



Legal Paraprofessionals in Arizona's Courts

Suzanne Porter, JD, LLM

LEGAL SERVICE INNOVATIONS OFFICER
ARIZONA SUPREME COURT

Legal paraprofessionals

- ▶ New tier of legal service providers who:
 - ▶ were recommended by the Task Force on the Delivery of Legal Services to improve access to justice
 - ▶ have specific education or training;
 - ▶ pass an examination and receive a license and endorsement for limited areas of practice;
 - ▶ become affiliate members of the State Bar of Arizona
 - ▶ may offer legal advice and representation in limited areas

Supreme Court Rule 31.3

- ▶ 31.3 (a)(1) . . . a person or entity may engage in the practice of law in a limited manner as authorized in Rule 31.3(b) through (e)...
- ▶ 31.3 (e)(4) **Legal Document Preparers and Legal Paraprofessionals.** Certified legal document preparers and legal paraprofessionals may perform services in compliance with the Arizona Code of Judicial Administration...



Arizona Code of Judicial Administration § 7-210(A)

- ▶ “Legal paraprofessional” (LP) means an individual licensed pursuant to this section to provide legal services without the supervision of an attorney in the areas of law and within the scope of practice defined herein.

Scope of Practice

ACJA §7-210(F)(1)



Prepare and sign

Prepare and sign legal documents;



Provide

Provide advice and opinions about rights, remedies, defenses, or strategies;



Draft and file

Draft and file documents, including pleadings, motions, and orders;



Appear

Appear before a court or tribunal; and



Negotiate

Negotiate legal rights or responsibilities

Limited Areas of Practice: ACJA §7-210(F)(2)

Family Law

- domestic relations matters (QDRO, division of business or retirement assets, or appeal to court of appeals or Supreme Court require additional training)

Civil Law

- civil matters before a municipal or justice court

Criminal Law

- Initial appearance and to negotiate pretrial release
- criminal misdemeanor matters before a municipal or justice court where incarceration is not at issue

Administrative Law

- matters before any Arizona administrative agency (does not extend to appeals)

Qualifications: Education or experience

- ▶ Associate degree with paralegal major or certificate*; MLS, JD, foreign law degree with LLM, four-year Bachelor's degree in Law; OR
- ▶ 7 years of full-time substantive law-related experience within 10 years preceding application, including 2 years of experience in the practice area in which the applicant seeks licensure



* Associate degree requires one year of experience after graduation

Legal Paraprofessional Education

- ▶ University of Arizona developed LP concentration for its MLS program
- ▶ UofA also developed BA in Law program approved by the Court in December, 2021
- ▶ ASU modifying MLS program
- ▶ Programs expanding in Pima, Phoenix, Rio Salado, and Yavapai Colleges



James E. Rogers
College of Law

ASU
Sandra Day
O'Connor
College of Law
Arizona State
University



PHOENIX COLLEGE
A MARICOPA COMMUNITY COLLEGE

Yavapai
COLLEGE

Legal Paraprofessional Ethics

- ▶ Ethics: Each legal paraprofessional is bound by Supreme Court Rule 42, Arizona Rules of Professional Conduct (Ariz. Sup. Ct. R. 42; ACJA §7-210(J)), plus annual ethics CLE requirements.
- ▶ Professionalism: Each legal paraprofessional shall adhere to Supreme Court Rule 41, plus mandatory professionalism course.
- ▶ Trust Accounts: Each legal paraprofessional shall adhere to Supreme Court Rule 43.
- ▶ Insurance Disclosures: Each legal paraprofessional shall adhere to Supreme Court Rule 32(c)(13).

LP Ethics: Specific Rules ACJA § 7-210(J)

- ▶ a. A legal paraprofessional shall perform all duties and discharge all obligations in accordance with applicable laws, rules, or court orders.
- ▶ b. A legal paraprofessional shall not represent that the practitioner is authorized to practice law beyond the areas of practice and scope of practice [above].
- ▶ c. A legal paraprofessional shall not use the designations “lawyer,” “attorney at law,” “counselor at law,” “Esq.,” or other equivalent words, the use of which is reasonably likely to induce others to believe the legal paraprofessional is authorized to engage in the practice of law beyond that allowed by the practitioner’s license. Any communications concerning an LP’s services must identify the LP as being a legal paraprofessional.
- ▶ d. A legal paraprofessional shall not provide any kind of advice, opinion or recommendation to a client about possible legal rights, remedies, defenses, options, or strategies unless the practitioner has the license and subject matter area specific endorsement to do so.
- ▶ e. A legal paraprofessional shall inform the client in writing that a legal paraprofessional is not a lawyer and cannot provide any kind of advice, opinion or recommendation to a client about possible legal rights, remedies, defenses, options, or strategies beyond what the LP is specifically licensed to provide authorized services for.



LP Ethics: Specific Rules ACJA § 7-210(J)

- ▶ **Identification.** A legal paraprofessional shall include the practitioner's name, the title "Arizona Legal Paraprofessional" or the abbreviation "LP" and the legal paraprofessional's license number on all documents prepared by the legal paraprofessional, unless expressly prohibited by a non-judicial agency or entity. The legal paraprofessional shall also provide the practitioner's name, title and license number to any person upon request.



LP Ethics: Specific Rules

- ▶ **Confidentiality: Ethical Rule 1.6 =**

All information relating to the representation

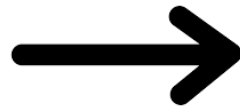
- ▶ **Privilege: Ariz. R. Evid. 503**

A communication between a legal paraprofessional and a client is privileged if it is made for the purpose of securing or giving legal advice, is made in confidence, and is treated confidentially. This privilege is co-extensive with, and affords the same protection as, the attorney-client privilege.



Application Process

- ▶ Two Examinations:
 - ▶ Core and subject matter exam
 - ▶ Each is 3-hour, multiple choice exam
 - ▶ May earn multiple subject matter “endorsements”
- ▶ Application and review
 - ▶ Application reviewed by CLD and approved by Board of Nonlawyer Legal Service Providers
 - ▶ Licensees become affiliate members of Arizona State Bar



Applicants and Licensees to Date

- ▶ 49 candidates have passed core and at least one subject matter exam
 - ▶ 38 family law, 5 civil law, 6 criminal law (One candidate has two endorsements: family and civil)
- ▶ 29 licensees approved by Board of Nonlawyer Legal Service Providers as of January 1, 2023
 - ▶ 25 family law, 2 civil, 2 criminal
- ▶ Directory of licensees maintained by the Court and the State Bar of Arizona including area(s) of practice

Points to Remember

- ▶ LPs
 - ▶ Are affiliate members of the Arizona State Bar
 - ▶ Are in courtrooms now
 - ▶ May be associated with a law firm
 - ▶ May be partners in a law firm (through Alternative Business Structure)

Points to Remember

- ▶ LPs
 - ▶ Are not required to practice under an attorney's supervision
 - ▶ May be solo practitioners
 - ▶ May only practice in specifically defined areas of law
 - ▶ Should be treated in the same manner as an attorney

Resources

Arizona Supreme Court Program Page

<https://www.azcourts.gov/cld/Legal-Paraprofessional>

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 7: Administrative Office of the Courts

Chapter 2: Certification and Licensing Programs

Section 7-210: Legal Paraprofessional

https://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/7-210%20Amended%2012-21%20eff_%2001-22.pdf?ver=42oY6i7-Z8DssMsseuLx4Q%3d%3d



Questions or Comments?

LProgram@courts.az.gov or
SPorter@courts.az.gov