

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.

“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 to the prohibition of the unauthorized practice of law set forth in Rule 31 (a)(2)(B), Rules of the Supreme Court. In order to qualify to provide legal document preparation services under the specified exemption pursuant to Rule 31 (d)(23), 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. Purpose. The supreme court has inherent regulatory power over all persons providing legal services to the public, regardless of whether they are lawyers or nonlawyers. The court recognizes, however, that the need to protect the public from possible harm caused by nonlawyers providing legal services must be balanced against the public’s need for access to legal services. Accordingly, this section is intended to:

1. Protect the public through the certification of legal document preparers to ensure conformance to the highest ethical standards and performance of responsibilities in a professional and competent manner, in accordance with all applicable statutes, ACJA §§ 7-201 and -208, and Arizona court rules; and
2. Result in the effective administration of the legal document preparer program.

D. Administration.

1. Role and Responsibilities of the Supreme Court. In addition to the requirements of ACJA § 7-201(D), the supreme court shall review recommendations from the board for certification or renewal of certification of applicants subject to the provisions of subsection (E)(3)(c) or (G)(3) and make a final determination on the certification or renewal of certification of these applicants.
2. Establishment and Administration of Fund. The supreme court shall establish a legal document preparer fund consisting of monies received for certification fees, costs and civil penalties. The supreme court shall administer the legal document preparer fund and shall receive and expend monies from the fund.
3. Role and Responsibilities of the Division Staff. These responsibilities are contained in ACJA § 7-201(D).
4. Board of Legal Document Preparers. In addition to the requirements of ACJA § 7-201(D) the following requirements apply:
 - a. The Board of Legal Document Preparers is established, comprised of the following eleven members:
 - (1) Five certified legal document preparers who have each worked as a legal document preparer for at least five years;
 - (2) One judge or court administrator;
 - (3) One clerk of the superior court or designee;
 - (4) One attorney;
 - (5) Two public members; and
 - (6) One additional member appointed by the chief justice of the supreme court.
 - b. The board shall issue certificates to qualified applicants pursuant to subsections (E) and (G) and shall make recommendations to the supreme court regarding the certification and renewal of certification of applicants subject to the provisions of subsections (E)(3)(c) or (G)(3).

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

1. Necessity. A person or qualified business entity shall not represent they are a certified legal document preparer, or are authorized to prepare legal documents, without holding valid certification pursuant to this section.
2. Eligibility for Applying for Individual Standard Certification.
 - a. From and after July 1, 2006, all potential applicants for individual certification, in addition to meeting the requirements set forth in subsection (E)(3)(a), shall meet the examination requirements of this subsection.
 - (1) Potential applicants for standard certification shall successfully pass the examination prior to submitting an application for certification.
 - (2) Upon a potential applicant passing the examination, division staff shall forward notice to the potential applicant of the potential applicant's fulfillment of the examination requirement and provide the potential applicant with an individual standard certification application form.
 - b. Administration of the Examination. In addition to the requirements of ACJA § 7-201(E):
 - (1) The examination for standard individual certification shall consist of a test on legal terminology, client communication, data gathering, document preparation, ethical issues, and professional and administrative responsibilities pertaining to legal document preparation, as identified through a job analysis conducted at the direction of the board. The examination shall be administered in a board approved format and delivery method.
 - (2) Administration of reexaminations. These requirements are contained in ACJA § 7-201(E).
3. Individual Standard Certification.
 - a. Fingerprinting. Pursuant to A.R.S. § 12-102 and ACJA § 7-201(E), an applicant shall furnish fingerprints for a criminal background investigation.
 - b. Eligibility for Individual Certification. Except for applicants subject to the provisions of subsections (E)(3)(c) or (G)(3) the board shall grant a standard individual certificate to an applicant who possesses the following qualifications:
 - (1) A citizen or legal resident of the United States;
 - (2) At least eighteen years of age;
 - (3) Of good moral character;
 - (4) Complies with the laws, court rules, and orders adopted by the supreme court governing legal document preparers in this state; and
 - (5) The applicant has successfully passed the legal document preparer examination.

