

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

**Minutes
Thursday, August 6, 2015
Judicial 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
John Lund
Lori Nelson (by phone)
Comm. Joanna B. Sagers
Angelina Tsu
Senator Stephen H. Urquhart
Jacey Skinner

STAFF PRESENT:

Tim Shea
Jody Gonzales
Rick Schwermer

GUESTS:

Katie Nichols, Supreme Court
Christina Champenois
Peter Strand

EXCUSED:

Hon. James Brady
Rep. Brian King
Dixie Jackson
Elena Bensor-Slyter

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

Justice Deno Himonas welcomed everyone to the meeting.

Motion: Mr. Alder moved to approve the July 9, 2015 minutes as amended. Dean Adler seconded the motion, and it passed unanimously.

2. WASHINGTON AND UTAH RULES: (Tim Shea)

Mr. Shea reminded the task force of the discussion from the first meeting on Washington State's limited legal licensing technician program. He highlighted the following features of the program: 1) minimum credentials required of the technician, 2) minimum education requirements, 3) minimum experience required, 4) what the technician is permitted to do, and 5) what the technician is prohibited from doing.

He referred to Utah Rule 14-802 – Authorization to Practice Law and Rule 14-113 – Creation of Paralegal Division as a comparison to the Washington State program.

The definition of a paralegal was reviewed and discussed. A paralegal is a person qualified through education, training, or work experience ... under the ultimate direction and supervision of an attorney....

Discussion took place.

Mr. Shea noted that the Utah rule would not permit a paralegal to go into practice on his/her own without a lawyer's supervision. However, Washington State's model would allow the licensed technician to do so.

It was suggested to look at what services Utah currently is providing that can be built upon.

Commissioner Sagers and Ms. Ciccarello met with Sharon Anderson of the Paralegal Division. Discussion took place on what is currently offered by paralegals.

The task force agreed that court patrons need help with document preparation.

As the task force compares Washington State's licensed technician with Utah's paralegal, consideration of the following was suggested: 1) the ability of the paralegal to help with document preparation, but for a fee; 2) expanding the duties of the paralegal; or 3) the major focus of a paralegal should be helping with document preparation.

Other considerations discussed relative to document preparers and licensed technicians: 1) skill set for document preparers, 2) levels of document preparers, and 3) duties of the licensed technician beyond document preparation.

3. WORK GROUP REPORT – LIMITED LEGAL LICENSE TECHNICIAN: (Robert Alder)

Dean Adler said that the workgroup studying Washington State's limited legal license technician program will meet immediately after today's task force meeting.

The following was highlighted by this workgroup: 1) what regulatory framework or other mechanisms should be in place to implement the program, and who will be involved; 2) a better definition of needs to be served, in categories; 3) benefits of a limited legal licensing program and consumer protection; 4) challenges of a limited legal licensing program, including onerous requirements, cost to the participant, oversight of the program, public perception, and quality of the program; 5) concern with the use of Avvo, Legal Zoom and other online resources regarding legal matters.

Discussion took place throughout.

4. WORK GROUP REPORT – OTHER EMERGING STRATEGIES: (Mary Jane Ciccarello)

Ms. Ciccarello highlighted the following in her update of the work group studying other emerging strategies: 1) she met with Sharon Anderson of the Paralegal Division; 2) she talked with Nini Rich, ADR Director regarding the court mediator program relative to training and availability of a roster of mediators on the court's website; and 3) development of a court legal navigator program and the benefits of such a program; 4) model it after the court mediator program relative to training and availability of the roster on the court's website, 4) determine what specialized areas of legal help court patrons are in need of most, for example, domestic, debt collection, family law.

Discussion took place.

Discussion points to consider: 1) look at discrete unbundled services such as form preparation, ghost writing, calendar representation, and representation at one hearing.

Justice Himonas was asked to re-emphasize the charge since a considerable amount of time was focused on forms preparation, and the apparent need for help in this area. He

re-emphasized the charge to include the following: evaluate the efficacy, design and implementation of non-lawyer based programs to help minimize the access to justice gap.

It was noted that several other states have authorized some form of limited legal licensing technician program. Those states include: 1) Oregon, 2) California, 3) Arizona, 4) Ohio, 5) North Carolina and 6) Colorado.

The workgroup will compare and contrast what others states have in place with regard to document preparation help for court patrons.

5. FUTURE'S COMMISSION OF THE UTAH STATE BAR: (Nate Alder and John Lund)

The Futures Commission of the Utah State Bar was charged to “gather input, study and consider the ways current and future lawyers can provide better legal and law-related services to the public, especially to individuals and small businesses in Utah.” Last week the Futures Commission released their report entitled Report and Recommendations on the Future of Legal Services in Utah.

One of the recommendations is to develop and maintain a robust online lawyer referral directory that is easily available to the public. The recommendations will be reviewed and considered by the Utah State Bar’s Affordable Attorneys for All (“Triple A”) Task Force.

6. AFFORDABLE ATTORNEYS FOR ALL TASK FORCE OF THE UTAH STATE BAR: (Angelina Tsu)

Ms. Tsu reported on the work of the Affordable Attorneys for All Task Force. She highlighted the following: 1) the purpose is to propose a long-term solution to bring needed legal services to the middle class with a short-term component that can be successfully implemented by January 1, 2016; 2) find creative solutions that increase legal services for the middle class and that incorporate the skills, services and needs of the underemployed and unemployed lawyers; 3) roll out the plan in phases; 4) use of Community Lawyering Class model; 5) start with family law; 6) tentative launch dates in October and November.

7. PARTICIPATION BY THE NATIONAL CENTER FOR STATE COURTS: (Justice Deno Himonas)

After the July 9 task force meeting, Justice Himonas asked Mr. Tom Clarke of the National Center for State Courts if the National Center for State Courts would consider preparing a white paper on the efficacy of a non-lawyer program in Utah. Justice Himonas reported that funding is available, and work on the white paper will begin. Emphasis of the paper will include: 1) evaluate the program, 2) build guidelines for the program, and 3) place the program in the best framework to maximize its success. A report with recommendations is expected by October 1.

8. ASSIGNMENTS: (Justice Deno Himonas)

No new assignments were made.

9. ADJOURN

The meeting was adjourned.