

Agenda

Supreme Court Task Force to Examine Limited Legal Licensing

November 12, 2015

8:00 to 10:00 a.m.

Scott M. Matheson Courthouse
450 South State Street, Salt Lake City
Judicial Council Room
Administrative Office of the Courts, Suite N31

Welcome and approval of minutes	Tab 1	Deno Himonas
Review and approve report	Tab 2	Deno Himonas

Task Force Webpage: http://www.utcourts.gov/committees/limited_legal/

Meeting Schedule:

June 18, 2015

September 10, 2015

July 9, 2015

October 1, 2015

August 6, 2015

October 22, 2015

August 20, 2015

November 12, 2015

Tab 1

**SUPREME COURT TASK FORCE TO
EXAMINE LIMITED LEGAL LICENSING
MEETING**

**Minutes
Thursday, October 22, 2015
Council Room
Matheson Courthouse
Salt Lake City, Utah**

JUSTICE DENO HIMONAS, Presiding

ATTENDEES:

Justice Deno Himonas, Chair
Dean Robert W. Adler
Nathan D. Alder
Mary Jane Ciccarello
Carol Sue Crismon
Dixie Jackson
John Lund
Lori Nelson
Commissioner Joanna Sagers
Jacey Skinner

STAFF PRESENT:

Tim Shea
Jody Gonzales

GUESTS:

Christina Champenois
Lacee Curtis
Jacqueline Morrison

EXCUSED:

Elena Bensor-Slyter
Hon. James Brady
Rep Brian King
Angelina Tsu
Senator Stephen H. Urquhart

1. WELCOME AND APPROVAL OF MINUTES: (Justice Deno Himonas)

Justice Deno Himonas welcomed everyone to the meeting.

Motion: Mr. Alder moved to approve the October 1, 2015 minutes. Dean Adler seconded the motion, and it passed unanimously.

2. SENSE OF THE TASK FORCE ON MAJOR TOPICS: (Justice Deno Himonas and Mr. Shea)

Justice Himonas turned the time over to Mr. Shea to review the draft report and recommendations.

Mr. Shea mentioned that there were a few parts of the draft report that will be corrected before the next meeting. Mr. Shea requested the direction of the Task Force with regard to the report and recommendations, which will be finalized at the November 12 meeting.

Mr. Shea highlighted the following: 1) analysis and recommendations of the two workgroups, 2) what services will be provided, 3) practice areas, 4) authority of the supreme court, 5) education, and 6) licensing and other regulations.

The practice areas recommended are: 1) domestic, including divorce, paternity, protective orders, custody and support, and name changes; 2) eviction; and 3) debt collection.

The recommended areas of authority would include: 1) conduct client interviews and refer to a lawyer as needed; 2) complete court-approved forms; 3) advise which form to use and how to complete the form; 4) sign, file and serve the form; 5) obtain, explain and file any necessary supporting documents; 6) represent a client in mediated negotiations; 7) prepare a written settlement agreement in conformity with the mediated agreement; and 8) advise how a court order affects the client's rights and obligations.

It was suggested to consider matters of regulatory objectives and consumer protection when preparing the final report. Ms. Nelson mentioned that the ABA Family Law Section reviewed model regulatory objectives at their last meeting.

Discussion points to consider: 1) how to describe the procedural information the practitioner could provide; and 2) how to address the education and testing requirements.

Discussion took place throughout.

Discussion points relative to education, licensing and other regulations, included the following: 1) the level of training and education is important; 2) include information about procedural matters; 3) practitioners will be issued a number as part of licensing that could distinguish them from lawyers; 4) concern was expressed with the practitioner's investigative authority; 5) concern was expressed about interaction with others; 6) how will the education be administered; 7) what are the minimum education requirements; and 8) use of practitioners vs. volunteers.

Areas to consider when re-drafting the report and recommendations: 1) access to justice considerations; 2) the Utah State Bar's Futures Commission; and 3) the Utah State Bar's Affordable Attorney's for All Task Force.

Mr. Shea will re-draft and distribute the report before the November 12 meeting. Justice Himonas thanked Mr. Shea for preparing the draft report.

3. ASSIGNMENTS: (Justice Deno Himonas)

No new assignments were made at this time.

4. ADJOURN

The meeting was adjourned.

Tab 2

MORE TOPICS FOR TASK FORCE DECISIONS

(1) OTHER STRATEGIES

- Discrete legal services
- Online lawyer directory
- Online dispute resolution
- Assisted resolution of cases involving self-represented parties
- Self-Help Center

(2) PARALEGAL PRACTITIONER

- Should the family law practice area include guardianship of a minor in the district court? See page 44. This issue was raised after the last meeting.
- Should paralegal practitioner be authorized to explain to the client the documents of another party? See page 47. I forgot to raise this during the discussion of the paralegal practitioner's authority. It is authority granted to the Washington LLLT.
- Note the language suggested to limit the procedural advice of the paralegal practitioner: "*advise about the anticipated course of the proceedings by which the court will decide the matter*" See page 47. This in response to the TF's concern that "procedural" advice not include everything taught as "civil procedures" in law school.
- Does a JD meet any of the education requirements? See page 34. A JD obviously goes beyond a bachelor's or associate's degree, but it does not necessarily prepare one for the NALA CP/CLA exam or the yet-to-be-developed licensing exam.
- Should there be a temporary grandparent provision for current paralegal certificates from non-ABA approved programs with specified experience? See page 34.

(3) MEASUREMENTS

- Can we design the data points to be collected and the surveys to be administered or should we leave that to the implementation committee?

(4) ANYTHING ELSE?