- (6) The applicant shall also possess one of the following combinations of education or experience:
- (a) A high school diploma or a general equivalency diploma evidencing the passing of the general education development test and a minimum of two years of law-related experience in one or a combination of the following situations:
 - (i) Under the supervision of a licensed attorney;
 - (ii) Providing services in preparation of legal documents prior to July 1, 2003;
 - (iii) Under the supervision of a certified legal document preparer after July 1, 2003;
 - or
 - (iv) As a court employee;
 - (b) A four-year bachelor of arts or bachelor of science degree from an accredited college or university and a minimum of one year of law-related experience in one or a combination of the following situations:
 - (i) Under the supervision of a licensed attorney;
 - (ii) Providing services in preparation of legal documents prior to July 1, 2003;
 - (iii) Under the supervision of a certified legal document preparer after July 1, 2003;
 - or
 - (iv) As a court employee;
 - (c) A certificate of completion from a paralegal or legal assistant program approved by the American Bar Association;
 - (d) A certificate of completion from a paralegal or legal assistant program that is institutionally accredited but not approved by the American Bar Association, and that requires successful completion of a minimum of 24 semester units, or the equivalent, in legal specialization courses;
 - (e) A certificate of completion from an accredited educational program designed specifically to qualify a person for certification as a legal document preparer under this section;
 - (f) A degree from a law school accredited by the American Bar Association; or
 - (g) A degree from a law school that is institutionally accredited but not approved by the American Bar Association.
- c. Any applicant for certification who has been disbarred by the highest court in any state, and who has not been reinstated, or who has been denied admission to the practice of law in Arizona, is subject to the additional requirements specified in subsection (E)(4).
- d. Eligibility for Business Entity Standard Certification.
- (1) All corporations, limited liability companies, partnerships, and all sole proprietorships that offer authorized legal document preparation services to non-represented parties and employs certified legal document preparers, or supervises trainees pursuant to subsection (F)(5), shall obtain certification as a business entity. The business entity shall execute and submit a principal form designating a certified individual legal document preparer pursuant to this section. The designated principal shall have the duties and responsibilities set forth in subsections (F)(4), (F)(5) and (F)(6). In the event a designated principal is no

longer able or willing to serve as the principal, a certified business entity shall immediately designate another certified individual legal document preparer as the new designated principal and within twenty days file an updated designated principal form with the division staff.

- (2) The owner or officers of a certified legal document preparer business entity are not required to hold individual certification, provided the business entity has a designated principal who holds valid individual certification as a legal document preparer.
- (3) A sole proprietor who does not employ certified legal document preparers or supervise trainees pursuant to subsections (A) and (F)(5), is not required to hold certification as a business entity, provided the sole proprietor holds valid certification as an individual legal document preparer.
- (4) The board may grant a waiver of the business entity application fee to a corporation, limited liability company, or partnership that essentially operates as a sole proprietorship because it does not employ more than one certified legal document preparer, does not supervise trainees pursuant to subsections (A) and (F)(5), provided:
 - (a) The individual operating the business holds valid certification as an individual legal document preparer; and
 - (b) The business entity has applied for and obtained a business entity certification fee exemption.
- (5) The board will review each fee exemption request individually.
- (6) If the board approves a business entity certification fee exemption, the board shall refund the fees submitted with the exempted business entity's application.
- (7) A person who has been disbarred by the highest court in any state, and who has not been reinstated, may not:
 - (a) retain any ownership interest in a certified legal document preparer business;
or
 - (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, ACJA § 7-201 and this section.
- (8) A person whose individual application has been denied or whose individual certificate has been revoked by the board may not:
 - (a) retain any ownership interest in a certified legal document preparer business;
or
 - (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.

- e. Procedures for Business Entity Certification. In addition to the requirements contained in ACJA § 7-201(E), a verified designated principal form and a list of all certified legal document preparers and subsection (F)(5) trainees acting for or on behalf of the business entity shall accompany the application for initial business entity certification.
4. Decision Regarding Certification. In addition to the requirements of ACJA § 7-201(E) the following requirements apply to an applicant for certification who has been disbarred by the highest court in any state, and who has not been reinstated, or who has been denied admission to the practice of law in Arizona.
- a. The board shall review the application of the applicant during a board meeting. If the board is satisfied the applicant meets the requirements of this section, and by majority vote of the board in public session, recommends certification of the applicant, the board shall forward a written recommendation for certification, along with the application, to the supreme court for review by the court.
 - b. The court may decline review, or it may grant review on its own motion. If the court declines review, the board's recommendation for certification is final and the applicant shall be issued certification. If the court grants review, the court may issue such orders as appropriate for its review, including remanding the matter to the board for further action, ordering transmittal of the applicant's file, or ordering the applicant to provide additional information. If the court is satisfied the applicant meets the requirements of this section and approves the certification, the division staff, upon notice from the court, shall issue a certificate to the applicant in accordance with this section and ACJA § 7-201(E).
 - c. The board, or the court when considering applicants subject to the provisions of subsection (E)(3)(c), may refuse to issue a certificate if the board or court finds that any of the following applies:
 - (1) The applicant has been disbarred by the highest court in any state and has not been reinstated; or
 - (2) The applicant has been denied admission to the practice of law in Arizona.
 - d. An applicant who is subject to the provisions of subsection (E)(3)(c) and who is denied certification by the board may exercise the right to hearing pursuant to ACJA § 7-201(E)(2)(c)(5). The decision of the court to deny certification to an applicant who is subject to the provisions of subsection (E)(3)(c) is final and the hearing provisions of ACJA § 7-201(E)(2)(c)(5) do not apply.

