

AGENDA
Licensed Paralegal Practitioner Committee

February 18, 2020
 12:00 p.m.–1:30 p.m.
 Scott M. Matheson Courthouse
 Judicial Council Room
 450 S. State Street
 Salt Lake City, Utah 84111

Action —Approval of draft meeting minutes January 21, 2020	Tab 1	Justice Deno Himonas
Discussion —Update from Angela Allen on current casework and projects		Angela Allen
Discussion —LPP participation in the courtroom		Commissioner Joanna Sagers
Action – Rule 15-707 Proposed Certification Amendment	Tab 2	Scotti Hill
Discussion —Update on expanding LPP program		Judge Amber Mettler, Jackie Morrison, Scotti Hill, Anna Carpenter
Discussion —Update on evaluation project		Justice Himonas, for Anna Carpenter
Discussion —Update from the Bar		Elizabeth Wright, Scotti Hill, Matthew Page
Discussion —Update on outreach efforts		Julie Emery, Monte Sleight

[Committee Webpage](#)

2020 Meeting Schedule:

March 17, 2020
 April 21, 2020
 May 19, 2020
 June 16, 2020
 July 21, 2020
 August 18, 2020
 September 15, 2020
 October 20, 2020
 November 17, 2020
 December 15, 2020

Tab 1

Licensed Paralegal Practitioner Committee

Meeting Minutes DRAFT

January 21, 2020

Scott M. Matheson Courthouse

Judicial Council Room

Administrative Office of the Courts, Suite N31

450 S. State Street

Salt Lake City, UT 84111

12:00p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair

Judge Amber Mettler, Co-Chair

Scotti Hill

Matthew Page

Jackie Morrison

Steven Johnson

Heather Farnsworth

Excused:

Larissa Lee

Angela Allen

Julie Emery

Monte Sleight

Elizabeth Wright

Guests:

Ziv Schwartz, Law Clerk, Supreme Court

Staff:

Marina Kelaidis, Recording Secretary

1. **Welcome and approval of December 17, 2019 minutes:** (Justice Deno Himonas)

Justice Deno Himonas welcomed everyone to the meeting and asked for approval of the minutes.

Steven Johnson moved to approve the December 17, 2019 minutes. Judge Amber Mettler seconded the motion, and it passed unanimously.

2. **Discussion - Update from Angela Allen on current casework and projects:** (Angela Allen)

Angela Allen could not attend the meeting; however Elizabeth Wright reported that Ms. Allen currently has a case in her practice with a client seeking an annulment, to which there are no annulment forms presently available for LPPs. The committee agreed that

annulment forms are necessary for LPP practice. Larissa Lee will contact the Court Forms Committee and request an annulment form be created.

3. **Discussion – Adding LPPs to Rules of Professional Conduct Committee:** (Steven Johnson, Justice Himonas)

Justice Himonas reported that the addition of an LPP as a member of the Rules of Professional Conduct committee is currently before the Supreme Court and will be voted on at the next committee meeting. Mr. Johnson reported that the next Rules of Professional Conduct meeting is scheduled for February 3, 2020.

4. **Discussion – Update on expanding LPP program to include MLS graduates from the University of Utah law school and others:** (Jackie Morrison)

Justice Himonas invited the committee to discuss ways to expand educational opportunities, practice areas, and services offered for and by LPPs. Justice Himonas suggested the committee work with Anna Carpenter to utilize the research study to determine what areas the program can and should be expanded. Steven Johnson suggested that expanding the program would also require expanding the number and types of courses in the LPP program. Justice Himonas mentioned that the students who achieve a Masters of Legal Services degree at the University of Utah could potentially be licensed to offer limited legal services, which may require re-naming the LPP to be a Licensed Legal Practitioner, Limited Legal Practitioner, or something similar. Justice Himonas also mentioned the potential for Utah universities to offer a bachelor's degree in Legal Studies. This degree could allow for graduates to provide limited legal services in more areas of law in which there are extremely high percentages of pro se parties, to include small criminal cases that do not have the possibility of jail sanctions, i.e expungements, infractions, etc.

