an adjudicative, legislative, or executive body, including preparing or filing  
114 documents and conducting discovery; and negotiating legal rights or responsibilities on  
115 behalf of another person.

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

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

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

133 Laws duly enacted by the electorate by initiative and referendum under constitutional  
134 authority are included under paragraph (b)(2)(A).

135 Paragraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well as  
136 the background, such as committee hearings, floor discussions, and other legislative  
137 history, that often accompanies the written law of legislatures and other law- and rule-  
138 making bodies. Reference to adjudicative bodies in this paragraph includes courts and  
139 similar tribunals, arbitrators, administrative agencies, and other bodies that render  
140 judgments or opinions involving a person’s interests.

141 Paragraph (c).

142 The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015  
143 Report and Recommendation of the Utah Supreme Court Task Force to Examine Limited  
144 Legal Licensing. The Task Force was created to make recommendations to address the  
145 large number of litigants who are unrepresented or forgo access to the Utah judicial  
146 system because of the high cost of retaining a lawyer. The Task Force recommended that  
147 the Utah Supreme Court exercise its constitutional authority to govern the practice of law  
148 to create a subset of discreet legal services in the practice areas of: (1) temporary  
149 separation, divorce, parentage, cohabitant abuse, civil stalking, and custody and support;  
150 (2) unlawful detainer and forcible entry and detainer; and (3) debt collection matters in  
151 which the dollar amount in issue does not exceed the statutory limit for small claims  
152 cases. The Task Force determined that these three practice areas have the highest number  
153 of unrepresented litigants in need of low-cost legal assistance. Based on the Task Force’s  
154 recommendations, the Utah Supreme Court authorized Licensed Paralegal Practitioners  
155 to provide limited legal services as prescribed in this rule and in accordance with the  
156 Supreme Court Rules of Professional Practice.

157 Paragraph (c)(1)(E).

158 A Licensed Paralegal Practitioner may complete forms that are approved by the Judicial  
159 Council and that are related to the limited scope of practice of law described in paragraph  
160 (c). The Judicial Council approves forms for the Online Consumer Assistance Program  
161 and for use by the public. The forms approved by the Judicial Council may be found at  
162 <https://www.utcourts.gov/ocap/> and <https://www.utcourts.gov/selfhelp/>.

163 Paragraph (d).

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

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

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

173

174