F. Role and Responsibilities of Certificate Holders. In addition to the requirements of ACJA § 7-201(F) the following requirements apply:

- 1. Authorized Services. A certified legal document preparer is authorized to:

- a. Prepare or provide legal documents, without the supervision of an attorney, for a person or entity in any legal matter when that person or entity 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 person or entity 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 or entity in a legal matter when that person or entity is not represented by an attorney;
 - d. Make legal forms and documents available to a person or entity who is not represented by an attorney; and
 - e. File, record, and arrange for service of legal forms and documents for a person or entity in a legal matter when that person or entity is not represented by an attorney. A certified legal document preparer may not sign any document he or she prepares for or provides to a person or entity, but this provision does not prohibit the signing of (i) 20-Day Notices prepared pursuant to A.R.S. § 33-992.01, (ii) notices related to condominium or planned community association liens that are created pursuant to A.R.S. § 33-1256 (condominiums) and § 33-1807 (planned communities); (iii) health care provider liens that are created pursuant to A.R.S. § 33-932, or (iv) mechanic's liens created pursuant to A.R.S. § 33-993.
2. Code of Conduct. Each certified legal document preparer shall adhere to the code of conduct in subsection J.
 3. Identification. Beginning July 1, 2003, a certified legal document preparer shall include the legal document preparer's name, the title "Arizona Certified Legal Document Preparer" or the abbreviation "AZCLDP" and the legal document preparer's certificate number on all documents prepared by the legal document preparer, unless expressly prohibited by a non-judicial agency or entity. A legal document preparer providing services on behalf of a certified business entity shall also include the business entity name and certificate number on all documents prepared, unless expressly prohibited by a non-judicial agency or entity. The legal document preparer shall also provide their name, title and certificate number to any person upon request.
 4. Notification of Changes. In addition to the requirements of ACJA § 7-201(F) the following requirements apply:
 - a. If the status of an individual certificate holder changes from being associated with a business entity, the legal document preparer shall, within 30 days of the change, notify the division staff in writing.

- b. A designated principal shall notify the division staff in writing within 30 days of the termination of employment when an employee who is a certified legal document preparer or an (F)(5) trainee leaves the employment of the business entity.

5. Supervision of Trainees.

- a. If a certified business entity employs a person who would qualify for certification as a legal document preparer but for the lack of required experience, the designated principal may train the employee to perform services authorized by this section until such time as the trainee meets the minimum eligibility requirements for individual certification pursuant to subsection (E)(3)(b) for a period not to exceed two and one-half years.
- b. The trainee may perform authorized services, as set forth in subsection (F)(1) of this section, only under the supervision of the designated principal. Neither the trainee nor the designated principal may represent that the trainee is a certified legal document preparer.
- c. Any designated principal who undertakes to train an employee shall:
 - (1) Assume personal professional responsibility for the trainee's guidance in any work undertaken and for supervising, generally or directly, as necessary, the quality of the trainee's work;
 - (2) Assist the trainee in activities to the extent the designated principal considers it necessary;
 - (3) Ensure the trainee is familiar with and adheres to the provisions of ACJA §§ 7-201 and -208;
 - (4) Provide the designated principal's name and certificate number, as required by subsection (F)(3), on any documents prepared by the trainee under the designated principal's supervision; and
 - (5) Prepare and submit a written acknowledgement of the roles and responsibilities of the designated principal and trainee pursuant to subsections (F)(5) and (F)(6). The written acknowledgement shall include the name, address, start date of the trainee, and the anticipated date the trainee will meet the minimum eligibility requirements to seek individual certification.

