

IN THE SUPREME COURT OF THE STATE OF ARIZONA

| | | |
|--------------------------|---|----------------------|
| In the Matter of: |) | |
| |) | |
| ARIZONA CODE OF JUDICIAL |) | Administrative Order |
| ADMINISTRATION § 7-208: |) | <u>No. 2006 - 75</u> |
| LEGAL DOCUMENT |) | |
| PREPARERS |) | |
| _____ |) | |

WHEREAS during the 2006 legislative session the Arizona Legislature adopted statutory provisions authorizing the fingerprinting of applicants for certification as a legal document preparer, these provisions were signed into law by the Governor as Laws 2006, Chapter 74 and take effect on September 21, 2006, and these provisions require amendments to the Arizona Code of Judicial Administration § 7-208, and

WHEREAS an applicant for certification as a legal document preparer may have been denied admission to the practice of law in Arizona or disbarred in any state and review of these applicants by the supreme court is advisable, and

WHEREAS on June 19, 2006 the Arizona Judicial Council approved and recommended the attached amended version of the Arizona Code of Judicial Administration § 7-208 for adoption, and

WHEREAS a January 1, 2007 general effective date and a September 21, 2006 effective date for applicant fingerprinting for certification are advisable,

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

IT IS ORDERED that the Arizona Code of Judicial Administration § 7-208 is amended as indicated in the attached document effective January 1, 2007 except as otherwise ordered below.

IT IS FURTHER ORDERED that the provisions of subsection (E)(3)(a) of § 7-208 as amended regarding fingerprinting of applicants for certification are effective as to all applications pending on or filed on or after September 21, 2006.

IT IS FURTHER ORDERED that effective immediately an applicant for certification as a legal document preparer who previously has been denied admission to the practice of law in Arizona or disbarred in any state is subject to the provisions of § 7-208 as amended regarding the requirements for review by the supreme court.

Dated this 6th day of September, 2006.

RUTH V. MCGREGOR
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., appointed by the Chief Justice of the Supreme Court.~~

~~“Certification” means a certificate issued by the program coordinator, upon decision of the board, to a person or entity when the person or entity meets the requirements of this code section.~~

~~“Code section” means the referenced provision of the Arizona Code of Judicial Administration.~~

~~“Days” means the same as provided by the Arizona Rules of Civil Procedure, that is: the computation of days is as follows: if “. . . less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation . . .” and if “. . . 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation.”~~

~~“Deputy director” means the deputy director of the administrative office of the courts (AOC), Arizona Supreme Court.~~

“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.

~~“Director” means the director of the AOC, or the director’s designee.~~

~~“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.~~

~~“Formal charges” means the document setting forth specific acts of misconduct by a certified legal document preparer or violations of this code section, including any amendments, authorized by the board upon a determination of probable cause.~~

~~“Formal disciplinary proceedings” means filing of formal charges specifying misconduct by a certified legal document preparer. Formal disciplinary proceedings commence after a finding there is probable cause to believe a legal document preparer has committed a violation of the administrative code or court rules that if true, would warrant a public sanction. The public~~

~~sanction could include restrictions on the certificate, or suspension or revocation of the certificate.~~

~~“Hearing officer” means an individual appointed pursuant to this code section, to preside over an administrative hearing regarding the denial of initial or renewal certification or a complaint regarding alleged misconduct of a certificate holder.~~

~~“Informal disciplinary proceedings” means resolution of a complaint prior to the filing of formal charges. An informal disciplinary proceeding may result in imposition of sanctions, but the sanction may not include restrictions on a certificate or suspension or revocation of a certificate.~~

~~“Legal document preparer” means an individual or business entity who is 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.~~

~~“Letter of concern” means a communication from the board notifying a certificate holder of the board’s determination the certificate holder has violated a provision of the applicable code sections and statutes and that informal discipline is appropriate. A letter of concern is not appealable.~~

~~“Program coordinator” means the staff appointed by the administrative director to administer the program.~~

~~“Revoked” means a certificate is permanently invalidated or canceled as a result of proceedings brought by the board, after a finding of probable cause, pursuant to a statement of formal charges.~~

~~“Section” means the referenced provisions of the Arizona Revised Statutes (A.R.S.).~~

~~“Supreme Court” means the Supreme Court of Arizona.~~

~~“Suspended” means a certificate is not revoked, but the certificate holder is not permitted to exercise the privileges of the certificate for a set period of time as a result of proceedings brought by the board, after a finding of probable cause, pursuant to a statement of formal charges.~~

~~“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 certificate holder designated principal, on behalf of a certified business entity, to perform authorized services, as set forth in this code section.~~

~~“Valid” means currently in effect, issued and signed by authorized staff of the applicable program and not suspended or revoked.~~

