

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
October 18, 2018
Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Justice Deno Himonas, Presiding

Attendees:

Justice Deno Himonas, Chair
Dean Robert Adler
John Baldwin
Carrie Boren
Terri Conaway
Sue Crismon
James Deans
Julie Emery
Steven Johnson
Monte Sleight
Senator Stephen Urquhart
Elizabeth Wright

Excused:

Adam Caldwell
Dr. Thomas Clarke
Dean Benson Dastrup
Judge Royal Hansen
Dixie Jackson
Jim Jardine
Scott Jensen
Commissioner Kim Luhn
Ellen Maycock
Jacqueline Esty Morrison
Daniel O'Bannon
Rob Rice
Richard Schwermer
Judge Kate Toomey

Staff:

Cathy Dupont
Jeni Wood – Recording secretary

Guests:

Geoff Fattah
Kevin Heiner
Matt Page
John Peterson

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

Justice Deno Himonas had to step out temporarily from the meeting. Steven Johnson welcomed everyone to the meeting. Julie Emery noted an error on the August 16 minutes as follows: page 2, paragraph 4, fourth line has a floating “f.”

Motion: Julie Emery moved to approve the August 16, 2018 committee minutes, as amended. Sue Crismon seconded the motion, and it passed unanimously.

2. ARTICLE 9 CLIENT PROTECTION: (Cathy Dupont and Elizabeth Wright)

Elizabeth Wright noted the Commission approved amending the lawyer client protection rules to include the LPPs. Ms. Wright will present the amended rules in November to the Commission. Ms. Dupont recommended withdrawing the 15-900 series once the article 9 rules are approved. John Baldwin stated the licensing fees will include the LPP fee to the lawyer client fund. Mr. Baldwin said the Commission will amend the title of the lawyer client fund to be consistent with including LPPs.

Mr. Johnson said the terminology used in court rules to identify LPPs should be consistent. Mr. Johnson will identify and propose amendments to the rules that need to have the language include LPPs. Mr. Baldwin said the Bar will not change the balance of the lawyer client fund once LPPs are included.

3. RULES OF CIVIL PROCEDURE: (Cathy Dupont)

Ms. Dupont reviewed the Rules of Civil Procedure (URCP) that need to be evaluated to conform with LPPs. Ms. Dupont will notify the Rules of Civil Procedure Committee of the anticipated rule amendments and request they complete a full review of all rules to ensure compliance. Ms. Wright confirmed LPPs will not be allowed to depose litigants.

The committee discussed discovery requirements. Ms. Crismon asked if LPPs would be allowed to work on discovery. The committee agreed LPPs would be allowed in all case types to assist litigants with discovery. Mr. Sleight stated proof of ownership of a debt could be listed on a debt collection form, rather than through discovery. After further discussion, Justice Himonas stated having a litigant be required to show proof of debt is essential in determining jurisdiction. Justice Himonas recommended a rule change addressing this. Ms. Dupont will work on a rule amendment.

Dean Robert Adler suggested having the forms include a motion to compel. Justice Himonas would like to readdress motions to compel at a later time.

URCP rules for discussion and possible amendment:

- Rule 4 Process
- Rule 5 Service and filing of pleadings and other papers
- Rule 10 Form of pleading and other papers
- Rule 11 Signing of pleadings, motions, and other papers; representations to court; sanctions
- Rule 53 Masters
- Rule 56 Summary judgment (subsection 56(h))
- Rule 58B Satisfaction of judgment
- Rule 65A Injunctions
- Rule 74 Withdrawal of counsel
- Rule 75 Limited appearance
- Rule 76 Notice of contact information change

Discovery rules:

- Rule 16 Pretrial conferences
- Rule 26 General provisions governing disclosure and discovery

- Rule 28(c) Persons before whom depositions may be taken
- Rule 30(b)(2) Depositions upon oral questions
- Rule 37 Statement of discovery issues; Sanctions; Failure to admit, to attend deposition or to preserve evidence
- Rule 45 Subpoena
- Rule 63 Disability or disqualification of a judge

4. UTAH RULES OF EVIDENCE RULE 504: (Justice Deno Himonas and Cathy Dupont)

Ms. Emery addressed an error on line 19 of rule 14-802. Ms. Dupont will amend the rule and present it to the Supreme Court. Dean Adler questioned using the phrase “natural person” on line 24. Ms. Wright said this language removes the opportunity for LPPs to represent corporations.

Ms. Dupont next addressed proposed amendments to URE rule 504. The amendments in this rule define the phrase “legal professional” to include both lawyers and LPPs.

4. MEDIA PLAN FOR LPP PROGRAM: (Geoff Fattah)

Geoff Fattah proposed a two-phase media communication plan.

Phase 1 – Outreach/Advertising to Potential Students

- Work with Utah Valley University (UVU) marketing team to promote registration to the paralegal and LPP classes.
- Direct marketing of LPP program to Utah Bars Paralegal Section and Paralegal Survey participants to include the grandfather requirements.
- Potential media coverage of first graduating class of LPPs.

Phase 2 – Public Education/Awareness of LPP Profession

- Create webpage with FAQ and other pertinent information for the public and media.
- How can people find an LPP?
- Marketing: Media, ads, editorials

Mr. Fattah said it would be helpful to create a flyer to distribute to other paralegal programs throughout the state. Monte Sleight noted UVU is phasing out their paralegal program. Mr. Sleight said the Bar and the courts should be general and not market a particular program. Ms. Dupont noted committee members are receiving media requests about the LPP program.

Mr. Fattah reviewed the public safety assessment web page on the Utah Courts website. Ms. Emery will forward the information she has on the LPP program to Mr. Fattah to assist with the creation of an LPP web page. Mr. Fattah will prepare a sample web page for the next meeting.

5. LPP TEST DEVELOPMENT AND MEMORANDUM OF UNDERSTANDING (MOU) WITH UTAH VALLEY UNIVERSITY: (Carrie Boren and Elizabeth Wright)

Ms. Wright said the MOU with UVU promises that the Bar will license certified LPPs. Ms. Wright recommended meeting with UVU to set expectations. Classes should begin either January or March for debt collection and landlord tenant courses.

Carrie Boren received the proposed test. Ergometrics will create the cut-score for the tests. Mr. Sleight explained the question-ranking process when creating a cut-score.

Mr. Sleight said the family law course structure will include three models that will include an initial definition phase, a forms phase, and an assessment phase. This will be approximately 60 hours of online courses. Ms. Emery noted the only people exempt from the requirement to complete the LPP course is someone who has a law degree. All paralegals who wish to be grandfathered into the program must take the required course. Mr. Baldwin said the timeframe to review LPP applications should not take as long as reviewing lawyer applications. Ms. Boren will have the application prepared by January 1. The committee agreed to have the Bar begin accepting applications on March 1.

6. OTHER BUSINESS

The committee agreed to allow individuals work on both the curriculum and the test questions.

Ms. Wright noted rules do not require LPPs to be members of the paralegal division. The committee agreed at this time not to require membership. Justice Himonas asked to have an LPP be a member of the Bar Commission.

Justice Himonas said the Supreme Court met with the Texas Supreme Court to discuss the LPP program.

7. ADJOURN

The meeting adjourned at 1:16 p.m.