Rule 12. Authorized Practice in Legal Paraprofessionals Program

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.

(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) Provide advice to and appear in court on behalf of clients seeking expungement of their criminal records under Minnesota Statutes, chapter 609A, or any successor statute.

(i) Provide advice to and appear on behalf of clients in conciliation court.

(j) Provide advice to and appear in court on behalf of debtors in consumer debt and student loan debt cases, provided that the amount owed by the debtor is not greater than $15,000.

(k) Subject to Rules 12.02(b)(3), 12.02(f)(4), and 12.03(f), provide advice to and appear in court on behalf of defendants in petty misdemeanor cases, except if there are other charges in the case that are not petty misdemeanor offenses.

(l) Subject to Rule 12.02(f)(5), provide advice to and appear in court or judicial or administrative proceedings on behalf of clients in probate and estate administration cases which:

(i) do not involve real estate;

(ii) are administered in an informal estate administration process; and

(iii) involve either:

(A) uncontested probate matters; or

(B) estates with a value less than or equal to the amount specified in Minnesota Statutes, section 524.3-1201, paragraph (a), clause (1).

(m) Provide advice to and appear in proceedings before the Office of Administrative Hearings on behalf of persons who, under state statute, must obtain a professional license or certification from a board or agency as a condition of practicing their jobs or professions and have been denied a license or certification or had a license or certification revoked by the board or agency.

(n) Provide advice to and appear in proceedings before the Department of Employment and Economic Development on behalf of persons who are challenging denial of unemployment benefits.

(o) Provide advice to and appear in proceedings before the Department of Human Services on behalf of persons who have been denied benefits administered by the Department of Human Services.

(p) 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.

For each case where a legal paraprofessional will appear in court on behalf of the client, the legal paraprofessional and the supervising attorney must co-sign all pleadings, except for pleadings signed in court. For pleadings signed in court and all other documents requiring a signature under any court rule, co-signing is not required and either the legal paraprofessional or the supervising attorney may sign the pleading or other document. For purposes of this subpart, "co-sign" means the legal paraprofessional and the supervising attorney must both sign, "pleadings" means pleadings as defined in the Rules of Civil Procedure and Rules of Criminal Procedure, and "in court" includes proceedings held in person or by use of remote technology.

Rule 12.02 Eligible Legal Paraprofessionals

An eligible legal paraprofessional must meet the following requirements:

(a) Education and Work Experience Requirements. To participate in the program, 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 program, a legal paraprofessional must satisfy the following ethics and continuing education requirements:

(1) either have been admitted as a rostered paraprofessional prior to December 31, 2024, or 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); and

(2) provide proof every two years that the legal paraprofessional has earned ten continuing legal education credits, two of which must be in ethics. One diversity, equity, and inclusion credit may be approved in lieu of one ethics credit.

(3) Legal paraprofessionals providing advice or representation in petty misdemeanor cases must, as part of those ten credits, also complete three credits relating to petty misdemeanors or areas that may be impacted by petty misdemeanors, including housing, immigration, health care, federal benefits, and professional licensing.

(c) Written Agreement with a Supervisory Attorney. To participate in the program, 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 program and the steps the supervisory attorney will take to ensure that the paralegal is serving the client's interests.

(d) Required Language for Retainer Agreements. For all representations initiated on or after January 1, 2025, the retainer agreement must provide a disclaimer conveying that: (i) legal paraprofessionals are authorized by the Minnesota Supreme Court to provide legal advice and representation to clients in certain types of cases; and (ii) a legal paraprofessional is not a lawyer.

(e) Roster of Approved Legal Paraprofessionals. To participate in the program, 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 Program.

(f) 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 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 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(f)(1) and 12.02(f)(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 Rules 12.02(f)(1) and 12.02(f)(2)(A).

(4) To provide advice and representation to clients in petty misdemeanor cases, as provided in Rule 12.01(k), the legal paraprofessional must have two years of demonstrated relevant experience.

(5) To provide advice and representation to clients in estate administration and probate cases, as provided in Rule 12.01(l), the legal paraprofessional must have two years of demonstrated relevant experience.

Rule 12.03 Supervisory Attorney

The attorney who supervises a legal paraprofessional authorized to participate in the program 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 co-sign all pleadings as required under Rule 12.01(p);

(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;

(e) execute a written agreement that establishes the terms of the supervised legal paraprofessional's work and the supervision conditions; and

(f) substantially practice in criminal defense law if the legal paraprofessional is providing services in petty misdemeanor cases.

Rule 12.04 Standing Committee for Legal Paraprofessional Program

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

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

(b) for evaluating the results and outcome of the program 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 program 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 program; and

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

(Added March 1, 2021; amended effective January 1, 2022; amended effective October 14, 2022; amended effective January 1, 2025; amended effective January 1, 2026.)

Advisory Committee Comment - 2025

Rule 12 is amended in 2025 to require co-signing of pleadings by both the legal paraprofessional and the supervising attorney in cases where a legal paraprofessional is representing the client except for those signed during in-court proceedings, whether held in person or by use of remote technology. "Pleading" as used in Rule 12 is currently defined by Rule 7 of the Rules of Civil Procedure and Rule 10 of the Rules of Criminal Procedure.