B. Applicability. This ~~code~~ section applies to individuals or business entities that provide services ~~come within the exception~~ exemption to the prohibition of the unauthorized practice of law set forth in Rule 31 ~~(a)(2)(B)~~ ~~(a)(4)~~, Rules of the Supreme Court. In order to qualify to provide legal document preparation services under ~~for~~ the specified ~~exception~~ exemption pursuant to Rule 31 (d)(23), legal document preparers and business entities who provide legal document preparation services shall hold ~~or~~ valid certification and perform their duties ~~under supervision~~ in accordance with subsections (E) and (F)(5) ~~of this code section~~ by a person holding valid certification. A ~~certified legal document preparer~~ shall also ~~comply with the requirements of this code section~~. ~~Beginning July 1, 2003,~~ A person or qualified business entity shall not engage in the preparation of legal documents as specified in subsection (F)(1) ~~of this code section~~ 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 ~~code~~ section. A person or business entity shall not represent ~~oneself as they are~~ a certified legal document preparer unless the person or business entity, if applicable, holds an active valid 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 ~~code~~ 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, ~~code~~ ACJA §§ 7-201 and -208, sections, and Arizona court rules; and
2. Result in the effective administration of the ~~L~~legal ~~D~~document ~~P~~preparer ~~P~~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.~~The supreme court shall:~~
 - a. ~~Administer the legal document preparer certification program;~~
 - b. ~~Adopt rules for the implementation and administration of the program. At a minimum the rules shall include a code of conduct, minimum qualifications, and certification; and~~

- ~~e. Establish and collect fees, costs and fines necessary for the implementation and enforcement of the program.~~
2. Establishment and Administration of Fund. The supreme court shall establish a ~~L~~legal ~~D~~ocument ~~P~~reparer ~~F~~und consisting of monies received for certification fees, costs and ~~fines—civil penalties~~. The supreme court shall administer the ~~L~~legal ~~d~~ocument ~~p~~reparer ~~f~~und and shall receive and expend monies from the fund.
3. Role and Responsibilities of the Program Division Staff. —Coordinator. —The program coordinator, designated by the director, shall:—These responsibilities are contained in ACJA § 7-201(D).
- ~~a. —Administer the Legal Document Preparer Certification Program;~~
- ~~b. —Forward all certification fees, costs, and fines imposed and received pursuant to this code section to the state treasurer for deposit in the Legal Document Preparer Fund;~~
- ~~c. —Provide updates to the board, make recommendations regarding matters pertaining to certification, complaints and investigations, and all other matters relevant to certified legal document preparers; and~~
- ~~d. —Maintain a list of certified legal document preparers. The program coordinator shall distribute the list to the superior court and make it available to the public. The program coordinator may charge for the costs of providing copies of the certification list or any other public records of the program pursuant to the Rules of the Supreme Court.~~
4. Board of Legal Document Preparers. In addition to the requirements of ACJA § 7-201(D) the following requirements apply:
- ~~a. —Establishment. 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) The administrative director of the courts or designee;~~
- ~~(3) (2) One judge or court administrator;~~
- ~~(4) (3) One clerk of the superior court or designee;~~
- ~~(5) (4) One attorney; and~~
- ~~(6) (5) Two public members; and not affiliated with any lawyer, judge, certified legal document preparer, or court system.~~
- (6) One additional member appointed by the chief justice of the supreme court.
- ~~b. —Appointment of Members. The chief justice of the supreme court shall appoint board members to initial terms of one, two, and three years. Thereafter, all terms are three years. If a vacancy occurs in a board member position, the chief justice shall fill the~~

vacancy expeditiously in the manner provided for in the original appointment. 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. Duties. The board shall:~~

- ~~(1) Make recommendations to the supreme court regarding rules, policies and procedures to implement and enforce the requirements regarding certified legal document preparers, including:
 - ~~(a) Applicant testing;~~
 - ~~(b) Administrative fees;~~
 - ~~(c) A code of conduct;~~
 - ~~(d) Continuing education; and~~
 - ~~(e) Any other matter pertaining to certified legal document preparers;~~~~
- ~~(2) Issue certificates to qualified applicants;~~
- ~~(3) Direct the program coordinator to conduct investigations into alleged violations by certified legal document preparers and;~~
- ~~(4) Adjudicate and make all final decisions regarding alleged violations by certified legal document preparers pursuant to subsection H of this code section.~~

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 code section.
- ~~2. Eligibility for Application. Any individual person or any business entity, if eligible pursuant to subsection (E)(3) of this code section, may apply for certification.~~
- 4- 2. Eligibility for Applying for Standard Individual Standard Certification.
 - a. Eligibility. 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 subsections. ~~(E)(4)(b) and (c) of this 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.~~
 - (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 Procedures for Examination. In addition to the requirements of ACJA § 7-201(E):

- (1) The examination for standard individual certification shall consist of a ~~written~~ 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) ~~The board shall administer the examination. In administering the examination, the board 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. An applicant shall pass with a final score on the 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) (2) Administration of reexaminations. These requirements are contained in ACJA § 7-201(E). ~~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.~~
 - (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 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.~~

3. Initial 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. ~~a.~~ Eligibility for Individual Certification. Except for applicants subject to the provisions of subsections (E)(3)(c) or (G)(3) the board shall grant an initial standard individual certificate to an individual applicant who meets possesses the following qualifications:

(1) A citizen or legal resident of ~~this country~~ the United States;

(2) At least ~~18~~ eighteen years of age;

