

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 Nonlawyer Legal Service Providers.

“Certified business entity” means, collectively, a Class A certified business entity and a Class B certified business entity.

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

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

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

B. Through D. [no changes]

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

1. [no change]

2. Eligibility for Applying for Individual Standard Certification.

a. ~~From and after July 1, 2006, a~~All potential applicants for individual certification, in addition to meeting the requirements set forth in subsection (E)(3)(a), shall meet the examination requirements of this subsection.

(1) [no change]

(2) [no change]

b. [no change]

3. ~~Individual~~ Standard Certification.

a. [no change]

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

(1) Through (5) [no change]

(6) The applicant shall also possess one of the following combinations of education or experience:

(a) A high school diploma or a general equivalency diploma evidencing the passing of the general education development test and a minimum of two years of law-related experience in one or a combination of the following situations:

(i) Under the supervision of a licensed attorney; or

~~(ii) Providing services in preparation of legal documents prior to July 1, 2003;~~

~~(iii) (ii) 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; or

~~(ii) Providing services in preparation of legal documents prior to July 1, 2003;~~

~~(iii) (ii) Under the supervision of a certified legal document preparer, after July 1, 2003; or~~

~~(iv) As a court employee;~~

(c) Through (g) [no change]

c. [no change]

d. Eligibility for Business Entity Standard Certification.

(1) All corporations, limited liability companies, partnerships, and all sole proprietorships that offer authorized legal document preparation services to non-represented parties and employs more than one certified legal document preparers, or supervises trainees pursuant to subsection (F)(5), shall obtain certification as a Class A certified business entity. ~~The business entity shall execute and submit a principal form designating a certified individual legal document preparer pursuant to this section. The designated principal shall have the duties and responsibilities set forth in subsections (F)(4), (F)(5) and (F)(6). In the event a designated principal is no longer able or willing to serve as the principal, a certified business entity shall immediately designate another certified individual legal document preparer as the new designated principal and within twenty days file an updated designated principal form with the division staff.~~

(2) A corporation, limited liability company, or partnership that essentially operates as a sole proprietorship because it does not employ more than one certified legal document preparer, does not supervise others in the preparation of legal documents

shall obtain certification as a Class B certified business entity.

(3) The business entity shall execute and submit a principal form designating a certified individual legal document preparer pursuant to this section. The designated principal shall have the duties and responsibilities set forth in subsections (F)(4), (F)(5) and (F)(6). In the event a designated principal is no longer able or willing to serve as the principal, a certified business entity shall immediately designate another certified individual legal document preparer as the new designated principal and within twenty days file an updated designated principal form with the division staff.

~~(2)~~(4) [no change]

~~(3)~~(5) A sole proprietor who does not employ certified legal document preparers or supervise trainees pursuant to subsections (A) and (F)(5), others in the preparation of legal documents is not required to hold certification as a business entity, provided the sole proprietor holds valid certification as an individual legal document preparer.

~~(4)~~(6) [no change]

~~(5) The board will review each fee exemption request individually.~~

~~(6) If the board approves a business entity certification fee exemption, the board shall refund the fees submitted with the exempted business entity's application.~~

(7) and (8) [no change]

e. [no change]

4. [no change]

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

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

a. Prepare or provide legal documents, without the supervision of an attorney, for a person or entity in any legal matter when that person or entity is not represented by an attorney. A legal document preparer shall not draft substantive legal motions, supporting memorandum or appellate briefs, except that a legal document preparer may assist a client with the completion of motions in family court proceedings using the appropriate court approved motions form;

b. [no change]

c. [no change]

d. Conduct legal research necessary to understand general legal principles to assist a client identify and complete a competent legal form or document. A legal document preparer shall not perform legal research for the purpose of providing a legal opinion, advice, or advocating a legal theory.