6. Designated Principal. The designated principal of a certified business entity shall:

- a. Prepare and submit, with the business entity application, a list of all certified legal document preparers and subsection (F)(5) trainees acting for or on behalf of the business entity;
- b. File with the division staff, by May 1st of each year, a list of all certified legal document preparers and a list of all subsection (F)(5) trainees acting for or on behalf of the business entity;

- c. Actively and directly supervise all other certified legal document preparers, subsection (F)(5) trainees, and staff working for the certified business entity; and
- d. Represent the business entity, at the discretion of the entity, in any proceeding under this section.

7. Notification of Discipline. A certificate holder who has been disbarred from the practice of law in any state since original certification as a legal document preparer shall provide the information regarding the disbarment to the board within 30 days of service of the notice of the disbarment.

8. Notification of Denial of Admission. A certificate holder who has been denied admission to the practice of law in Arizona since original certification as a legal document preparer shall provide the information regarding the denial to the board within 30 days of service of the notice of the denial.

G. Renewal of Certification. In addition to the requirements contained in ACJA § 7-201(G) the following requirements apply:

- 1. Expiration Date. All standard certifications expire at midnight, on June 30th of each odd numbered year.
- 2. Continuing Education. All certified legal document preparers shall complete ten hours of continuing education each year for a total of twenty hours every certification period pursuant to subsection (L).
- 3. Decision Regarding Renewal. In addition to the requirements contained in ACJA § 7-201(G), the review and certification decision and hearing provisions of subsection (E)(4) shall apply to a certificate holder who has been disbarred or who has been denied admission to the practice of law since the date of the original certification.

H. Complaints, Investigation, Disciplinary Proceedings and Certification and Disciplinary Hearings. These requirements are contained in ACJA § 7-201(H).

I. Policies and Procedures for Board Members. These requirements are contained in ACJA § 7-201(I).

J. Code of Conduct. This code of conduct is adopted by the supreme court to apply to all certified legal document preparers in the state of Arizona. The purpose of this code of conduct is to establish minimum standards for performance by certified legal document preparers.

1. Ethics.

- a. A legal document preparer shall avoid impropriety and the appearance of impropriety in all activities, shall respect and comply with the laws, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the legal and judicial systems.
- b. A legal document preparer shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest.
- c. A legal document preparer shall promptly make full disclosure to a consumer of any relationships which may give the appearance of or constitutes a conflict of interest.
- d. A legal document preparer shall refrain from knowingly making misleading, deceptive, untrue, or fraudulent representations while assisting a consumer in the preparation of legal documents. A legal document preparer shall not engage in unethical or unprofessional conduct in any professional dealings that are harmful or detrimental to the public.

2. Professionalism.

- a. A legal document preparer shall treat information received from the consumer as confidential, yet recognize and acknowledge that the privilege of attorney – client confidential communications is not extended to certified legal document preparers.
- b. A legal document preparer shall be truthful and accurate when advertising or representing the legal document preparer’s qualifications, skills or abilities, or the services provided. A legal document preparer shall demonstrate respect for the legal system and for those who serve it, including judges, judicial staff, attorneys, other legal document preparers and public officials. A legal document preparer shall not make a statement the legal document preparer knows is false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer, public legal officer, attorney, other legal document preparer or judicial staff.
- c. A legal document preparer shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.
- d. A legal document preparer shall keep abreast of current developments in the law as they relate to legal document preparation and shall fulfill ongoing training requirements to maintain professionalism and the skills necessary to perform their duties competently.

3. Fees and Services.

- a. A legal document preparer shall, upon request of a consumer at any time, disclose in writing an itemization of all rates and charges to that consumer.

- b. A legal document preparer shall determine fees independently, except when otherwise established by law, entering into no unlawful agreements with other legal document preparers on the fees charged to any user.
- c. A legal document preparer shall at all times be aware of and avoid impropriety or the appearance of impropriety, which may include, but is not limited to:
 - (1) Establishing contingent fees as a basis of compensation;
 - (2) Directly or indirectly receiving of any gift, incentive, reward, or anything of value as a condition of the performance of professional services; and
 - (3) Directly or indirectly offering to pay any commission or other consideration in order to secure professional assignments.
- d. A legal document preparer may consult, associate, collaborate with, and involve other professionals in order to assist the consumer.

