

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION §7-208:)	Administrative Order
LEGAL DOCUMENT PREPARER)	<u>No. 2005 - 24</u>
)	(Affecting Administrative
)	Order No. 2003-14)
_____)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on March 30, 2005 and was approved and recommended for adoption. Members of the Court recognized the need to specifically articulate the areas of the Legal Document Preparer Examination, and on the Court's own motion, revised the approved and recommended language to so state.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration §7-208 is amended as indicated on the attached document. All other provisions of §7-208, as amended, remain unchanged and in effect.

Dated this 7th day of April, 2005.

CHARLES E. JONES
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.

“EXAMINATION ANSWER SHEET” MEANS THE FORM COMPLETED BY AN APPLICANT WHEN TAKING THE EXAMINATION FOR CERTIFICATION PURSUANT TO SUBSECTION E(4), ON WHICH THE APPLICANT PROVIDES AN ANSWER TO THE QUESTIONS ON THE EXAMINATION, FROM WHICH THE APPLICANT’S ANSWERS ARE THEN GRADED.

E. Certification.

4. Standard Certification.

- a. Eligibility. From and after July 1, ~~2005~~ 2006, all applicants for individual certification, in addition to meeting the requirements set forth in subsection E(3)(a), shall meet the examination requirements of subsections E(4)(b) and (c) of this ~~code~~ section. ALL APPLICANTS WHO HOLD AN INITIAL CERTIFICATE AS OF APRIL 1, 2005 SHALL TAKE THE EXAMINATION NO LATER THAN SEPTEMBER 1, 2005. APPLICANTS GRANTED AN INITIAL CERTIFICATE AFTER APRIL 1, 2005 SHALL TAKE THE EXAMINATION NO LATER THAN SEPTEMBER 1, 2005 OR WITHIN 90 DAYS OF CERTIFICATION, WHICHEVER IS LATER. The examination requirements do not apply to entities applying for certification for a business.
- b. Procedures for Examination.
 - (1) The examination for standard certification shall consist of a written ~~knowledge test of rules of the supreme court relating to~~ ON LEGAL TERMINOLOGY, CLIENT COMMUNICATION, DATA GATHERING, DOCUMENT PREPARATION, ETHICAL ISSUES, AND PROFESSIONAL AND ADMINISTRATIVE RESPONSIBILITIES PERTAINING TO legal document preparers PREPARATION, AS IDENTIFIED THROUGH A JOB ANALYSIS CONDUCTED AT THE DIRECTION OF THE BOARD.
 - (2) The board shall administer the examination. IN ADMINISTERING THE EXAMINATION, THE BOARD ~~and~~ shall:
 - (a) specify a date and place for the examination;
 - (b) PUBLISH CONTENT SPECIFICATIONS FOR THE EXAMINATION AND A STUDY GUIDE IN ADVANCE OF THE EXAMINATION AND MAKE THESE AVAILABLE TO APPLICANTS;

- (c) ESTABLISH AND ANNOUNCE A PASSING SCORE FOR THE EXAMINATION, IN ADVANCE OF THE EXAMINATION. THE PASSING SCORE SHALL BE CONSISTENT WITH THE JOB ANALYSIS CONDUCTED AT THE DIRECTION OF THE BOARD. An applicant shall pass with a final score on the ~~test~~-EXAMINATION that meets the guidelines established by the board;
 - (d) USE MULTIPLE VERSIONS OF THE EXAMINATION AND ENSURE NO COPIES OF THE EXAMINATION ARE RELEASED TO APPLICANTS OR THE PUBLIC;
 - (e) INFORM EACH APPLICANT IN WRITING AS TO WHETHER THE APPLICANT PASSED OR FAILED THE EXAMINATION AND IF THE GRADE IS FAILING THAT A REEXAMINATION IS REQUIRED; AND
 - (f) MAKE AND KEEP AN ACCURATE RECORD OF EACH EXAMINATION USED AT EACH ADMINISTRATION OF THE EXAMINATION AND THE SCORE OF EACH PERSON TAKING THE EXAMINATION.
- (3) ADMINISTRATION OF REEXAMINATIONS. THE PROGRAM COORDINATOR SHALL ALLOW AN APPLICANT WHO FAILS THE EXAMINATION TO:
- (a) REVIEW THE EXAMINATION ANSWER SHEET AND GRADE OF THE APPLICANT, UPON WRITTEN REQUEST. THE APPLICANT SHALL CONDUCT THE REVIEW DURING PROGRAM BUSINESS HOURS IN THE PRESENCE OF PROGRAM STAFF AND THE APPLICANT SHALL NOT COPY OR TAKE MATERIALS PROVIDED FOR THE REVIEW.
 - (b) RETAKE THE EXAMINATION TWO TIMES UNDER THE FOLLOWING CONDITIONS:
 - (i) THE APPLICANT IS NOT DISQUALIFIED FROM RETAKING THE EXAMINATION;
 - (ii) THE APPLICANT SENT A WRITTEN REQUEST TO RETAKE THE EXAMINATION TO THE PROGRAM COORDINATOR WITHIN 30 DAYS OF THE DATE OF THE RECEIPT OF THE EXAMINATION RESULTS; AND
 - (iii) THE APPLICANT TAKES THE REEXAMINATION WITHIN 90 DAYS OF THE DATE OF THE NOTICE OF THE EXAMINATION RESULTS. ~~An applicant who fails to pass the written examination may retake the examination one time within six months of the date of the failed examination, provided the applicant has not been disqualified pursuant to subsection E(4)(b)(4). An applicant who fails to pass the second and any subsequent examinations may not take the examination again for a period of six months.~~
 - (c) THE PROGRAM COORDINATOR SHALL NOT ALLOW AN APPLICANT WHO HAS TAKEN AND FAILED THE EXAMINATION THREE TIMES TO TAKE A FURTHER EXAMINATION, UNLESS ALL REQUIREMENTS OF THIS SECTION ARE MET AND THE

BOARD GRANTS SPECIAL PERMISSION FOR THE APPLICANT TO TAKE ANOTHER EXAMINATION. THE APPLICANT SHALL SUBMIT A WRITTEN REQUEST TO THE BOARD STATING THE ADDITIONAL STUDY AND PREPARATION THE APPLICANT HAS COMPLETED TO QUALIFY FOR AN ADDITIONAL EXAMINATION. IF THE BOARD FINDS REASONABLE CAUSE TO BELIEVE THE APPLICANT MAY SUCCESSFULLY TAKE A FURTHER EXAMINATION, IT SHALL GRANT PERMISSION TO TAKE THE ADDITIONAL EXAMINATION.

- (4) The board shall disqualify an applicant from taking any future examination if the board determines the applicant engaged in fraud, dishonesty, or corruption ~~while taking~~ IN CONNECTION WITH the examination.
- (5) AN APPLICANT WHO FAILS THE EXAMINATION IS NOT ENTITLED TO A HEARING ON THE FAILING GRADE OR ON DENIAL OF CERTIFICATION IF THE SOLE REASON FOR DENIAL IS THE FAILURE OF THE APPLICANT TO PASS THE EXAMINATION.