~~d.~~e. [no change]

~~e.~~f. [no change]

2. through 8. [no change]

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

1. [no change]

2. Continuing Education. All certified legal document preparers shall complete ~~ten~~ fifteen hours of continuing education ~~each year for a total of twenty hours~~ every certification period pursuant to subsection (L).

3. [no change]

H. and I. [no change]

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. through 4. [no change]

5. Performance in Accordance with Law.

a. [no change]

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~~ authorized by the court.

c. [no change]

K. Fee Schedule.

1. [no change]

2. Class A Business Entity Certification for entity eligible pursuant to 7-208(E)(3)(d)(1) for Two Year Certification Period \$650.00

a. [no change]

b. [no change]

3.	<u>Class B Business Entity Certification for entity eligible pursuant to 7-208(E)(3)(d)(2) for Two Year Certification Period</u>	<u>\$100.00</u>
a.	<u>For certification expiring more than one year after application date</u>	<u>\$100.00</u>
b.	<u>For certification expiring less than one year after application date</u>	<u>\$50.00</u>
3-4.	[no change]	
4-5.	Renewal Certification Fees.	
a.	[no change]	
b.	<u>Class A Certified Business Entity Renewal for entity eligible pursuant to 7-208(E)(3)(d)(1) for Two Year Renewal Period</u>	<u>\$600.00</u>
c.	<u>Class B Certified Business Entity Renewal for entity eligible pursuant to 7-208(E)(3)(d)(2) for Two Year Renewal Period</u>	<u>\$100.00</u>
e-d.	[no change]	
d-e.	[no change]	
e-f.	Delinquent Continuing Education	<u>\$ 50.00 250.00</u>
5-6.	[no change]	

L. Continuing Education Policy.

1. [no change]
2. Applicability.
 - a. Pursuant to subsection (G)(2), all legal document preparers who hold individual certification shall attend and complete no less than a total of ten fifteen hours of approved continuing education ~~each year~~ between the period of May 1st of every odd numbered year and April 30th of the following odd numbered 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. [no change]
3. Responsibilities of Legal Document Preparers.
 - a. [no change]
 - b. Upon receipt of notice of board approval of individual certification and before April 30th of the following odd numbered year, each legal document preparer shall attend and complete a two hour professionalism training course on the role and responsibilities of the certified legal document preparer as provided by division staff.

b. c. [no change]

e. d. [no change]

4. Authorized Continuing Education Activities.

a. [no change]

(1) [no change]

(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~~ three hours of the total continuing education requirement ~~each year over the period defined pursuant to subsection (L)(2)(a)~~ in an ethics based curriculum.

(3) [no change]

(4) [no change]

(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~~ four and one half 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~~ four and one half hours ~~per year~~ of the total number of continuing education hours required for renewal.

b. [no change]

c. Interactive web-based classes. A legal document preparer may receive continuing education credit for completing a computer based or on-line CE program where the order of presentation or the content of the course material is dependent on participant's response and the participant must respond to prompts initiated by the faculty or placed within the course material.

e.d. 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.e. Self study. A legal document preparer may receive continuing education credit for self study activities meeting the standards set forth in this subsection, including video and audio tapes, online computer seminars where the participant does not have the opportunity to respond to prompts initiated by the faculty or placed within the course material, and other methods of independent learning. The maximum hours of continuing education credits earned in a self study format shall not exceed ~~50 percent~~ five hours of the total number of continuing education hours required for renewal.

e. f. 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. [no change]

6. [no change]

7. [no change]

8. [no change]

9. Compliance and Non-Compliance.

a. [no change]

b. Proration of continuing education requirement. ~~The continuing education requirement for A 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 be satisfied by completion of the professionalism training course required pursuant to subsection (L)(3)(b). A legal document preparer whose certificate expires less than eighteen months from the effective date of certification shall complete no less than ten hours of continuing education credit by April 30th of the following odd numbered year.~~ In subsequent certification periods, the legal document preparer shall complete the biannual ~~twenty~~ fifteen 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. [no change]

d. [no change]

e. [no change]

10. [no change]