4. Skills and Practice.

- a. A legal document preparer shall provide completed documents to a consumer in a timely manner. The legal document preparer shall make a good faith effort to meet promised delivery dates and make timely delivery of documents when no date is specified. A legal document preparer shall meet document preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A legal document preparer shall provide immediate notification to the consumer of any delays.
- b. A legal document preparer shall accept only those assignments for which the legal document preparer's level of competence will result in the preparation of an accurate document. The legal document preparer shall decline an assignment when the legal document preparer's abilities are inadequate for that assignment.

5. Performance in Accordance with Law.

- a. A legal document preparer shall perform all duties and discharge all obligations in accordance with applicable laws, rules or court orders.
- b. A legal document preparer shall not represent they are authorized to practice law in this state, nor shall the legal document preparer provide legal advice or services to another by expressing opinions, either verbal or written, or by representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process, except as authorized in Rule 31(d), Rules of the Supreme Court. A legal document preparer shall not attend court with a consumer for the purpose of assisting the consumer in the court proceeding, unless otherwise ordered by the court.
- c. A legal document preparer shall not provide any kind of advice, opinion or recommendation to a consumer about possible legal rights, remedies, defenses, options, or strategies. This shall not, however, preclude a certified legal document

preparer from providing the type of information permitted in subsection (F)(1) of this section. A legal document preparer shall inform the consumer in writing that a legal document preparer is not a lawyer, is not employed by a lawyer, and cannot give legal advice, and that communications with a legal document preparer are not privileged. A legal document preparer shall not use the designations “lawyer,” “attorney at law,” “counselor at law,” “law office,” “JD,” “Esq.,” or other equivalent words, the use of which is reasonably likely to induce others to believe the legal document preparer is authorized to engage in the practice of law in the state of Arizona.

K. Fee Schedule.

1. Standard Certification Fees
 - a. Individual Certification for Two Year Certification Period \$650.00
 - (1) For certification expiring **more** than one year after application date \$650.00
 - (2) For certification expiring **less** than one year after application date \$325.00
 - b. Fingerprint Application Processing. Rate set by Arizona law and subject to change.
2. Business Entity Certification for Two Year Certification Period \$650.00
 - a. For certification expiring **more** than one year after application date \$650.00
 - b. For certification expiring **less** than one year after application date \$325.00
3. Examination Fees
 - a. New Applicants for Certification \$ 50.00
 - b. Reexaminations \$ 50.00

(For any applicant who does not pass the examination on the first attempt. The \$50.00 fee applies to each reexamination.)
 - c. Reregistration for Examination \$ 50.00

(For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)
4. Renewal Certification Fees.
 - a. Individual Renewal for Two Year Renewal Period \$600.00
 - b. Business Entity Renewal for Two Year Renewal Period \$600.00

- c. Inactive Status \$200.00
 - d. Late Renewal \$ 50.00
 - e. Delinquent Continuing Education \$ 50.00
5. Miscellaneous Fees.
- a. Replacement of Certificate or Name Change \$ 25.00
 - b. Public Record Request per Page Copy \$.50
 - c. Certificate of Correctness of Copy of Record \$ 18.00
 - d. Reinstatement Application \$100.00

(Application for reinstatement to certification after suspension or revocation of certification.)

L. Continuing Education Policy.

1. Purpose.

- a. Ongoing continuing education (“CE”) is one method to ensure legal document preparers maintain competence in the field after certification is obtained. Continuing education also provides opportunities for legal document preparers to keep abreast of changes in the profession and the Arizona judicial system.
- b. Pursuant to ACJA § 7-201(D) the board shall make recommendations to the supreme court regarding rules, policies, and procedures to implement and enforce the requirements regarding legal document preparers, including continuing education. This subsection is intended to provide direction to legal document preparers to ensure compliance with the continuing education requirements and to provide for equitable application and enforcement of the continuing education requirements.

2. Applicability.

- a. Pursuant to subsection (G)(2), all legal document preparers who hold individual certification shall attend ten hours of approved continuing education each year between the period of May 1st and April 30th of the following year, for a total of no less than twenty hours of continuing education completed on or before April 30th of every odd numbered year. The continuing education requirements do not apply to certified legal document preparer business entities. Hours of participation are not transferable to certification periods other than the one in which the participation occurred.

