

AGENDA
Paralegal Practitioner Steering Committee

September 19, 2019
 10:00 a.m. – 12:00 p.m.
 Scott M. Matheson Courthouse
 Council Room, Room N31
 450 S. State St.
 Salt Lake City, UT. 84111

Welcome ACTION – Approval of Draft August 15, 2019 meeting minutes.	Tab 1	Justice Deno Himonas
DISCUSSION – Update on court forms and Rule 4-202.02		Nancy Sylvester
DISCUSSION – Rules of Civil Procedure	Tab 2	Nancy Sylvester
DISCUSSION – Update from the State Bar on exam results and corrections		Carrie Boren
DISCUSSION —Update from the State Bar on outreach and advertising		Matthew Page
DISCUSSION —Rural development funds		Steve Johnson
DISCUSSION —Establishment of an internship program; updating the list of ways paralegals can get experience		Julie Emery
Other Business		

Members

Justice Deno Himonas, Chair
 Dean Robert Adler
 John Baldwin
 Adam Caldwell
 Dr. Tom Clarke
 Terry Conaway
 Sue Crismon
 Cathy Dupont
 Julie Emery
 Heather Farnsworth

Judge Royal Hansen
 Dixie Jackson
 James S. Jardine
 Scott Jensen
 Steven G. Johnson
 Comm. Kim M. Luhn
 Ellen Maycock
 Daniel O'Bannon
 Robert O. Rice
 Monte Sleight

Gayla Sorenson
 Judge Kate Appleby
 Steve Urquhart
 Elizabeth Wright
 Matthew Page

Tab 1

**LICENSED PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

Minutes

Thursday, August 15, 2019

12:00 p.m. to 1:30 p.m.

Judicial Council Room

Matheson Courthouse

Present

Justice Deno Himonas, Chair

Rob Rice

Monte Sleight

Elizabeth Wright

Judge Kate Appleby

John Baldwin

Carrie Boren

Steve Johnson

Sue Crismon

Steve Urquhart

Matthew Page

Daniel O'Bannon

Jim Jardine

Scott Jensen

Dr. Thomas Clarke

Terry Conaway

Dean Benson Dastrup

Jacqueline Esty Morrison

Dean Robert Adler

Adam Caldwell

Judge Royal Hansen

Commissioner Kim M. Luhn

Ellen Maycock

Gayla Sorenson

Heather Farnsworth

Julie Emery

Staff

Nancy Sylvester

Guests

Kim Allard

Clayson Quigley

Excused

Dixie Jackson

1. Welcome, Minutes Review, and Updates.

Justice Himonas welcomed the committee to the meeting and asked for approval of the July 11, 2019 minutes. Steve Johnson moved to approve the minutes; Judge Appleby seconded. The minutes were unanimously approved.

2. Technology and LPP Appearances.

Kim Allard retired as Director of Court Services earlier this year but has remained on in a part-time contract position working on OCAP. She asked for guidance on a few LPP issues. She noted that some domestic items in OCAP do not have standalone forms. OCAP will be asking whether the person is the preparer. The coding is ready to go on this

piece but Ms. Allard is just not sure when to start it. The committee said an October 1 deadline would be appropriate. Ms. Allard said the areas LPP's are permitted to practice in will be ready by then, except for temporary separation. But there were only 130 petitions filed statewide last year. Parentage has a high number of filings, and that will be ready. Ms. Allard said the language for temporary separation will be on the Judicial Council's September agenda for approval. She noted that any forms not approved by the Council can't be used by LPP's, so anything that's not approved by October 1st won't be usable until they go through that process.

The committee then discussed Bar numbers for LPP's. They cannot use letters in the Bar numbers but they are going to have a number series that easily identifies them.

Ms. Allard then asked about modifying Rule 4-202.02 to include LPP's in the index that Court Services uses. Regarding the pro se report that's issued each year, if an LPP is on a case, that will mean someone is represented.

The committee then discussed including the client in all notices to the LPP. Mr. Quigley and Ms. Allard said this would require the entire program to be rewritten.

3. Rules 15-701 and 15-703. Update to address Supreme Court's concerns about language.

Elizabeth Wright reviewed Rules 15-701 and 15-703 and addressed the Supreme Court's concerns about language with respect to "accredited program," "accredited school," and "national certification."

