

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION § 7-208:)	No. 2021 - <u>01</u>
LEGAL DOCUMENT PREPARER)	(Affecting Administrative
)	Order No. 2013-39)
<hr/>)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on December 17, 2020, and it was approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the amendments to Arizona Code of Judicial Administration § 7-208 as indicated on the attached document are adopted effective as of the date of this order. All other provisions of § 7-208 remain unchanged and in effect.

Dated this 6th day of January, 2021.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-208: Legal Document Preparer

A. Definitions. In addition to ACJA § 7-201(A), the following definitions apply:

“Board” means the Board of ~~Legal Document Preparers~~ Nonlawyer Legal Service Providers.

“Designated principal” means the individual associated with a certified business entity, on file with the Certification and Licensing Division, who is a certified legal document preparer and is responsible for supervising all certified legal document preparers, trainees and staff working for the business.

“Legal document preparer” means an individual or business entity certified pursuant to this section to prepare or provide legal documents, without the supervision of an attorney, for an entity or a member of the public who is engaging in self representation in any legal matter. An individual or business entity whose assistance consists merely of secretarial or receptionist services is not a legal document preparer.

“Trainee” means a person who would qualify for certification as a legal document preparer but for the lack of required experience, and who is seeking to gain the required experience to qualify as a certified legal document preparer by working under the supervision of a designated principal, on behalf of a certified business entity, to perform authorized services, as set forth in this section.

B. Applicability. This section applies to individuals or business entities that provide services within the ~~exemption~~ exception to the prohibition of the unauthorized practice of law set forth in Rule ~~31-(a)(2)(B)~~ 31.2, Rules of the Supreme Court. In order to qualify to provide legal document preparation services under the specified ~~exemption~~ exception pursuant to Rule ~~31-(d)(23)~~ 31.3(e)(4), legal document preparers and business entities who provide legal document preparation services shall hold valid certification and perform their duties in accordance with subsections (E) and (F). A person or qualified business entity shall not engage in the preparation of legal documents as specified in subsection (F)(1) without the supervision of an attorney in good standing with the State Bar of Arizona, unless the person or qualified business entity is certified pursuant to this section. A person or business entity shall not represent they are a certified legal document preparer unless the person or business entity, if applicable, holds an active certificate as a certified legal document preparer. This section is read in conjunction with ACJA § 7-201: General Requirements. In the event of any conflict between this section and ACJA § 7-201, ACJA § 7-208 shall govern.

C. [no change]

D. Administration

1. through 3. [no changes]

4. Board of ~~Legal Document Preparers~~ Nonlawyer Legal Service Providers. In addition to the requirements of ACJA § 7-201(D) the following requirements apply:

a. The Board of ~~Legal Document Preparers~~ Nonlawyer Legal Service Providers is established, comprised of the following eleven members appointed by the chief justice:

(1) ~~Five~~ Two certified legal document preparers ~~who have each worked as a legal document preparer for at least five years;~~

(2) Until June 30, 2022, two additional members and thereafter, two legal paraprofessionals;

~~(2)~~ (3) One judge or court administrator;

~~(3)~~ (4) One clerk of the superior court or designee;

~~(4)~~ (5) One attorney;

~~(5)~~ (6) Two public members; and

~~(6)~~ (7) ~~One~~ Two additional ~~member~~ members. ~~appointed by the chief justice of the supreme court.~~

b. [no change]

E. Certification. In addition to the requirements of ACJA § 7-201(E) the following requirements apply:

1. and 2. [no change]

3. Individual Standard Certification.

a. through c. [no changes]

d. Eligibility for Business Entity Standard Certification.

(1) through (6) [no changes]

(7) A person who has been disbarred by the highest court in any state, and who has not been reinstated, may not:

(a) [no change]

(b) provide any legal document preparation or legal services to or on behalf of a certified legal document preparer business, including training and legal research, whether for or without compensation. This prohibition does not apply to a person certified as an individual providing legal document preparation services in compliance with Rule ~~31~~ 31.3, ACJA § 7-201 and this section.

(8) [no change]

e. [no change]

4. [no change]

F. through K. [no changes]

L. Continuing Education Policy.

1. through 3. [no changes]

4. Authorized Continuing Education Activities.

a. A CE activity shall address the areas of proficiency, competency, and performance of legal document preparation, impart knowledge and understanding of the profession, the Arizona judiciary, legal process, and increase the participant's understanding of the responsibilities of a certified legal document preparer. Authorized continuing education activities include the following subjects:

(1) The role and responsibility of certified legal document preparers including ACJA §§ 7-201, -208 and Rule ~~31.3~~31.3.

(2) through (6) [no changes]

b. through e. [no changes]

5. through 10. [no changes]