- b. All certified legal document preparers shall comply with the continuing education policies in this subsection.
3. Responsibilities of Legal Document Preparers.
- a. It is the responsibility of each legal document preparer to ensure compliance with the continuing education requirements, maintain documentation of completion of continuing education, and to submit the maintained documentation to the legal document preparer program upon the request of the board or division staff.
 - b. Upon request, each legal document preparer shall provide any additional information required by the board or division staff when reviewing renewal applications and continuing education documentation.
 - c. Continuing education not recognized for credit upon board review does not in any way relieve the legal document preparer of the responsibility to complete the required hours of continuing education.
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.
 - (2) Ethics for legal document preparers and business entities, including cooperation with judges, attorneys, court staff, and other certified legal document preparers, professional courtesy and impartiality to all litigants, and information versus legal advice. Each certified legal document preparer shall complete a minimum of one hour of the total continuing education requirement each year in an ethics based curriculum.
 - (3) The Arizona court system including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, Arizona tribal court system, resource materials including Arizona Revised Statutes, Arizona Rules of Court, administrative orders and rules, as well as current issues in the Arizona court system.
 - (4) Research skills including utilizing reference materials and libraries and research techniques.
 - (5) Management issues including public relations, customer service, accounting, time management, human resources, financial and retirement planning, and office management. The maximum hours of continuing education credits earned as business management credit shall not exceed three hours per year of the total number of continuing education hours required for renewal.
 - (6) The maximum hours of continuing education credits earned from tax related

curriculum shall not exceed three hours per year of the total number of continuing education hours required for renewal.

- b. Conferences. A legal document preparer may receive continuing education credit for attendance at a conference relevant to the profession. A legal document preparer may receive 100 percent of the continuing education credits for attendance at the conference, if the conference is directly related to the legal document preparer profession. Introductory remarks sessions, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.
 - c. University, college and other educational institution courses. A legal document preparer may receive continuing education credit for a course provided by a university, college or other institutionally accredited educational program if the legal document preparer successfully completes the course with a grade of "C" or better or a "pass" in a pass/fail grading system. A legal document preparer may receive continuing education credit if the course is relevant to the legal document preparer profession, up to two times the number of credit hours awarded by the educational institution. The maximum hours of continuing education credits earned from educational course work shall not exceed 50 percent of the total number of continuing education hours required for renewal.
 - d. Self study. A legal document preparer may receive continuing education credit for self study activities, including video and audio tapes, online computer seminars, and other methods of independent learning. The maximum hours of continuing education credits earned in a self study format shall not exceed 50 percent of the total number of continuing education hours required for renewal.
 - e. Serving as faculty. A legal document preparer may receive continuing education credit for serving as faculty, instructor, speaker, or panel member of an instructional seminar directly related to the profession of legal document preparation. A legal document preparer may receive continuing education credit for the presentation time and up to two hours of preparation time for each hour of presentation. The maximum hours of continuing education credits earned as faculty credit shall not exceed 50 percent of the total number of continuing education hours required for renewal and a legal document preparer shall not receive duplicate credit for repeating a presentation during the certificate period.
5. Minimum time. Each continuing education activity shall consist of at least 30 minutes of actual clock time spent by a legal document preparer in actual attendance at and completion of a continuing education activity. "Actual clock time" includes the total number of hours attended, minus the time spent for introductory remarks, breaks, meals, and business meetings. After completion of the first 30 minutes of a continuing education activity, credit shall be recognized in fifteen minute increments.
6. Maximum credit. Unless the board otherwise determines a continuing education activity is directly related to the legal document preparer profession, a legal document preparer shall

not receive more than 50 percent of the credit requirement for the certificate period through one activity.

7. Non-Qualifying Activities.

a. The following activities shall not qualify for continuing education credit for legal document preparers:

- (1) Educational course work and training completed to qualify for certification;
- (2) Trainee supervision activities. A legal document preparer shall not receive continuing education credit for trainee supervision;
- (3) Attendance or participation at professional or association business meetings, general sessions, elections, policymaking sessions or program orientation;
- (4) Serving on committees or councils or as officers in a professional organization; and
- (5) Activities completed as required by the board as part of a disciplinary action.

b. Repeat of an Activity. Continuing education activities repeated during a certificate period do not qualify for credited duplicate hours.

c. If a legal document preparer attends part, but not all of a continuing education course, the legal document preparer holder is not eligible to claim partial credit completion.

