

Licensed Paralegal Practitioner Committee

AGENDA

September 15, 2020
12:00 p.m.–1:30 p.m.
Via Zoom

Action —Approval of draft meeting minutes August 18, 2020	Tab 1	Justice Deno Himonas
Discussion —Update from Angela Allen on current casework and projects		Angela Allen
Discussion —Update from LPP Innovation Subcommittee & Rule 15-703 progress	Tab 2	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 rural outreach		Steve Johnson
Discussion —Update on outreach efforts		Julie Emery, Monte Sleight
Discussion —Old business/new business		

[Committee Webpage](#)

2020 Meeting Schedule:

October 20, 2020

November 17, 2020

December 15, 2020

Tab 1

Licensed Paralegal Practitioner Committee

Meeting Minutes DRAFT

August 18, 2020
Zoom Meeting
12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair
Judge Amber Mettler, Co-Chair
Steven Johnson
Matthew Page
Julie Emery
Jackie Morrison
Angela Allen
Elizabeth Wright

Excused:

Monte Sleight
Heather Farnsworth

Staff:

Scotti Hill, Utah State Bar
Marina Kelaidis, Recording Secretary

Guests:

Carolynn Clark, S.J. Quinney College of Law

1. Action—Welcome and approval of the draft meeting minutes: (Justice Himonas)

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

Steve Johnson moved to approve the July 21, 2020 minutes. Jackie Morrison seconded the motion, and it passed unanimously.

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

Angela Allen reported she has experienced some difficulty with opposing counsel refusing to use the court-approved OCAP forms. In a recent case, she prepared a stipulation using an OCAP form and opposing counsel would not use the form because they wanted to create their own stipulation. This resulted in a multi-week delay of the case.

Ms. Allen also reported that she has been networking and friends of hers have been putting out recommendations for her services on their social media. She is also considering collaborating with a local micro-influencer to help share the LPP's COVID-19 Resource Letter on domestic violence. She is also working with the Bar President in

Davis County to organize a lunch meeting with the clerks and commissioners to better understand their needs regarding pro se cases and how the LPP can help. Her goal is to bridge the gap of understanding regarding the services of the LPP and get feedback on the OCAP forms.

3. Discussion—Update from LPP Innovation Subcommittee: (Judge Mettler, Jackie Morrison, Scotti Hill,Carolynn Clark)

Scotti Hill reported the Subcommittee has been working in conjunction with Monte Sleight to incorporate the Master of Legal Studies degree into Rule 15-703. Ms. Hill shared the draft rule and proposed changes with the committee. As the rule is currently written, the National Certification is required for all applicants, except for those with a J.D. Ms. Clark presented the proposed rule changes establishing additional pathways for an individual to be eligible to take the LPP exam. The Subcommittee proposed for individuals with a J.D., or a Masters of Legal Studies or equivalent, or paralegal degree to be exempt from the National Certification requirement. Individuals who do not have the requisite degree requirements, but have seven years of experience, are required to take the National Certification in order to be eligible for the LPP exam. Upon further research and discussion, the Subcommittee recommended that individuals with these degree credentials should have adequate training and education to be exempt from the National Certification.

Julie Emery asked how these proposed changes will affect the grandfathering provision in the rule. Jackie Morrison reported these rule changes would make the grandfathering provision moot, as those with 7 or more years of experience will be eligible to take the LPP exam if they meet the National Certification requirement.

Steve Johnson moved to approve the proposed changes to Rule 15-703. Elizabeth Wright seconded the motion, and it passed unanimously.

Judge Mettler reported the Subcommittee is continuing to research and review the experience hours requirement and expanding how substantive law related experience is defined. Justice Himonas asked for the Subcommittee to also focus on how the LPP can pass the bar and expand the areas of practice.

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

Ms. Hill reported on behalf of Professor Anna Carpenter. Professor Carpenter reported they have completed the second round of interviews and they are currently in the process of collaborating with the Utah State Bar to run an experiment using a survey approach. The survey will measure whether and how information about regulatory reform and the LPP program might change lawyer’s attitudes about these programs. Matthew Page reported he is helping Professor Carpenter and her team develop the survey questions and there will be a significant focus on the LPP program.

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

Ms. Hill reported that she has completed the LPP informational document. Justice Himonas reported they are on the agenda for the Fall Judicial Conference and he will be presenting along with Judge Mettler and Ms. Allen.

Mr. Page reported they are currently focused on the attitudes and opinions of attorneys regarding the LPP program. He is meeting with Judge Mettler and Ms. Allen to gather some success stories of how their services have helped their clients, the court, and the opposing parties. They will also be addressing some attorney push back by communicating that the LPP is not a threat, but rather a positive addition to the courtroom as their clients would likely otherwise be unrepresented. They also want to be available to the LPPS to assist with marketing (influencers, social media, twitter, etc.).

