



**UPL ADVISORY OPINION**  
**UPL 06-02**  
**(April 2006)**

**Legal Document Preparer Designation and Limitations**

This is an Advisory Opinion regarding Rule 31 of the Rules of the Supreme Court of Arizona and Arizona Code of Judicial Admin. § 7-208 regarding the designation “paralegal,” and services provided by a certified legal document preparer.<sup>1</sup>

**Issues:**

1. May a certified legal document preparer identify himself or herself as a “paralegal”? Yes, if the paralegal is supervised by an attorney and otherwise satisfy the definition of a “paralegal.”
2. May a certified legal document preparer represent *pro per* litigants in negotiating with an opposing party? No.
3. May a certified legal document preparer give legal advice to customers? No.

**Facts:**

An individual who provides legal documents to pro per litigants, and is certified as a legal document preparer (“LDP”), identifies himself as “certified legal technician/paralegal” and lists a business name that is not a law firm. The LDP has sent a letter to a party in a dissolution proceeding in which the LDP states, “I have been approached by your husband, to assist with a default divorce.” The letter explains how the recipient may sign the Acceptance of Service documents and the LDP will send the recipient a court-filed copy of the documents, how a default judgment will be entered within a certain period of time unless the recipient files a response within thirty days, and that the response must include a filing fee. The letter concludes with “If I can be of any further assistance please email or call me.”

**Relevant Authority:**

Arizona Supreme Court Rule 31:

**Rule 31. Regulation of the Practice of Law**

**(a) Supreme Court Jurisdiction Over the Practice of Law**

1. *Jurisdiction.* Any person or entity engaged in the practice of law or unauthorized practice of law in this state, as defined by these rules, is subject to this court’s jurisdiction.

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<sup>1</sup> Opinions of the Committee are advisory in nature only and are not binding in any disciplinary or other legal proceedings. © State Bar of Arizona 2006

2. *Definitions.*

A. "Practice of law" means providing legal advice or services to or for another by:

(1) preparing any document in any medium intended to affect or secure legal rights for a specific person or entity;

(2) preparing or expressing legal opinions;

(3) representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process such as arbitration and mediation;

(4) preparing any document through any medium for filing in any court, administrative agency or tribunal for a specific person or entity; or

(5) negotiating legal rights or responsibilities for a specific person or entity.

B. "Unauthorized practice of law" includes but is not limited to:

(1) engaging in the practice of law by persons or entities not authorized to practice pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 33(d); or

(2) using the designations "lawyer," "attorney at law," "counselor at law," "law," "law office," "J.D.," "Esq.," or other equivalent words by any person or entity who is not authorized to practice law in this state pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 33(d), the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state.

C. "Legal assistant/paralegal" means a person qualified by education and training who performs substantive legal work requiring a sufficient knowledge of and expertise in legal concepts and procedures, who is supervised by an active member of the State Bar of Arizona, and for whom an active member of the state bar is responsible, unless otherwise authorized by supreme court rule.

\* \*

**(b) Authority to Practice.** Except as hereinafter provided in section (c), no person shall practice law in this state or represent in any way that he or she may practice law in this state unless the person is an active member of the state bar, and no member shall practice law in this state or represent in any way that he or she may practice law in this state, while suspended, disbarred, or on disability inactive status.

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**Arizona Code of Judicial Administration § 7-208: Legal Document Preparers (4/1/03)**

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## F. Role and Responsibilities of Certificate Holders.

1. Authorized Services. A certified legal document preparer may:
  - a. Prepare or provide legal documents, without the supervision of an attorney, for an entity or a member of the public in any legal matter when that entity or person is not represented by an attorney;
  - b. Provide general legal information, but may not provide any kind of specific advice, opinion or recommendation to a consumer about possible legal rights, remedies, defenses, options or strategies;
  - c. Provide general factual information pertaining to legal rights, procedures, or options available to a person in a legal matter when that person is not represented by an attorney;
  - d. Make legal forms and documents available to a person who is not represented by an attorney; and
  - e. File and arrange for service of legal forms and documents for a person in a legal matter when that person is not represented by an attorney.

### Discussion:

#### **1. May a certified legal document preparer identify himself or herself as a paralegal? Yes, if the paralegal is supervised by an attorney and otherwise satisfy the definition of a “paralegal.”**

The LDP identifies himself as “certified legal technician/paralegal” but his letterhead does not indicate that an attorney is associated with his document preparation business. As set forth in the Supreme Court’s definition of “paralegal” in Rule 31(a)(2)(C):

means a person qualified by education and training who performs substantive legal work requiring a sufficient knowledge of and expertise in legal concepts and procedures, who is supervised by an active member of the State Bar of Arizona, and for whom an active member of the state bar is responsible, unless otherwise authorized by supreme court rule.

Accordingly, the LDP may only identify himself as a “paralegal” if he is supervised by an attorney and otherwise satisfies the definition. From the letterhead of the company with which the LDP is associated, it does not appear that he is supervised by a lawyer and thus cannot use the moniker “paralegal.” Moreover, the designation “certified legal technician” is not consistent with Arizona Code of Judicial Administration § 7-208 (F)(3), which states that certified legal document preparers must identify themselves as such. There is no certification in Arizona for a “legal technician.” Accordingly, that designation should not be used.

**2. May a certified legal document preparer represent *pro per* litigants in negotiating with an opposing party? No.**

Arizona Code of Judicial Administration § 7-208 (F)(1): Legal Document Preparers (4/1/03) lists the *only* services that may be provided by a certified legal document preparer and that list does not include representing or negotiating the legal rights of a third party. Arizona Supreme Court Rule 31(a)(2)(A)(5) specifies that “negotiating” the legal rights of someone is the practice of law. Arizona Supreme Court Rule 31(b) states that only members of the State Bar of Arizona and others specifically authorized may “practice law” in Arizona. Certified legal document preparers are not authorized to negotiate legal rights for their customers both because the Administrative Code does not permit such activity and because the Supreme Court Rules find that it is the practice of law and Certified Legal Document Preparers are not authorized to engage in those services.

**3. May a certified legal document preparer give legal advice to customers? No.**

Similarly, certified legal document preparers are not authorized by Ariz. Code of Judicial Admin. § 7-208(F)(1)(b) (4/1/03) to give legal advice or opinions. They are, however, authorized to:

- b. Provide general legal information, but may not provide any kind of specific advice, opinion or recommendation to a consumer about possible legal rights, remedies, defenses, options or strategies;
- c. Provide general factual information pertaining to legal rights, procedures, or options available to a person in a legal matter when that person is not represented by an attorney.