(3) Of good moral character; ~~and~~

(4) ~~Comply~~ 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)~~ (5) 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) ~~(e)~~ 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) ~~(d)~~ A certificate of completion from an accredited educational program designed specifically to qualify a person for certification as a legal document preparer under this code section;
- ~~(e) A certificate of completion from a paralegal or legal assistant program approved by the American Bar Association;~~
- (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.

b. ~~Procedures for Initial Individual Certification.~~

- ~~(1) Application Form. Applicants shall file a completed application, signed and verified under oath, with the program coordinator. An applicant for individual certification shall submit with the application one color passport size photograph, two inches by two inches.~~
- ~~(2) Fees. The applicant shall pay the nonrefundable fees for initial application, as established in the fee schedule incorporated as Appendix B, at the time the application is submitted. The program coordinator shall not accept an application without payment of the fees.~~
- ~~(3) Completion Deadline. The applicant shall have one year from the date of the initial application to complete the certification process. The board shall treat an applicant who does not complete the process within one year as a new applicant and require the applicant to submit a new application and certification fees.~~

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).

e. d. Eligibility for Certification as a Business Entity Standard Certification.

- (1) All corporations, limited liability companies, partnerships, ~~or~~ 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 as defined by subsection (F)(5), shall obtain certification as a business entity. The business entity shall execute and submit a principal form designating one or more principals who are a certified as individual legal document preparers pursuant to this code section. The designated principal shall have the duties and responsibilities set forth in subsections (F)(4), (F)(5) and (F)(6) of this code section. 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 ~~executed~~ updated designated principal form with the division staff ~~program~~ coordinator.

- (2) The owner or officers of a certified legal document preparer business entity ~~is~~ are not required to hold individual certification, provided the ~~owner~~ 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 as defined by 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~~ a corporation, limited liability company, or partnership that essentially operates as a sole proprietorship because it does not employ more than one ~~other~~ certified legal document preparers, does not ~~or~~ supervise trainees pursuant to as defined by subsections (A) and (F)(5), ~~is not required to hold certification as a business,~~ 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 ~~business~~ application.
- (7) ~~No~~ 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) ~~No~~ A person whose individual application has been denied or whose individual certificate has been revoked by the Board of Legal Document Preparers ~~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. d. Procedures for Initial Business Entity Certification. In addition to the requirements contained in ACJA § 7-201(E),~~

- ~~(1) Application Form. Applicants shall file a completed application, signed and verified under oath by the person completing the application, with the program coordinator. The executed 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.~~
- ~~(2) Fees. The applicant shall pay the nonrefundable fees for initial certification as a business as established in the fee schedule incorporated as Appendix B, at the time the application is submitted. The program coordinator shall not accept an application without payment of the fees.~~
- ~~(3) Completion Deadline. The applicant shall have one year from the date of the initial application to complete the certification process. The board shall treat an applicant that does not complete the process within one year as a new applicant and require the applicant to submit a new application and certification fees.~~

~~4. Standard Certification.~~

~~a. Eligibility. From and after July 1, 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 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 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.~~
- ~~(2) The board shall administer the examination. In administering the examination, the board 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 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.~~~~
 - ~~(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 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.~~
 - ~~e. Completion Deadline. The applicant shall have one year from the date of the application to complete the requirements for standard certification. The board shall treat an applicant who does not complete the process within one year as a new applicant and require the applicant to retake the examination and pay all standard certification and examination fees.~~
4. ~~5.~~ 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.
- ~~a. Approval of Certification. If the board is satisfied an applicant meets the requirements of this code section, the board shall issue a certificate to the applicant designating the status of the legal document preparer as associated with a business or as acting independently. Upon instruction from the board, the program coordinator shall promptly notify a successful applicant of certification and provide the applicant with a document, in a form determined by the board, stating the applicant's name, date of certification, and certificate number.~~
- ~~b. Denial of Certification:~~
- ~~(1) The board may refuse to issue a certificate if the board finds that any of the following applies:
 - ~~(a) The applicant does not meet the requirements for certification;~~
 - ~~(b) The applicant has not submitted the applicable documents and fees;~~~~

- ~~(c) The applicant committed fraud, dishonesty, corruption or material misrepresentation in applying for a certificate or on a certificate examination in this state or another state;~~
 - ~~(d) The applicant has a record of a conviction by final judgment of a felony or any other offense involving moral turpitude;~~
 - ~~(e) The applicant is currently on probation, parole, or community supervision for a felony offense, or is named in an outstanding warrant;~~
 - ~~(f) The court has ordered treatment for the applicant pursuant to A.R.S. Title 36, or has found the applicant incapacitated pursuant to A.R.S. Title 14;~~
 - ~~(g) The applicant is subject to revocation or suspension of a certificate pursuant to this code section or has had any occupational or professional license denied, revoked or suspended; or~~
 - ~~(h) The applicant has been found civilly liable in an action involving fraud, intentional misrepresentation, misappropriation, theft or conversion.~~
- ~~(2) An applicant's failure to disclose information on the application that is subsequently revealed through the fingerprint background check may constitute good cause for automatic denial of the certification, if the nondisclosed information is relevant to the practice of document preparation.~~
- ~~(3) On instruction from the board, the program coordinator shall promptly notify applicants denied certification, in accordance with this code section, of the reasons for the denial and of the applicant's right to a hearing.~~
- ~~(4) An applicant may exercise the right to a hearing on the decision to deny certification or renewal by filing a written request within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsections H(8) through H(14) and H(17) of this code section apply regarding the procedures for the hearing and review.~~