4. Update from State Bar on exam takers and past and projected class enrollment numbers.

The Bar is working on creating the cut score for the LPP exams. They hope to have the exam graded by the beginning of October. Four applicants took the exam. Ms. Boren is compiling a bigger pool of experts that can be called in the 4 areas to grade. Ms. Boren will approach the Rules of Professional Conduct Committee and the Ethics Advisory Opinion Committee for ethics graders. In terms of recruiting, committee members were invited to send volunteers' names to Ms. Boren and she will contact them. Ms. Boren said she will also do an outreach to the Bar on what LPP's do. She will also contact school career centers to get the word out about this new field to create a pipeline. Some of the schools view this as a threat to their paralegal programs because they don't understand it. Regarding a focus on rural areas, Southern Utah University has an accredited program that is all online. Mr. Sleight will connect the SUU director with Ms. Boren. Utah State does not a paralegal program yet, but it may be time to talk with them because they have campuses throughout the state. The committee discussed the possibility of USU having an agreement with SUU. Steve Johnson said there is rural development money available, so he will pass along that person's name. This will go on the next agenda.

5. Update from the State Bar on outreach and advertising.

Matt Page said he spoke with an LPP candidate about advertising in rural areas and he and Sue Crismon have spoken about including LPP's on Licensed Lawyer. Mr. Page also spoke about the links below:

<https://www.ksl.com/article/46566718/new-utah-law-should-make-settling-common-legal-matters-easier-and-less-costly>

<https://youtu.be/UcCAncNi-vk>

Mr. Page said he's been trying to figure out how to connect with current paralegals better. He noted that the Bar needs to be willing to fund public outreach. He will go to Bar Commission to ask for more funding but noted that the bus ads are already running right now.

6. Update on forms.

The committee discussed forms and the need for clarifying which forms are to be used by LPP's. The committee discussed using a seal or some other denotation but also noting that anyone can use an LPP form. The committee also discussed posting the list of Council approved forms on the LPP page with links. This will go on the next LPP agenda and before the Management Committee and Judicial Council in September. Ms. Sylvester was asked to draft a memo to the Judicial Council requesting approval to better delineate the LPP forms.

7. Other business.

Ms. Sylvester was asked to make sure that "LPP" is searchable on the court's website.

8. Adjournment.

The committee adjourned at 1:30 p.m. The next meeting will be held September 19, 2019.

Tab 2

1 **Rule 86. Licensed Paralegal Practitioners.**

2 **(a) Application of the Rules of Civil Procedure to licensed paralegal practitioners.** To the extent
3 consistent with their limited license, licensed paralegal practitioners must be treated in the same manner
4 as attorneys for purposes of interpreting and implementing these rules. If a rule permits or requires an
5 attorney to sign or file a document, a licensed paralegal practitioner may do so only if there is an
6 applicable court-approved form available and the practice is consistent with the scope of their license.

7 **(b) Terms “attorney” and “counsel.”** Throughout these rules, where the terms “attorney” and
8 “counsel” are used, they refer to legal professionals. Legal professionals are attorneys and licensed
9 paralegal practitioners in the practice areas for which licensed paralegal practitioners are authorized to
10 practice. Those practice areas are set forth in Utah Special Practice Rule 14-802 unless specifically
11 carved out in this rule.

12 **(c) Papers served under Rule 5.** If a party is represented by a licensed paralegal practitioner, a
13 paper served under Rule 5 must be served upon both the party and the licensed paralegal practitioner.

14 **(d) Discovery under Rule 26.** Licensed paralegal practitioners are not permitted to conduct
15 discovery except for initial disclosures under Rule 26(a)(1)-(3).

16 **(e) Licensed paralegal fees.** Where these rules refer to attorney fees, they also mean licensed
17 paralegal practitioner fees. Under Rule 73, the licensed paralegal practitioner may recover for the
18 amounts provided in the rule without a supporting affidavit, except for the amount in paragraph (f)(2), fees
19 upon entry of judgment after contested proceeding.

20 **(f) Limited appearance.** Under Rule 75, a licensed paralegal practitioner whose agreement with a
21 party is limited to the preparation, but not the filing, of a pleading or other paper is not required to enter an
22 appearance.

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