

AGENDA

Paralegal Practitioner Steering Committee

June 20, 2019 at 12:00 p.m.

Scott M. Matheson Courthouse

Judicial Council Room

450 South State Street, Salt Lake City UT

Welcome ACTION – Approval of draft April 18, 2019 meeting minutes	Tab 1	Justice Himonas
ACTION – Proposed amendment to Rule 15-701 and 15-703	Tab 2	L. Monte Sleight Elizabeth Wright
UPDATE – Curriculum development, test development, and enrollment		Carrie Boren L. Monte Sleight
DISCUSSION – Re-constituting the structure of the LPP Steering Committee and the LPP Executive Committee		Justice Himonas
DISCUSSION – Training for TCE and Clerks of Court regarding LPPs and how to implement notice requirements in court cases. Implications for the URCP Advisory Committee.		Steve Johnson and Cathy Dupont

Tab 1

TAB 1 Minutes for April 2019 will be sent separately

Tab 2

Rule 15-701. Definitions.

As used in this article:

- (a) “ABA” means the American Bar Association.
- (b) “Accredited School” or “Accredited Program” means a school or program officially recognized as meeting the standards and requirements of a regional or national accrediting organization that is approved by the U.S. Department of Education or a paralegal school or paralegal studies program that has been fully or provisionally approved by the ABA Standing Committee on Paralegals.
- (c) “Applicant” means each person requesting licensure as a Licensed Paralegal Practitioner.
- (d) “Approved Law School” means a law school which is fully or provisionally approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of Law Schools. To qualify as approved, the law school must have been fully or provisionally approved at the time of the Applicant's graduation, or at the time of the Applicant's enrollment, provided that the Applicant graduated within a typical and reasonable period of time.
- (e) “Associate Degree” means an undergraduate academic degree conferred by a college upon completion of the curriculum required for an associate degree.
- (f) “Bachelor’s Degree” means an academic degree conferred by a college or university upon completion of the undergraduate curriculum.
- (g) “Bar” means the Utah State Bar, including its employees, committees and the Board.
- (h) “Board” means the Board of Bar Commissioners.
- (i) “Complete Application” means an application that includes all fees and necessary application forms, along with any required supporting documentation, character references, a criminal background check, a photo, an official certificate of graduation and if applicable, a test accommodation request with supporting medical documentation.
- (j) “Confidential Information” is defined in Rule 15-720(a).
- (k) “Disbarred Lawyer” means an individual who was once a licensed lawyer and is no longer permitted to practice law.
- (l) “Executive Director” means the executive director of the Utah State Bar or her or his designee.
- (m) “First Professional Degree” means a degree that prepares the holder for admission to the practice of law (e.g. juris doctorate) by emphasizing competency skills along with theory and

analysis. An advanced, focused, or honorary degree in law is not recognized as a First Professional Degree (e.g. master of laws or doctor of laws).

(n) “Full-time” means providing legal services as a paralegal for no fewer than 80 hours per month.

(o) “General Counsel” means the General Counsel of the Utah State Bar or her or his designee.

(p) “Licensed Paralegal Practitioner” means a person licensed by the Utah Supreme Court to provide limited legal representation in the areas of (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking, and custody and support; (2) forcible entry and detainer and unlawful detainer; or (3) debt collection matters in which the dollar amount in issue does not exceed the statutory limit for small claims cases.

(q) “LPP” means Licensed Paralegal Practitioner.

(r) “LPP Administrator” means the Bar employee in charge of LPP licensure or his or her designee.

(s) “LPP Admissions Committee” means those Utah State Bar members or others appointed by the Board or president of the Bar who are charged with recommending standards and procedures for licensure of LPPs, with implementation of this article, reviewing requests for test accommodations, and assessing the qualifications of applicants

(t) “NALA” means the National Association of Legal Assistants.

(u) “NALS” means The Association for Legal Professionals.

(v) “OPC” means the Bar’s Office of Professional Conduct.

(w) “Paralegal” means a person qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or the entity in the capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that absent such assistance, the attorney would perform.

(x) “Paralegal Certificate” means verification that an individual has successfully completed ~~an accredited~~ a paralegal ~~education studies~~ program from an accredited school or accredited program that includes at least 15 credit hours or of paralegal studies coursework. The certificate must be offered, taught and granted by the accredited school or accredited program.