8. Documentation of attendance or completion. When attending or completing a continuing education activity, each legal document preparer shall obtain documentation of attendance or completion from the sponsoring entity. At a minimum, this documentation shall include the:

- a. name of the sponsor;
- b. name of the participant;
- c. topic of the subject matter;
- d. number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
- e. date and place of the program; and
- f. signature of the sponsor or an official document from the sponsoring entity.

9. Compliance and Non-Compliance.

a. Affidavit of compliance. A legal document preparer shall submit an affidavit of continuing education compliance when applying for renewal of certification. The affidavit shall be in the format provided by division staff.

- b. Proration of continuing education requirement. A legal document preparer whose certificate expires less than one year from the effective date of certification shall complete no less than ten hours of continuing education credit during the balance of the certification period. In subsequent certification periods, the legal document preparer shall complete the biannual twenty hour continuing education requirement. Proration of the continuing education requirement does not apply to a legal document preparer who previously held certification and allowed their certification to lapse.

- c. Extension or waiver of continuing education requirements. A legal document preparer seeking renewal of certification who has not fully complied with the CE requirements may request an extension or waiver of the CE requirements under the following conditions:
 - (1) The legal document preparer submits a notarized written statement to the board, explaining the facts regarding non-compliance and requesting an extension or waiver of the requirements no later than the May 15th preceding the June 30th expiration of the certificate. Upon a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days for the legal document preparer to complete the continuing education requirement.
 - (2) The board shall determine whether extenuating circumstances exist. In reviewing the request, the board shall consider if the legal document preparer has been unable to devote sufficient hours to fulfill the requirements during the certificate period because of:
 - (a) full-time service in the armed forces of the United States during a substantial part of the certificate period;
 - (b) an incapacitating illness documented by a statement from a currently licensed health care provider;
 - (c) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed health care provider; or
 - (d) any other special circumstances the board deems appropriate.
 - (3) A legal document preparer whose certificate has been suspended or revoked by the board is not eligible to request a waiver or extension of the continuing education requirement.
 - (4) The board or division staff may request documentation or additional information from a legal document preparer applying for renewal to verify compliance with the continuing education requirements. If the legal document preparer fails to provide the requested documentation or additional information, the board may deem the application for renewal incomplete and deny renewal of certification.

- d. Random audits of continuing education compliance. During each renewal review period, the board shall direct division staff to randomly select a specified number of legal document preparers to demonstrate continuing education requirement compliance through submission of proof of continuing education participation. Refusal or failure to respond to a board or division staff request for audit documentation of continuing education compliance may result in denial of renewal of certification or disciplinary action pursuant to ACJA § 7-201(H) and this section.

- e. A legal document preparer who fails to complete the continuing education requirement, completes any portion of the continuing education requirement after April 30th of each odd numbered year, falsifies documents, or misrepresents attendance or an activity is subject to any or all of the following actions of the board;
 - (1) Assessment of the delinquent continuing education fee;
 - (2) Denial of renewal of certification; and
 - (3) Disciplinary action pursuant to ACJA § 7-201(H) and this section.

10. Board Decision Regarding Continuing Education Compliance.

- a. Upon a review of continuing education documentation and any applicable additional information requested, the board may:
 - (1) Recognize legal document preparer compliance with the continuing education requirement;
 - (2) Require additional information from the legal document preparer seeking renewal before making a decision;
 - (3) Recognize partial compliance with the requirement and order remedial measures; or
 - (4) Enter a finding of non-compliance.
- b. The division staff shall promptly notify the legal document preparer, in writing, of the board's decision. A legal document preparer may appeal the decision by submitting a written request for review to the legal document preparer program within fifteen days of receipt of notification of the board's decision. The legal document preparer requesting review may request to appear before the board at the next available regularly scheduled board meeting.
- c. The certification of a legal document preparer who timely appeals a decision by the board regarding continuing education shall continue in force until a final decision is made by the board.
- d. The board shall make the decision on the appeal in writing. The decision is final and binding.

Adopted by Administrative Order 2003-14, effective April 1, 2005. Amended by Administrative Order 2003-64, effective June 6, 2003. Amended by Administrative Order 2004-95, effective November 24, 2004. Amended by Administrative Order 2005-24, effective April 7, 2005. Amended by Administrative Order 2006-75. The amended section takes effect January 1, 2007, unless otherwise delineated in the administrative order adopting the section. Amended by Administrative Order 2012-85, effective November 21, 2012. Rescinded by Administrative Order 2012-94, effective December 6, 2012. Amended by Administrative Order 2013-39, effective April 10, 2013.