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 ~~may~~ is authorized to :
 - 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.
2. Code of Conduct. Each certified legal document preparer shall adhere to the code of conduct ~~incorporated as Appendix A.~~ 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 ~~that are filed in an Arizona court or tribunal,~~ 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. ~~A certificate holder shall inform the program coordinator, in writing, of any change in name, address, employment, or phone number within 30 days after the change occurs.~~
 - b. 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 ~~program coordinator.~~
 - e. b. A ~~business entity~~ designated principal shall notify the division staff in writing ~~program coordinator~~ 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 ~~certificate holder~~ certified business entity employs a person who would qualify for certification as a legal document preparer but for the lack of required experience, the ~~certificate holder~~ designated principal may train the employee to perform services authorized by this ~~code~~ 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 ~~code~~ section, only under the supervision of the ~~certificate holder~~ designated principal. Neither the trainee nor the ~~certificate holder~~ designated principal may represent that the trainee is a certified legal document preparer.

- c. Any ~~certificate holder~~ 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 ~~certificate holder~~ designated principal considers it necessary;
 - (3) Ensure the trainee is familiar with and adheres to the provisions of ACJA §§ 7-201 and -208 ~~this code section and the code of conduct~~; and
 - (4) Provide the ~~certificate holder's~~ designated principal's name and certificate number, as required by subsection (F)(3) ~~of this code section~~, on any documents ~~filed in a court or tribunal that were~~ prepared by the trainee under the ~~certificate holder's~~ 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 ~~Business~~ Principal. The designated principal of a certified business entity shall:
- a. Prepare and submit, with the ~~initial~~ 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 program coordinator, by ~~June 30th~~ 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 ~~as of June 1st of that year~~;
 - 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 ~~code~~ 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 initial certifications expire at midnight, on June 30th of each year. The board may not, except in extenuating circumstances, renew an initial certificate beyond June 30, 2005. All standard certifications expire at midnight, on June 30th of each odd numbered year. All certificates shall continue in force until expired, suspended, revoked or terminated. If the board receives the request for renewal and prescribed fees after the established deadline, the board shall determine the certificate expired as of June 30th.~~
2. ~~Voluntary Surrender. An applicant may voluntarily surrender a certificate; however, this surrender is not valid until accepted by the board. The board may require additional information reasonably necessary to determine if the certificate holder has violated this code section. The board shall, within 120 days of the voluntary surrender of the certification, either file a notice of hearing regarding complaints and disciplinary action, or accept the surrender.~~
3. ~~Application. The certificate holder is responsible for applying for a renewal certificate. To remain eligible to serve as a legal document preparer in Arizona, a certified legal document preparer shall submit a completed renewal application, applicable fees and documentation by the renewal application deadlines established by the board.~~
2. 4. Continuing Education. All certified legal document preparers shall attend complete ten hours of continuing education training every each year for a total of twenty hours every certification period, consisting of board approved continuing education relevant to the preparation of documents. The certified legal document preparer shall provide documentation, on an approved form, of completion of the ten hours of continuing education and submit this documentation with the application for renewal of certification pursuant to subsection (L).
5. ~~Additional Information. The board may, before granting a renewal of certification, require additional information reasonably necessary to determine if the applicant continues to meet the qualifications specified in this code section. This may include background information, fingerprinting or a signed affidavit.~~
6. 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.
 - a. ~~On receipt of the renewal application and the renewal fee, the board shall issue the applicant a new initial certificate for one year and a new standard certificate for two years unless the board finds that the applicant does not meet the requirements for renewal.~~
 - b. ~~The board may deny renewal of a certificate for any of the reasons specified in subsection E(5)(b) of this code section.~~

- ~~e. On instruction from the board, the program coordinator shall promptly notify qualified applicants of the renewal of their certification and provide them with a document in a form determined by the board, stating the applicants' name, date of certification, and certificate number.~~
- ~~d. On instruction from the board, the program coordinator shall promptly notify applicants denied renewal of certification of the reasons for the denial, and of the applicant's right to a hearing.~~
- ~~e. An applicant is entitled to a hearing on the decision to deny renewal if the applicant files a written request with the board within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsection H of this code section apply regarding the procedures for the hearing and review.~~

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

~~1. General Provisions~~

- ~~a. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has:
 - ~~(1) Willfully violated or willfully failed to comply with applicable laws, court orders, or orders of the board, or any provision of the Arizona Rules of Court or this code section;~~
 - ~~(2) Violated, or failed to discharge any obligation required by this code section;~~
 - ~~(3) Exhibited gross negligence or incompetence in the performance of duties;~~
 - ~~(4) Engaged in fraud, dishonesty or corruption;~~
 - ~~(5) Aided or assisted another person to engage in independent preparation of documents if the other person is not a certified legal document preparer;~~
 - ~~(6) Been convicted by final judgment of a felony offense or any other offense involving moral turpitude;~~
 - ~~(7) Been the subject of court ordered treatment pursuant to A.R.S. Title 36 or been found incapacitated pursuant to A.R.S. Title 14; or~~
 - ~~(8) Engaged in any other activity or omission for which the board is authorized to revoke or suspend a certificate under this code section.~~~~
- ~~b. Effect of Expiration of Certification on Discipline. The expiration provisions described in subsection G of this code section do not affect the right of the board to investigate and take disciplinary action regarding the certification of a certificate holder if a complaint or investigation is pending prior to the expiration date. Non-renewal of the certification by the certificate holder does not affect this provision.~~
- ~~e. Cease and Desist Order. A hearing officer or a superior court judge, upon petition by the Board of Document Preparers, may enter an order for an individual to~~