(y) “Paralegal Studies and Paralegal Studies Degree” mean course work that prepares a holder to work as a paralegal.

(z) “Privileged Information” in this article includes: information subject to the attorney-client privilege, attorney work product, test materials and applications of examinees; correspondence and written decisions of the Board and LPP Admissions Committee, and the identity of individuals participating in the drafting, reviewing, grading and scoring of the LPP Licensure Examination.

(aa) “Reapplication for Licensure” means that for two years after the filing of an original application, an Applicant may reapply by completing a Reapplication for Licensure form updating any information that has changed since the prior application was filed and submitting a new criminal background check.

(bb) “Substantive Law-Related Experience” means the provision of legal services as a Paralegal, paralegal student or law student including, but not limited to, drafting pleadings, legal documents or correspondence, completing forms, preparing reports or charts, legal research, and interviewing clients or witnesses. Substantive Law-Related Experience does not include routine clerical or administrative duties. Substantive Law-Related Experience for licensure in landlord-tenant and debt collection includes, but is not limited to, the provision of legal services as a Paralegal supervised by a licensed attorney, paralegal student or law student in the areas of bankruptcy, real estate, mortgage and/or banking law.

(cc) “Supreme Court” means the Utah Supreme Court.

(dd) “Unapproved Law School” means a law school that is not fully or provisionally approved by the ABA.

(ee) “Updated Application” means that an Applicant is required to amend and update her or his application on an ongoing basis and correct any information that has changed since the application was filed.

Effective November 1, 2018

Rule 15-703. Qualifications for Licensure as a Licensed Paralegal Practitioner.

(a) Requirements of Licensed Paralegal Practitioner Applicants. The burden of proof is on the Applicant to establish by clear and convincing evidence that she or he:

(a)(1) has paid the prescribed application fees;

(a)(2) has either been granted a Limited Time Waiver under Rule 15-705 or has timely filed the required Complete Application for a Licensed Paralegal Practitioner Applicant in accordance with Rule 15-707;

(a)(3) is at least 21 years old;

(a)(4) has graduated with either:

(a)(4)(A) a First Professional Degree in law from an Approved Law School; or,

(a)(4)(B) an Associate Degree in paralegal studies from an Accredited School **or Accredited Program**; or

(a)(4)(C) a Bachelor's Degree in paralegal studies from an Accredited School **or Accredited Program**; or

(a)(4)(D) a Bachelor's Degree in any field from an Accredited School, plus a Paralegal Certificate **that includes a minimum of 15 credit hours or equivalent** of paralegal studies from an Accredited School **or Program**;

(a)(5) if the applicant does not have a First Professional Degree from an Approved Law School, the applicant must have 1500 hours of Substantive Law-Related Experience within the last 3 years, including 500 hours of Substantive Law-Related Experience in temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name change if the Applicant is to be licensed in that area, or 100 hours of Substantive Law-Related Experience in forcible entry and detainer or debt collection if the Applicant is to be licensed in those areas.

(a)(6) has successfully passed the Licensed Paralegal Practitioner Ethics Examination;

(a)(7) has successfully passed the Licensed Paralegal Practitioner Examination(s) for the practice area(s) in which the Applicant seeks licensure;

(a)(8) is of good moral character and satisfies the requirements of Rule 15-708;

(a)(9) has a proven record of ethical, civil and professional behavior; and

(a)(10) complies with the provisions of Rule 15-716 concerning licensing and enrollment fees.

(b) If the Applicant has not graduated with a First Professional Degree in law from an approved law school, the Applicant must:

(b)(1) have taken ~~three credit hours~~ **a specialized course of instruction approved by the Board** in professional ethics for Licensed Paralegal Practitioners;

(b)(2) have taken a specialized course of instruction approved by the Board in each specialty area in which the Applicant seeks to be licensed; and

(b)(3) have obtained either the Certified Paralegal (CP or CLA) credential from the National Association of Legal Assistants (NALA); the Professional Paralegal (PP) credential from the National Association of Legal Professionals (NALS); or the Certified Registered Paralegal (CRP) credential from the National Federation of Paralegal Associations (NFPA).

(c) An individual who has been disbarred or suspended in any jurisdiction may not apply for licensure as a Paralegal Practitioner.

Effective November 1, 2018