Elizabeth Wright reported that she met with the Rules of Professional Conduct Committee to present the proposed rule changes combining the LPP rules with the lawyer rules. The Committee had some suggestions and feedback, so she is continuing to work on the proposed rules with Steve Johnson and will present again at their next meeting on August 31, 2020.

Ms. Hill reported the August 2020 iteration of the LPP exam is next week and they have 9 applicants scheduled to take the exam. She met with the building coordinator yesterday to review the social distancing guidelines for the applicants and they will have masks and hand sanitizer available. Ms. Hill also reported that there has been a large surge in interest in the LPP program and she is continuing to use an excel spreadsheet to track interest. Justice Himonas asked Ms. Hill to create a visual from this spreadsheet that can be used at their presentation at the Fall Judicial Conference. Ms. Hill also reported that Colorado is interested in creating their own LPP program focused specifically on domestic cases.

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

Mr. Johnson reported that he is continuing to stay in contact with Snow College and is working to collaborate with the Business Department to encourage interest in the LPP program.

7. Discussion—Update on outreach efforts: (Julie Emery, Monte Sleight)

Ms. Emery reported that she has been focusing on distributing the LPP's Resource Letter and encouraging interest amongst working paralegals to apply for the LPP exam. She is also working with Patty Allred who teaches a prep course for the National Certification. Ms. Emery reported that Ms. Allred's course has a large number of students who are interested in taking the LPP exam. Ms. Emery will propose for Ms. Allred to include information about the 5 pathways to be eligible for the LPP exam from the proposed changes to Rule 15-703 to people interested in the prep course once the rule has been approved.

Ms. Emery also asked the committee for guidance on how they can proceed with outreach, given the restrictions of the pandemic. Mr. Page suggested they continue sharing the videos about the LPP on the Bar's YouTube page. Justice Himonas suggested they pursue opportunities for working with a local micro-influencer. Ms. Allen suggested reaching out to Criminal Justice professors at local Universities, such as Weber State, to get the word out. Ms. Clark suggested reaching out to Mediators and consider having an LPP give a presentation at an upcoming symposium. Ms. Emery and Ms. Allen will schedule a meeting with the current LPPs to discuss and implement these suggestions.

8. Discussion—Update on purchase options for UVU's LPP curriculum and grant opportunities: (Monte Sleight, Steve Johnson)

Ms. Hill reported Mr. Sleight had an initial meeting with UVU to discuss the Bar purchasing their LPP curriculum and UVU is interested in the proposal. More to follow on the specifics at the next Committee meeting.

Ms. Hill also reported that the Subcommittee and Mr. Sleight have discussed some possible concerns with the Bar potentially purchasing and then licensing out the curriculum to other institutions around the state. One concern being that the Bar would be responsible for maintaining the curriculum. They are looking into the numbers and costs of maintaining such a curriculum. Mr. Johnson reported Mr. Sleight is still in correspondence with UVU to determine the actual cost of the curriculum. Ms. Wright suggested that it may be a conflict of interest for the Bar to offer the curriculum, offer the testing and certify for licensure. She also suggested that UVU may be able to lease the curriculum to other institutions without the Bar being the intermediary. Ms. Clark suggested that educational institutions may be interested in leasing the curriculum from the Bar if it reduced their development costs in some way. However, if an institution feels that they can create a similar or better curriculum while adhering to the predetermined list of learning objectives, the institutions may prefer to develop and maintain their own curriculums. Ms. Emery reported Ensign College is currently developing their own curriculum by incorporating the LPP learning objectives into their paralegal program. Ms. Wright suggested for this Committee to continue this discussion as we gather more information regarding the cost of the program, potential conflicts of interest, and feedback from the Bar Commission.

9. Discussion—Old business/new business: (all)

Nothing new to report.

10. Adjournment and next meeting:

The meeting adjourned at 1:00 p.m. The next meeting will be held on September 15, 2020 from 12:00p.m.–1:30p.m. via Zoom.

Tab 2

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 either:

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

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

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

(a)(4)(D) graduated with a Bachelor's Degree in any field from an Accredited School, plus a Paralegal Certificate or 15 credit hours of paralegal studies from an Accredited Program; a Master's Degree in legal studies or equivalent that is offered through an Approved Law School, or;

(a)(4)(E) 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 Registered Paralegal (RP) credential from the National Federation of Paralegal Associations (NFPA).

(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 a specialized course of instruction approved by the Board in professional ethics for Licensed Paralegal Practitioners; and

(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

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