Matthew Page suggested extending the LPP program opportunities to individuals who have failed to pass the Bar exam as they would be eligible to sit for the LPP exam, and they could work as an LPP while they study to re-take the Bar exam. Scotti Hill suggested extending this opportunity to those who are not eligible to take the Bar exam due to graduating from a non-ABA accredited institution. Steven Johnson agreed that expanding the program in this way would greatly increase the opportunities for individuals in more rural areas who do not have access to accredited law schools. Mr. Johnson also suggested for the committee to support additional outreach efforts by coordinating speaking events at colleges and high schools in rural areas.

A subcommittee was created to further research expanding the LPP areas of practice, educational opportunities, and admissions requirements to participate in the program. The subcommittee members include Jackie Morrison, Judge Amber Mettler, Scotti Hill, and Anna Carpenter.

Ms. Morrison suggested that there may be a way in the short-term to expand the LPP program to allow for Masters of Legal Studies students to prepare to take the LPP exam upon graduation. This would potentially require an internship to achieve the number of practice hours required, as well as some small rule changes. Justice Himonas suggested that the 1500 practice hours currently required are too onerous and should be reduced.

5. **Discussion – Study data points:** (Anna Carpenter)

Anna Carpenter was not able to attend the meeting; however Justice Himonas notified the committee on her behalf that she has received approval for the grant to conduct the research and evaluation study.

6. **Discussion – Update from the Bar:** (Elizabeth Wright, Scotti Hill, Matthew Page)

Matthew Page reported that two of the LPPs and Scotti Hill recently participated in an interview with Good Things Utah. Mr. Page has produced 3 short videos from this interview aimed at engaging potential LPPs and the public. These videos will air on Channel 4 News later this week and be broadcasted across the state, including more of the rural areas. Mr. Page reported that these videos have already received a high number of views on the Channel 4 News Facebook page. Using some of the footage from this interview, Mr. Page will also produce a couple of 3-4 minute videos which will provide more in-depth information on the LPP program and how the public can utilize the services of an LPP. Justice Himonas will also participate in an interview to supplement the longer videos.

Scotti Hill reported an increase in the amount of phone call and email contacts following the posting of the videos. Most of the new contacts are from individuals who do not have a paralegal or other legal background and have expressed interest in learning more about the program. Ms. Hill reminded the committee that she is tracking the contact information, education, current profession, nature of the call, and the geographic data of the contacts she receives.

Mr. Page also reported that they will be doing a monthly “take over” of KSL.com to target rural counties in Utah that may not have targeted by previous outreach efforts.

Elizabeth Wright was not able to attend the meeting; however, Scotti Hill reported on Ms. Wright's behalf that she is still waiting on confirmation from ALPS on the development of a malpractice insurance policy approved by the Utah Insurance Commission.

Ms. Hill reported that three of the five applicants have been approved to take the March 2020 LPP exam. One of the five applicants has received a conditional approval pending the applicant meeting the national certification requirements. If the applicant cannot meet the national certification requirement, under the current rules, the applicant will have to wait until the next admissions cycle in August. Justice Himonas recommended for the national certification requirement to be a prerequisite to licensure, rather than a prerequisite to testing. For example, the LPP would be required to complete the national certification requirements within one year of testing rather than as a prerequisite to taking the LPP exam. Scotti Hill and Elizabeth Warren will prepare and present a proposed rule change at the next committee meeting to allow for this change.

7. Other Business:

Steven Johnson reported that he has been working to get in contact with Dean White at Utah State University to see if they would be willing to proctor the LPP exams at their extension offices and determine the cost of providing those services to develop a grant proposal to present to USDA. Contact with Dean White has not been successful; however Mr. Johnson has received a new contact in the extension services department that he will reach out to this week and report on at the next meeting.

8. Adjournment and next meeting:

The meeting adjourned at 12:45 p.m. The next meeting will be held on February 18, 2020 from 12:00 p.m. - 1:30 p.m. in the Judicial Council Room at Matheson Courthouse.

Tab 2

1 **Rule 15-707. Application; deadlines; withdrawals; postponements and fees.**

2 (a) Form. Each Applicant must submit a Complete Application for licensure in accordance
3 with the instructions prescribed by the Bar. Such application shall include an authorization and
4 release enabling the Bar to obtain information concerning the Applicant.