~~immediately cease and desist from conduct that constitutes engaging in the practice of document preparation without the required certification.~~

- ~~d. Confidentiality. The board, program staff and court employees shall keep information or documents obtained or generated by the board, program staff or court employees in the course of an open investigation or received in an initial report of misconduct confidential except as mandated by public record rules adopted by the supreme court or by this code section. Upon determination by the board the alleged violations are sufficiently serious to warrant filing of formal charges, the complaint, all records of proceedings and actions by the board pertaining to the complaint are open to the public. Any complaint dismissed by the board pursuant to subsections H(3) or H(5)(b)(1) of this code section is confidential and not subject to public inspection. All other actions are open to the public upon final disposition by the board.~~
- ~~e. Service. The board shall serve notice of formal charges by personal service upon the certificate holder or the certificate holder's counsel, or by certified mail, return receipt requested, to the certificate holder's address of record with the board. Service by mail is complete upon deposit in the United States mail. Proof of service is made by filing with the hearing officer a verified statement that service was made. Delivery of all other papers or notices, including a request for a response to a complaint, shall be made by first class mail unless otherwise ordered by the board.~~
- ~~f. Subpoenas.
 - ~~(1) For the purposes of investigations or hearings under this code section, the board or a hearing officer may administer oaths and affirmations, subpoena witnesses, take evidence and require the production of documents, records or information, either kept in original form or electronically stored or recorded, or other items relevant or material to the inquiry.~~
 - ~~(2) If a person fails to obey a subpoena issued pursuant to this section, the board or a hearing officer may request the superior court issue an order that requires the appearance by a person or the production of documents or other items, or both. The court may treat the failure to obey the order as contempt of court and may punish the contempt.~~
 - ~~(3) Subpoenas shall be issued in the same manner and served as provided by the Arizona Rules of Civil Procedure.~~~~
- ~~g. Immunity. Persons appointed by the supreme court to serve in an advisory capacity to the Legal Document Preparer Program, staff of the Legal Document Preparer Program, hearing officers and employees of the AOC who participate in the Legal Document Preparer Program are immune from civil liability for good faith conduct that relates to their official duties.~~

~~2. Complaint~~

- ~~a. All judicial officers or their designees and all certified legal document preparers shall, and any person may, notify the program coordinator if they have personal knowledge a certificate holder has violated this code section. A complainant shall make the complaint in writing with sufficient specificity to warrant further investigation. The complaint shall include the name and telephone number of the complainant.~~
- ~~b. On receipt of a complaint, the program staff shall investigate and prosecute, and the board shall adjudicate, alleged violations of this code section, as necessary for the enforcement of this code section. The board may initiate a complaint on its own motion.~~

~~3. Initial Screening. Upon receipt of a complaint, the program coordinator shall conduct an initial screening to determine if the complaint warrants further investigation and evaluation. If the program coordinator believes the complaint is outside the jurisdiction of this code section, the program coordinator shall recommend the board dismiss the complaint. If the board concurs, the board shall dismiss the complaint. The board may refer the complaint to another state agency or entity with jurisdiction, if appropriate. If the program coordinator determines the complaint is within the jurisdiction of the board, the program coordinator shall conduct a preliminary investigation pursuant to subsection H(4) of this code section.~~

~~4. Preliminary Investigation and Recommendation~~

- ~~a. Preliminary Investigation. The program coordinator and staff shall conduct all investigations promptly, discreetly, and confidentially.~~
- ~~b. Response from Certificate Holder. The program coordinator shall deliver the complaint to the certificate holder within fifteen days after commencement of the investigation and shall require the certificate holder provide a written response within ten days of delivery of the complaint. The program coordinator and the board shall not proceed with disciplinary action under this code section without providing this notice and the opportunity to respond.~~
- ~~c. Staff Recommendation. Upon completion of the preliminary investigation, the program coordinator shall prepare a written summary. The summary shall include the staff recommendation for disposition of the alleged violation.~~

~~5. Review of Complaint and Investigation.~~

- ~~a. Probable Cause Review. The deputy director, acting in the capacity of a probable cause panelist, shall review the program coordinator's recommendation and may direct staff to conduct further investigations or may concur with the program coordinator's recommendation. If the deputy director concurs with the program coordinator's recommendation, the program coordinator shall provide the board with a copy of the complaint, written summary, and recommended disposition.~~

~~b. Review by Board. Upon completion of the investigation and probable cause review, the board shall review the complaint and the staff summary and recommendation. The board may dispose of the matter as follows:~~

