

Rule 12. Authorized Practice by Legal Paraprofessionals in Pilot Project**Rule 12.01 Scope of Work**

An eligible legal paraprofessional may, under the supervision of a member of the bar, provide the following services:

(a) Provide advice to and appear in court on behalf of tenants in housing disputes as defined in Minnesota Statutes, chapter 504B, and Minnesota Statutes, section 484.014. Eligible legal paraprofessionals may only provide such services in district courts that have established a Housing Court or a dedicated calendar for housing disputes, except that eligible legal paraprofessionals shall not appear in Housing Court in the Fourth Judicial District.

(b) Appear in court on behalf of clients in family law cases at default hearings, pretrial hearings, and informal family court proceedings, and hearings related to child-support modifications, parenting-time disputes, and paternity matters.

(c) Provide advice to clients in family law cases related to child-support modifications, parenting-time disputes, paternity matters, and stipulated dissolution and custody/parenting time agreements, including the drafting of stipulated dissolution and custody/parenting time agreements.

(d) Appear with a client in family law mediations where, in the judgment of the supervising lawyer, the issues are limited to less complex matters, which may include simple property divisions, parenting-time matters, and spousal-support determinations.

(e) Under no circumstances shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if a petition for a child in need of protection and services has also been filed under Minnesota Statutes, chapter 260C, nor shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if the pleadings include allegations or disclosures of sexual coercion, nonconsensual sexual acts, or other forms of sexual violence.

(f) Appear in court on behalf of petitioners, and provide advice to petitioners, in proceedings seeking orders for protection under Minnesota Statutes, section 518B.01 and harassment restraining orders under Minnesota Statutes, section 609.748.

(g) In any family law proceeding in which the pleadings include allegations of domestic abuse or child abuse, or in any case under Rule 12.01(f), the legal paraprofessional shall provide the client with victim-survivor agency contact information.

(h) With authorization from the supervising attorney, prepare and file a limited set of documents identified in Appendix 1 to these rules.

Communications between the client and the eligible legal paraprofessional shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine.

For each case where a legal paraprofessional will appear in court on behalf of the client, the certificate of representation for the matter must identify both the supervising attorney and the legal paraprofessional. The legal paraprofessional may sign the certificate of representation, but must include with the filed certificate of representation a statement signed by the supervising attorney that authorizes the legal paraprofessional to appear in court. The signed authorization must identify the types of proceedings for which the legal paraprofessional is authorized to provide services and the starting and ending dates during which the paralegal is authorized to appear in court.

Rule 12.02 Eligible Legal Paraprofessionals

An eligible legal paraprofessional must meet the following requirements:

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(a) Education and Work Experience Requirements. To participate in the pilot project, a legal paraprofessional must have the following education or work experience:

(1) an Associate's or Bachelor's Degree in paralegal studies from an institutionally accredited school; or

(2) a paralegal certificate from an institutionally accredited school in addition to an Associate's or Bachelor's degree in any subject from an institutionally accredited school; or

(3) a law degree from an ABA accredited school; or

(4) a high school diploma and 5 years of substantive paralegal experience.

(b) Ethics and Continuing Legal Education Requirements. To participate in the pilot project, a legal paraprofessional must satisfy the following ethics and continuing education requirements:

(1) hold Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association; or

(2) provide proof that the legal paraprofessional has earned ten continuing legal education credits, including two credit hours in ethics, within the two years prior to seeking certification under Rule 12.04(a); or

(3) provide proof that the legal paraprofessional has obtained a paralegal studies degree or certificate, or a juris doctorate within the two years prior to seeking certification under Rule 12.04(a). Such a program must include an ethics component.

(c) Written Agreement with a Supervisory Attorney. To participate in the pilot project, a legal paraprofessional must enter into a written agreement with a licensed Minnesota attorney who agrees to serve as the paralegal's supervisory attorney. The written agreement must set forth the scope and types of work the legal paraprofessional may undertake consistent with the scope of the pilot project and the steps the supervisory attorney will take to ensure that the paralegal is serving the client's interests.

(d) Roster of Approved Legal Paraprofessionals. To participate in the pilot project, a legal paraprofessional must remain in good standing on the roster of approved legal paraprofessionals established and maintained by the Standing Committee on the Legal Paraprofessional Pilot Project.

(e) Training or Experience Requirements for Certain Cases.