5 (b) Filing deadlines generally. Except as otherwise provided herein, the Bar shall receive
6 Complete Applications by October 1 preceding the February/March LPP Examinations and by
7 March 1 preceding the July/August LPP Examinations. A Complete Application will be accepted
8 up to 15 calendar days after the filing deadline if accompanied by the prescribed 15-day late fee.
9 In accordance with the filing instructions and information for the application, late or incomplete
10 applications will not be accepted with the following exceptions:

11 (b)(1) An Applicant who has not received the criminal background report may submit the
12 application without a criminal background report provided the Applicant provides proof that a
13 criminal background request has been filed prior to submission of the application. Sufficient
14 proof of submission of the criminal background request shall be by declaration in the form
15 prescribed by the Bar. In order for the Applicant's name to be included on a motion for licensure
16 the criminal background report must be submitted to the Bar no later than fourteen (14) calendar
17 days prior to the date the motion is submitted to the Court. The LPP Admissions Committee may
18 withdraw or modify its approval based upon information contained in the criminal background
19 report. In the event the criminal background report is not timely received by the Bar, an
20 Applicant will not be included on the motion for licensure.

21 (b)(2) Applicants may submit an application without having completed the national certification
22 requirements set forth in 15-703(b)(3), provided that the certification is completed within one (1) year
23 of the successful passage of the LPP examination. Applicants will be prohibited from licensure pending
24 the successful completion of the national certification.

25 (c) Withdrawal of applications and refunds. To withdraw an application, written notice must
26 be provided. If written notice of withdrawal is received by the LPP Admissions Office 30
27 calendar days or more before the examination date, one-half of the filing fee shall be refunded,
28 unless the Applicant withdraws after appearing before the LPP Admissions Committee or after
29 the Bar has incurred nonrefundable expenses related to a test accommodation request. Late fees,
30 computer fees, and the application fees of Applicants not taking the licensing exam(s) are
31 nonrefundable.

32 (d) Postponement of application. An Applicant may only postpone or transfer her or his
33 application due to emergency circumstances or pursuant to Rule 15-708(b)(4)(A). Emergency
34 transfers are subject to the following restrictions:

35 (d)(1) The Applicant must provide a written request, including payment of the prescribed
36 transfer fee, prior to the conclusion of the licensing exam(s).

37 (d)(2) Proof of the emergency must be provided. The reasons for the transfer are limited to
38 two circumstances:

39 (d)(2)(A) a personal medical emergency, or

40 (d)(2)(B) a death in the immediate family.

41 (d)(3) The transferring Applicant must specify which future licensing exam(s) she or he plans
42 to take. The exam(s) must be taken within the next two scheduled licensing exam(s).

43 (d)(4) The Applicant must provide an Updated Application by filing a Reapplication for
44 Licensure form, updating any information that has changed since the prior application was filed,
45 and a new criminal background check. The Reapplication for Licensure form should be
46 submitted by the initial application deadline of October 1 preceding the February/March LPP
47 Examinations and by March 1 preceding the July/August LPP Examinations. A Reapplication

48 for Licensure will be accepted up to 15 calendar days after the filing deadline if accompanied by
49 the prescribed 15-day late fee.

50 (d)(5) An Applicant is entitled to one transfer only.

51 (e) Retaking Licensure Exam(s). An Applicant failing a licensure exam(s) who wishes to
52 retake the examination(s) must file a written request, including payment of the prescribed fee, by
53 the retake deadline. Late applications will not be accepted.

54 (e)(1) The Applicant must provide an Updated Application by filing a Reapplication for
55 Licensure form, updating any information that has changed since the application was filed, and a
56 new criminal background check.

57 (e)(2) An Applicant who fails to achieve a passing score after six Licensure Examination(s)
58 may only take additional examination(s) with the permission of the LPP Admissions Committee.
59 A petition providing good cause as to why the LPP Admissions Committee should grant such a
60 request must be filed with the LPP Administrator by the retake deadline. Late applications will
61 not be accepted.

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63 Effective November 1, 2018

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