- ~~(1) Determine no violation exists and dismiss the complaint;~~
- ~~(2) Order further investigation;~~
- ~~(3) Determine the complaint is appropriate for resolution without proceeding to formal proceedings; or~~
- ~~(4) Determine the alleged violations warrant the filing of formal charges, and direct staff to prepare the notice of formal charges and right to hearing and proceed as provided in subsection (H)(6)(b) of this code section.~~

~~c. Emergency Suspension. If the board finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect in the order, the board may, with the consensus of a majority of the members of the full board, order the summary suspension of a certificate pending a proceeding for certificate revocation or other disciplinary action. The board shall provide notice to the certificate holder of its intent to seek emergency suspension three business days prior to commencing emergency suspension proceedings. The board shall ensure disciplinary proceedings are promptly instituted within twenty days of its order. The program coordinator shall immediately notify all presiding judges of the superior court of any summary suspension.~~

~~6. Formal Proceedings.~~

~~a. Commencement. The board may commence formal proceedings if the board finds reasonable cause to believe the certificate holder has committed misconduct under this code section and the complaint is not appropriate for resolution by informal discipline. The board may, upon commencement of formal proceedings, select a hearing officer, pursuant to subsection H(8) of this code section.~~

~~b. Notice of Formal Charges and Right to Hearing. The board shall serve the statement of formal charges on the certificate holder with a notice advising the certificate holder of the certificate holder's rights pursuant to this code section. The notice shall include the following information:~~

- ~~(1) A short and plain statement of the allegations and factual basis supporting the relief requested. Amendments to the statement are permissible;~~
- ~~(2) A reference to the particular sections of the statutes, this code section and policies involved;~~
- ~~(3) A statement indicating the certificate holder has the right to a hearing, upon request in writing within fifteen days of receipt of the notice; and~~
- ~~(4) A statement of the requirements for responding to formal charges, as specified in subsection H(6)(e) of this code section.~~

~~c. Response. The certificate holder shall file an answer to the notice and formal statement of charges within fifteen days after the date the notice is served, unless~~

~~otherwise ordered by the board. Answers shall comply with Rule 8 of the Arizona Rules of Civil Procedure. Any defenses not raised in the answer are waived. If a certificate holder fails to file an answer within the time provided, the person is in default and the factual allegations in the formal charges are deemed admitted and the board may determine the matter against the party.~~

~~7. Discovery.~~

- ~~a. Permissible Discovery. Discovery is permitted as provided in this code section, as the parties mutually agree, or as the hearing officer permits.~~
- ~~b. Witnesses. Within fifteen days of the filing of a response to formal charges, the parties shall exchange the names, addresses, and telephone numbers of all persons known to have knowledge of the relevant facts, designating those persons the parties intend to call at the hearing and summarizing their anticipated testimony.~~
- ~~c. Other Evidence. The parties shall exchange other evidence relevant to the formal charges that is not otherwise confidential.~~
- ~~d. Duty of Supplementation. The parties have a continuing duty to supplement information required to be exchanged under this code section.~~
- ~~e. Depositions. Parties may take depositions of other parties or any witnesses expected to be called. Depositions of document custodians are permissible to secure production of documents and to establish evidentiary foundation. No other depositions shall be taken except upon the agreement of all parties, an order of the hearing officer following a motion demonstrating good cause, or an order of the hearing officer following a prehearing conference.~~
- ~~f. Completion of Discovery. To the extent practicable, all discovery shall be completed within 30 days after the filing of the response or fifteen days before the hearing, whichever is longer.~~
- ~~g. Failure to Disclose. The hearing officer may preclude any party from calling a witness or presenting evidence at the hearing if the witness or evidence has not been disclosed.~~
- ~~h. Resolution of Discovery Disputes. The hearing officer shall resolve all discovery disputes. These rulings are final, except on review.~~

~~8. Hearings.~~

- ~~a. Request for Hearing. A certificate holder subject to formal charges or an applicant denied initial or renewal certification may request a hearing within fifteen days of receipt of the notice of formal charges or notice of denial of certification. Hearing requests must specify the provision of this code section that entitles the person to a hearing, the factual basis supporting the request for hearing, and the relief demanded.~~