(1) Training Requirements in Family Law Cases in which the Pleadings Include Allegations of Domestic Abuse or Child Abuse. A legal paraprofessional shall not provide advice or appear in court or at a mediation in a family law case in which the pleadings include allegations of domestic abuse or child abuse unless the legal paraprofessional has completed at least eight hours of training and/or education. The training and/or education must include the following subjects: the dynamics of domestic violence; domestic violence and child abuse screening, including screening for safety, lethality, and suicide; trauma-informed legal representation; understanding other systems that respond to domestic violence and child abuse and how the legal and other issues in family law cases intersect and affect the responses of other systems; and intercultural effectiveness and cultural competency.

The training must have been completed within two years prior to seeking certification under Rule 12.04(a). The training must be approved by the Standing Committee for Legal Paraprofessional Pilot Program.

(2) Training for Cases Under Rule 12.01(f). A legal paraprofessional shall not provide advice or appear in court or at a mediation in a case seeking an order for protection under Minnesota Statutes, section 518B.01, or a harassment restraining order under Minnesota Statutes, section 609.748, unless the legal paraprofessional has completed the training set forth in Rule 12.02(e)(1) and the following additional training:

(A) three hours of continuing education that must include, at a minimum, the following subjects: the law and procedure governing proceedings seeking orders for protection under Minnesota Statutes, section 518B.01, and harassment restraining orders under Minnesota Statutes, section 609.748, and the differences between orders for protection and harassment restraining orders; preparation of pleadings and other documents; the legal and other consequences of issuance of an order for protection or a harassment restraining order, including implications for other legal proceedings; and

(B) either (i) three hours of continuing education on evidentiary hearings in order for protection and harassment restraining order cases which must include a mock evidentiary hearing; or (ii) shadowing the supervising attorney at one evidentiary hearing for an order for protection under Minnesota Statutes, section 518B.01, and one evidentiary hearing for a harassment restraining order under Minnesota Statutes, section 609.748.

The training must have been completed within two years prior to seeking certification under Rule 12.04(a). The training must be approved by the Standing Committee for Legal Paraprofessional Pilot Program.

(3) Upon application by the supervising attorney and legal paraprofessional, the Standing Committee may waive the training requirements set forth in Rules 12.02(e)(1) and 12.02(e)(2)(A) if the legal paraprofessional has demonstrated substantial experience in family law cases involving domestic abuse and child abuse, and cases involving orders for protection and harassment restraining orders. In considering a waiver request, the Standing Committee shall consider whether the substantial experience provides sufficient knowledge of the subjects set forth in Rule 12.02(e)(1) and Rule 12.02(e)(2)(A).

Rule 12.03 Supervisory Attorney

The attorney who supervises a legal paraprofessional authorized to participate in the pilot project shall:

- (a) be a member in good standing of the bar of this court;
- (b) assume personal professional responsibility for and supervision of the legal paraprofessional's work, including court appearances;
- (c) assist the legal paraprofessional to the extent necessary, and sign all pleadings;
- (d) carry malpractice insurance that will sufficiently cover the attorney's supervision of the legal paraprofessional and the work and actions of the supervised legal paraprofessional, or ensure that the legal paraprofessional has secured adequate malpractice insurance; and
- (e) execute a written agreement that establishes the terms of the supervised legal paraprofessional's work and the supervision conditions.

Rule 12.04 Standing Committee for Legal Paraprofessional Pilot Project

The Standing Committee for the Legal Paraprofessional Pilot Project shall establish, in collaboration with the State Court Administrator, procedures as follows:

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(a) for certifying legal paraprofessionals as authorized to participate in the pilot project and establishing and maintaining a public roster of legal paraprofessionals eligible to participate in the pilot project;

(b) for evaluating the results and outcome of the pilot project and making further recommendations to the Supreme Court;

(c) for submitting, reviewing, investigating, and resolving complaints made against legal paraprofessionals and supervising attorneys, including removing legal paraprofessionals from the roster and prohibiting supervising attorneys from participating in the pilot project if there is a good cause to do so. Rostered legal paraprofessionals and supervising attorneys shall cooperate with standing committee investigations and failure to cooperate may be the basis for removal from the pilot project; and

(d) for approving continuing education credits required under Rule 12.02(e).

(Added March 1, 2021; amended effective January 1, 2022; amended effective October 14, 2022.)