

Licensed Paralegal Practitioner Committee

Meeting Minutes

November 17, 2020

Zoom Meeting

12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Judge Amber Mettler, Co-Chair
Steven Johnson
Matthew Page
Elizabeth Wright
Julie Emery
Monte Sleight
Jackie Morrison
Heather Farnsworth

Excused:

Justice Deno Himonas, Co-Chair
Angela Allen

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: (Judge Mettler)

Scotti Hill welcomed everyone to the meeting and asked for approval of the minutes.

Steve Johnson moved to approve the October 20, 2020 minutes. Monte Sleight seconded the motion, and it passed unanimously.

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

This matter is postponed and will be discussed at the next meeting.

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

Ms. Hill reported Barbri, a bar exam prep course company, is interested in purchasing the LPP curriculum from Utah Valley University. Barbri will use their learning management program to license the LPP curriculum out to other institutions for a profit. With this purchase, Barbri would be responsible for storing and updating the curriculum as needed to ensure it meets the statutory requirements. Barbri will be sending Ms. Hill a proposal soon. Carolynn Clark suggested the Committee may need to have a Subcommittee or equivalent to oversee the maintenance of the curriculum offered by Barbri.

4. Discussion—Debt Collection and Landlord-Tenant forms: (Scotti Hill)

Ms. Hill reported a few of the new LPPs have brought some deficiencies to her attention regarding the forms on Debt Collection and Landlord-Tenant law. The Court's Forms Committee is currently reviewing one of the small claims forms (the affidavit which is necessary to commence a small claims matter). Ms. Hill recommended for this Committee to review the forms in these areas and suggested bringing in some experts in these areas to consult on the forms. Ms. Emery suggested reaching out to the practice area experts that we have utilized for the LPP exam for assistance. Mr. Sleight suggested including the practicing LPPs for their input on the forms as well. Ms. Emery suggested we create a Forms Subcommittee from this Committee to oversee this responsibility and to utilize the LPPs who practice in these specific areas for input on the existing Forms and any Forms that may be needed. Ms. Emery also recommended appointing one of the newly licensed LPPs to participate in the Subcommittee.

Mr. Sleight suggested for the Committee to draft a rule that would allow an LPP to petition the court to create their own form if there is not a form available in an area that an LPP should be able to assist with while the form is being created. Elizabeth Wright advised that it may be difficult given the existing language in the Rules of Professional Conduct. Mr. Johnson also suggested that the LPPs who work in these areas can utilize the lawyers in their firms for suggestions on what forms may be needed in these areas.

The Committee agreed Ms. Hill will act as the gatekeeper for new forms requests from the LPPs. Ms. Hill will review the forms request, determine if it falls within the scope of the LPP rules and then present the forms request to the Court's Forms Committee. If at any time Ms. Hill finds the requests to be too cumbersome, the Committee can create a Subcommittee for this purpose.

5. Discussion—LPP mentoring pilot program: (Scotti Hill)

Ms. Hill reported that from her monthly meetings with the first four LPPs and Ms. Emery, it has become apparent that the LPPs would benefit from mentoring. Ms. Hill reported she has been communicating with Carrie Boren, the Administrator for the New Lawyer Training Program, who has created a proposal for an LPP mentorship program similar to the training offered by the Bar. However, Ms. Hill proposed creating a new model such as a pooled-resource style mentorship program, to include 5-7 attorneys who are available on an on-call basis to assist LPPs. This model is different from the Bar's one-on-one training program. Ms. Hill proposed for the pilot program to run for a year or so, then be subject to review by the Committee.

Ms. Emery added that it would be very valuable to have a pool of lawyers, and eventually other LPPs, to act as a sounding board and provide a second opinion to the working LPPs—especially as they learn to navigate communications with other lawyers. Ms.

Emery will send Ms. Hill some proposals for reaching out to attorneys to volunteer for this mentoring program. Ms. Hill will prepare a formal proposal for the pilot program and asked the other members of the Committee to send her any ideas or suggestions.

6. Discussion—Review comments on Rule 15-703: (Scotti Hill)

Ms. Clark reported the Subcommittee reviewed the comments received and found there to be a consensus in the comments that there is some value to taking the National Certification exam. Moreover, because it is a very difficult exam, the exam is a good vetting tool for prospective LPPs. The Subcommittee agreed that although there is some value to taking the exam, it does not overcome the reasons why the Committee has recommended for LPP candidates who meet one of the eligible education requirements to be exempt from the National Certification exam. One of the Committee's long-term goals with the LPP profession is to disassociate it from the paralegal path, and to not have the profession be exclusive to paralegal professionals. Additionally, the Committee views the exam to be a potential barrier for entry. In response to the comments, Ms. Clark reported the Subcommittee recommends for this Committee to continue reviewing the educational requirements in the rule as well as the LPP exam to ensure those requirements meet the desired standards. Overall, the Subcommittee reported that there is a sufficient amount of checks in place to ensure the LPPs, once licensed, are adequately qualified.

Mr. Sleight addressed the sentiment in the comments that the National Certification added an additional level of perceptive competence of the LPP profession among members of the Bar. Mr. Sleight reported that even though the LPPs who are currently practicing have taken the National Certification exam, they are still reporting that they are encountering some difficulties in working with members of the Bar. Additionally, Mr. Sleight reported that some if not most attorneys do not have any experience or knowledge of the National Certification exam, so it would likely not have the desired effect raised in the comments. Julie Emery agreed and added that attorneys are more likely to recognize the value of an educational degree compared to the National Certification exam.

The Committee recommended no further changes to the rule.

Steve Johnson moved to approve the proposed amendments to Rule 15-703. Julie Emery seconded the motion, and it passed unanimously.

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

This matter is postponed and will be discussed at the next meeting.

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

Ms. Wright reported the Supreme Court has approved the proposed combination of the LPP rules with the Rules of Professional Conduct and they will be going out for public comment shortly. Additionally, Mr. Johnson reported the combined LPP and MCLE rules are currently out for public comment as well.

Ms. Hill reported there is an LPP Admissions Committee meeting next week to review the applications for the March 2021 iteration of the LPP exam. There are currently 4 applicants for this exam. Ms. Hill reported that although there are fewer applicants for the next exam, this may be a similar phenomenon to the dip in the number of applicants for the Bar exam during the winter months when compared to the summer months.

Matthew Page reported he reached out to the new LPPs to offer any marketing assistance they may need. Mr. Page also reported that there is now an official LPP Facebook page. Additionally, Mr. Page encouraged members of this Committee to continue sharing the LPP YouTube videos. Mr. Page reported that almost all of the new LPPs have registered on Licensed Lawyer and that he is working with the remaining LPPs to get on that site.

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

Mr. Johnson reported Snow College will not be scheduling any meetings until January 2021, so the efforts to connect with their business department are stalled for the time being.

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

Mr. Sleight reported the Ethics course at Utah Valley University currently has 32 students enrolled, which may feed a lot of prospective LPP applicants into the program. Ms. Emery reported that she continues to stay in contact with Patty Allred, who teaches a private prep course for the National Certification exam, in an effort to measure a potential pipeline for new LPP applicants.

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

Mr. Sleight suggested for the Committee to begin thinking of a new name for the LPP profession, and proposed adding this as an agenda item for the next meeting.

12. Adjournment and next meeting:

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