- ~~b. Appointment of Hearing Officer. Upon written demand by a person entitled to a hearing pursuant to this code section, or at the direction of the board, the board chair or the program coordinator may select a hearing officer, knowledgeable in conducting hearings, to hold a hearing regarding the initial or renewal certification of an applicant or alleged misconduct by a certificate holder. The board may request the presiding judge of the superior court in the county where the alleged violation took place, if applicable, supply a hearing room and any other necessary resources.~~
- ~~c. Notice of Hearing. The hearing officer shall prepare and give the parties notice of the hearing at least fifteen days prior to the date set for hearing. The notice shall include a statement of the time, place and nature of the hearing and a statement of the legal authority and jurisdiction for conduct of the hearing.~~
- ~~d. Time Line for Hearing. The hearing officer shall hold the hearing within 45 days of receipt of an applicant's or certificate holder's request for hearing, unless postponed by mutual consent for good cause. If the board has requested a hearing, the hearing officer shall hold the hearing as soon as practical at the discretion of the hearing officer, but no sooner than fifteen days after notice of hearing, as required by subsection H(8)(c) of this code section.~~
- ~~9. Motions. Parties shall file prehearing motions at least five days prior to the scheduled hearing date, unless otherwise ordered by the hearing officer. Parties shall file responses within five days of the filing of the motion. Copies of all motions and other filings shall be delivered to the hearing officer and all parties to the proceeding.~~
- ~~10. Prehearing Conference. The hearing officer may order a prehearing conference at the request of any party or on the hearing officer's own initiative. The purpose of the conference is to consider any or all of the following actions:
 - ~~a. To reduce or simplify the issues for adjudication;~~
 - ~~b. To dispose of preliminary legal issues, including ruling on prehearing motions;~~
 - ~~c. To stipulate to the admission of uncontested evidence, facts and legal conclusions;~~
 - ~~d. To identify witnesses;~~
 - ~~e. To resolve discovery issues, if any; and~~
 - ~~f. To consider any other matters that will aid in the expeditious conduct of the hearing.~~~~
- ~~11. Procedure at Hearing.
 - ~~a. Hearing Officer. The hearing officer shall preside over the hearing. The hearing officer has the authority to decide all motions, conduct prehearing conferences, determine the order of proof and manner of presentation of other evidence, issue subpoenas, place witnesses under oath, question witnesses, recess or adjourn the~~~~

~~hearing and prescribe and enforce general rules of conduct and decorum. Informal disposition of any case by stipulation, agreed settlement, consent order or default is permissible.~~

~~b. Rights of Parties.~~

- ~~(1) A party is entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.~~
- ~~(2) Any person may represent themselves or appear at a hearing through counsel. An attorney who intends to appear on behalf of a party shall promptly notify the hearing officer and the board, providing the name, address and telephone number of the party represented and the name, address and telephone number of the attorney. A corporate officer may represent a business entity in any proceeding under this code section.~~
- ~~(3) All persons appearing before a board or hearing officer in any proceeding shall conform to the conduct expected in the Arizona Superior Court.~~

~~e. Conduct of Hearing.~~

- ~~(1) The hearing officer may conduct the hearing in an informal manner and without strict adherence to the rules of pleading or evidence. The hearing officer shall require that evidence supporting a decision is substantial, reliable and probative and shall exclude irrelevant, immaterial or unduly repetitious evidence. There is no right to a jury. All hearings are open to the public.~~
- ~~(2) The hearing officer shall require that all testimony considered is under oath or affirmation, except matters of which judicial notice is taken or entered by stipulation. The hearing officer may administer oaths and affirmations.~~
- ~~(3) In all matters brought at the request of the board, evidence in support of the board's action is presented first and the board has the burden of proof. In matters brought at the request of someone other than the board, including requests for hearing on the denial of certification or renewal of certification, the person seeking the hearing shall present first and carries the burden of proof.~~

~~d. Record of Hearing.~~

- ~~(1) The hearing officer shall ensure all portions of the hearing are electronically recorded and transcribed on request of any party. The party making the request shall pay the cost of the transcript.~~
- ~~(2) A certified competent court reporter shall make a full stenographic record of the proceedings if requested by a party within five days prior to a hearing. The cost of the transcript is the responsibility of the requesting party. The hearing officer may require prepayment or a monetary deposit to cover the cost of the transcript.~~

~~If transcribed, the record is a part of the court's record of the hearing and any other party with a direct interest shall receive a copy of the stenographic record, at the request and expense of the party. If no request is made for a stenographic record, the hearing officer shall ensure the proceedings are recorded as described in subsection H(11)(d)(1) of this code section.~~

~~12. Recommendations of Hearing Officer. If applicable, the hearing officer shall, within 30 days of the closing of the record of a hearing, prepare written recommendations and deliver the recommendations to the board. The recommendations shall include findings of fact, based on a preponderance of evidence, and conclusions of law, separately stated.~~

~~13. Rehearing. Any party may request a rehearing or reargument of the matters involved in the hearing by filing a written request of a party to a hearing filing the request with the hearing officer within fifteen days after receipt by the party of the order at issue. The request shall conform to the requirements of Rule 59, Arizona Rules of Civil Procedure, and shall be based on one or more of the grounds listed in Rule 59 that materially affected the rights of the party. Any party served with a request for rehearing may file a response within fifteen days of service. The hearing officer shall rule on the request within 30 days of its filing date.~~

~~14. Decisions and Orders. The board shall render the final decision in writing and shall include findings of fact and conclusions of law, separately stated. The board shall make findings of fact by a preponderance of the evidence, based exclusively on the evidence and on matters officially noticed. The board shall notify the parties of any decision or order either personally or by mail to their last known address.~~

~~15. Possible Disciplinary Actions.~~

~~a. Upon completion of an investigation concerning alleged misconduct by a certificate holder, which may or may not include a hearing, the board shall do one or more of the following, as it determines appropriate:~~

