

Licensed Paralegal Practitioner Committee

Meeting Minutes

April 21, 2020

Webex Meeting

12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair
Larissa Lee
Steven Johnson
Scotti Hill
Angela Allen
Matthew Page
Julie Emery
Elizabeth Wright
Heather Farnsworth

Excused:

Judge Amber Mettler, Co-Chair
Jackie Morrison
Monte Sleight

Staff:

Marina Kelaidis, Recording Secretary

1. Action – Welcome and approval of draft meeting minutes: (Justice Deno Himonas)

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

Elizabeth Wright moved to approve the February 18, 2020 and April 3, 2020 meeting minutes. Angela Allen seconded the motion, and it passed unanimously.

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

Ms. Allen reported she has experienced less push back and instances of incivility from opposing counsel in her cases since the last committee meeting. She has found that it is helpful to curb instances of incivility by notifying opposing counsel of her firm's ability to enter a limited appearance for in-person hearings. Ms. Allen also reported attending telephone hearings are particularly challenging as she is not able to participate in the hearing, and can only listen in. In this situation, there is no aspect of client-control and there is little she can do assist her client throughout the hearing. Justice Himonas offered this as an opportunity for the Innovation Subcommittee to consider as they examine the LPP practice areas and rules.

Additionally, an LPP COVID-19 Resource Letter has been added to the Bar's COVID-19 Resource Page. The letter includes a list of resources for individuals in unsafe situations as well as a link to the LPP page on Licensed Lawyer.

Ms. Allen reported that the four current LPPs will be meeting in the first week of May with Scotti Hill and Julie Emery for their next monthly meeting.

3. Discussion – Update from LPP Innovation Subcommittee: (Scotti Hill)

Scotti Hill reported the subcommittee postponed their April meeting and are currently working on rescheduling their next meeting for the first week of May 2020. The subcommittee plans to have some deliverables to report on at the next LPP committee meeting.

Ms. Hill also reported that the volume of calls and inquiries regarding the LPP program has decreased in the last month. However, she is still receiving a few inquiries each week.

4. Discussion – Update on evaluation project: (Justice Deno Himonas)

Justice Himonas reported Professor Carpenter and her research partner have completed interviews with several committee members. However, their progress has slowed due to the pandemic.

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

Matthew Page reported the Bar has been contacted by a few reporters inquiring how the pandemic is impacting divorce matters. Mr. Page directed these reporters to the LPPs, gave them information on the LPP program, and suggested they contact Justice Himonas, should they want to interview him as well.

Mr. Page also reported the edits to the two longer informational videos will be completed later today and the final versions will be posted to the Bar's YouTube page by the end of the week. He will send the links to both videos to the committee members once they are posted. The shorter videos are still posted to the Bar's YouTube page and are currently running on other television platforms. In addition, the LPP billboards are still up and will remain posted throughout July 2020. The next OTT has been canceled due to the uncertainty of the pandemic, but it may be reinstated in the next few months.

Mr. Page reported the Bar Foundation recently completed a study on the Access to Justice Gap and the report was finalized on April 15, 2020. The Bar Foundation is planning a significant media push of this report with the help of Retired Chief Justice Christine Durham. The LPP program is a great example of an initiative to address the access to justice gap and the findings in this report support this initiative.

Scotti Hill reported the March iteration of the LPP exam was canceled due to the pandemic. The four applicants scheduled to take the March 2020 exam have postponed their exam registration to the August 2020 iteration of the exam. The application deadline for the August exam has been extended to June 1, 2020. Shortly after June 1, 2020, the admissions committee will meet to review the applications. Ms. Hill reported there are currently 5 applications for the August exam, in addition to the 4 applications from the exam cancelled in March. Angela Allen offered to volunteer as a mentor for the applicants preparing to take the August exam and proposed the other current LPPs would also be willing to serve as mentors. Julie Emery suggested some of the applicants could also intern with the LPPs as well.

Heather Farnsworth reported she informed the Bar Commission of the issues of incivility towards LPPs discussed at the last committee meeting. The Commission agreed to make a push to show that the Rules of Professionalism and Civility are extended to the LPPs and that this is clear to all attorneys.

6. Discussion – Update on rural outreach: (Steve Johnson)

Steve Johnson reported Utah State has expressed interest in providing online testing at their rural testing centers. However, due to the pandemic, this proposal has been postponed.

Mr. Johnson reported Rule 8.4 was approved by the Rules of Professional Conduct Committee and will go before the Supreme Court at their next Court Conference. Mr. Johnson proposed the changes to Rule 8.4 will be helpful for LPPs to combat issues of incivility and be a good educational opportunity for the members of the Bar.

Mr. Johnson asked the committee for guidance on how changes to the LPP Rules of Professional Conduct should be presented to the court. More specifically, should changes to the LPP rules be presented at the same time as changes to attorney rules, or is there some other procedural guidance that should be followed? Mr. Johnson proposed it would be beneficial to combine the LPP and attorney rules into a single set of rules, however they would need to change the definition of “lawyer” to “legal professional” or some other title to include LPPs. Ms. Lee reported the Office of Professional Conduct Oversight Committee has defined “lawyer” to include foreign legal consultants and LPP, unless the rule specifically states otherwise. With this definition, “lawyer” can include an LPP. Elizabeth Wright volunteered to begin working on combining the two sets of rules within the Rules of Professional Conduct.

Mr. Johnson proposed adding an LPP as a member to the Advisory Committee on the Rules of Professional Conduct. The Chair of this committee, Simon Cantarero, is supportive of this proposal and would be happy to have an LPP serve as a member of that committee. Larissa Lee will add this proposal as an agenda item for the next Supreme Court Conference.

7. Discussion – Update on outreach efforts: (Julie Emery)

Ms. Emery reported she signed up to attend a couple of job fairs in Salt Lake City and Millcreek to promote the LPP program opportunities, however due to the pandemic, these job fairs have been postponed. When the job fairs are rescheduled, she will attend on behalf of the LPP program as a resource for those looking for employment opportunities.

Ms. Emery has sent out the LPP COVID-19 Resource Letter to some individuals in the community and she has received some responses and inquiries as a result. She has forwarded inquiries from those in unsafe situations onto the LPPs. As a long-term goal, the LPPs would like to attend some conferences of Mental Health providers and Therapists as low-cost resource for those in need of legal help.

Additionally, one of the LPPs is currently at capacity for her caseload and is working with the other three LPPs as referrals for interested clients. At their next meeting, Ms. Emery and the LPPs will discuss how they can work together the help all potential clients and each other as their workloads increase due to the COVID-19 pandemic and outreach efforts.

Steven Johnson proposed arranging a speaking engagement at LDS Business College for the LPP program. Ms. Emery reported she has spoken with some groups at this college before and they are very interested in incorporating the LPP curriculum into their paralegal program so their students are prepared to take the LPP examination upon graduation. Mr. Johnson has been in contact with representatives from Snow College to organize a speaking engagement about the LPP program there, but due to the pandemic, this speaking engagement has been postponed.

Ms. Emery reported the time-frame for the grandfathering provision of the LPP exam is closing, and it would be of interest to continue outreach to the working paralegals. Mr. Johnson proposed this would be a good opportunity to present in an upcoming Bar Journal article on the paralegal page. Scotti Hill reported she is currently working on writing an article for the next Bar Journal edition and she will include information about the grandfathering clause.

8. Discussion – Old business / new business: (all)

None to report.

9. Adjournment and next meeting:

The meeting adjourned at 12:30 p.m. The next meeting will be held on May 19, 2020 from 12:00 p.m. – 1:30 p.m. via Zoom..