- ~~(1) Determine no violation exists and dismiss the complaint;~~
- ~~(2) Resolve the violation by consent order or other negotiated settlement between the parties;~~
- ~~(3) Place restrictions on a certificate;~~
- ~~(4) Mandate additional training for the certificate holder;~~
- ~~(5) Issue cease and desist orders, letters of concern, or warnings;~~
- ~~(6) Order revocation or suspension of certification for violations of this code section;~~
- ~~(7) Impose restitution for substantiated economic damages; or~~
- ~~(8) Assess costs and impose fines associated with these activities, not to exceed \$2,000 for each failure or violation, and not to exceed an aggregate fine of \$15,000. The program coordinator shall deposit these costs and fines in the Legal Document Preparer Fund.~~

~~b. The board shall issue an order specifying the failure or violations found, the facts supporting the findings, and any sanctions imposed pursuant to this code section.~~

16. ~~Procedure after Suspension or Revocation.~~

- a. ~~Notice of Suspension or Revocation. The board shall promptly serve notice of suspension or revocation of any certification upon the certificate holder.~~
- b. ~~Reinstatement. A legal document preparer whose certificate has been suspended or revoked may apply in writing for a reinstatement of the certificate on a showing of good cause and payment of the renewal fee. The board may grant or deny the request, may require the applicant to take or retake the examination for certification, and may impose other appropriate conditions for reinstatement.~~

17. ~~Judicial Review. Decisions of the board pursuant to this code section are final. Parties may seek judicial review through a petition for a special action filed in the superior court pursuant to the Arizona Rules of Procedure for Special Actions.~~

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. <u>For certification expiring more than one year after application date</u> | <u>\$650.00</u> |
| b. <u>For certification expiring less than one year after application date</u> | <u>\$325.00</u> |
| | |
| 3. <u>Examination Fees</u> | |
| a. <u>New Applicants for Certification</u> | <u>\$ 50.00</u> |
| b. <u>Reexaminations</u> | <u>\$ 50.00</u> |
| <u>(For any applicant who does not pass the examination on the first attempt. The \$50.00 fee applies to each reexamination.)</u> | |
| c. <u>Reregistration for Examination</u> | <u>\$ 50.00</u> |
| <u>(For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)</u> | |
| | |
| 4. <u>Renewal Certification Fees.</u> | |
| a. <u>Individual Renewal for Two Year Renewal Period</u> | <u>\$600.00</u> |
| b. <u>Business Entity Renewal for Two Year Renewal Period</u> | <u>\$600.00</u> |
| c. <u>Inactive Status</u> | <u>\$200.00</u> |
| d. <u>Late Renewal</u> | <u>\$ 50.00</u> |
| e. <u>Delinquent Continuing Education</u> | <u>\$ 50.00</u> |
| | |
| 5. <u>Miscellaneous Fees.</u> | |
| a. <u>Replacement of Certificate or Name Change</u> | <u>\$ 25.00</u> |
| b. <u>Public Record Request per Page Copy</u> | <u>\$.50</u> |
| c. <u>Certificate of Correctness of Copy of Record</u> | <u>\$ 18.00</u> |
| d. <u>Reinstatement Application</u> | <u>\$100.00</u> |
| <u>(Application for reinstatement to certification after suspension or revocation of certification.)</u> | |

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.

Section 7-208: Legal Document Preparers
Appendix A
Code of Conduct

Preamble. ~~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 is to establish minimum standards for performance by certified legal document preparers.~~

Standard 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 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.~~

Standard 2. Professionalism.

- a. ~~A legal document preparer shall treat information received from the consumer as confidential, yet recognize and acknowledge that the privilege of 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, and shall refrain from denigrating or otherwise calling into disrepute the products or services offered by any other legal document preparer or attorney.~~
- 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 it relates to legal document preparation and shall fulfill ongoing training requirements to maintain professionalism and the skills necessary to perform their duties competently.~~

Standard 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 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.~~

Standard 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 of 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.~~

Standard 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(a)(4), 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 code 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.~~

**Section 7-208: Legal Document Preparers
Appendix B
Fee Schedule**

A. Initial Certification

| | |
|---|---------------------|
| 1. Individual Certification | \$300.00 |
| 2. Renewal of Initial Individual Certification | \$300.00 |
| 3. Business Entity Certification | \$300.00 |
| 4. Renewal of Initial Business Certification | \$300.00 |

B. Standard Certification

| | |
|---|---------------------|
| 1. Individual Certification | \$250.00 |
| Business Entity Certification | \$250.00 |
| 2. Renewal of Standard Business Entity Certification | \$500.00 |
| 3. Late Renewal Fee | \$ 50.00 |

C. Examination Fee for Standard Individual Certification

| | |
|--|---------------------|
| 1. Certified Legal Document Preparers | \$ 00.00 |
|--|---------------------|

~~(No fee is required for legal document preparers who hold a valid certificate at the time of application for examination.)~~

| | |
|---|---------------------|
| 2. Noncertified Legal Document Preparers | \$ 50.00 |
|---|---------------------|

~~(For applicants who do not hold a valid Arizona legal document preparer certificate at the time of application for the examination.)~~

| | |
|------------------------------|---------------------|
| 3. Reexaminations | \$ 50.00 |
|------------------------------|---------------------|

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

| | |
|------------------------------|---------------------|
| 4. Reregistration | \$ 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.)~~