

# Licensed Paralegal Practitioner Committee

## Meeting Minutes

August 17, 2021

Zoom Meeting

12:00 p.m. – 1:30 p.m.

*Judge Amber Mettler, presiding*

### **Attendees:**

Judge Amber Mettler, Chair

Matthew Page

Jackie Morrison

Steve Johnson

Julie Emery

Monte Sleight

### **Excused:**

Angela Allen

### **Staff:**

Scotti Hill, Utah State Bar

Marina Kelaidis, Recording Secretary

### **Guests:**

Carolynn Clark, S.J. Quinney College of Law

Professor Anna Carpenter, S.J. Quinney College of Law

## **1. Action—Welcome and approval of the draft meeting minutes:** (Judge Mettler)

Judge Mettler welcomed everyone to the meeting and asked for approval of the minutes.

*Julie Emery moved to approve the July 20, 2021 minutes. Scotti Hill seconded the motion, and it passed unanimously.*

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

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

## **3. Discussion—LPP scope of practice, review of Rule 14-802:** (Scotti Hill)

Ms. Hill reported the amendments to Rule 14-802 have been approved by the Supreme Court and will be effective November 2021. These amendments will allow LPPs to sit or stand at counsel tables to advise and confer with a client.

Ms. Hill also reported an LPP has approached her with some questions regarding scope of practice as it relates to the availability of OCAP forms and paragraph (c)(1)(E) of the

Advisory Committee Comments. This comment indicates that the LPPs may use any available OCAP forms approved by the Judicial Council, however, the LPPs have been operating under the impression that they are limited to using only the LPP approved forms. Steve Johnson reported that when the rule was drafted, it was drafted with the intent for LPPs to use all available OCAP forms. Ms. Emery suggested removing the caption on the select LPP approved forms that declares the form as an LPP approved form. Ms. Emery also supported giving the LPPs the discretion to utilize all of the OCAP forms as long as they are within their scope of practice. Ms. Hill suggested removing the separate LPP approved forms site, because they are learning that it is not an all-inclusive resource as a number of forms are missing or will need to be continuously updated as new forms are approved. The Committee supported potentially removing this separate site.

Ms. Hill reported the Court is considering overhauling the OCAP system and creating a new system for public use forms. In order to accomplish this, the Court will likely need participation from the Bar and this Committee. Monte Sleight proposed for a member of this Committee to participate as a voting member if the Court creates a committee for this project. Ms. Hill proposed adding another LPP, Ms. Tonya Wright, to this Committee and potentially creating a subcommittee to address the forms and potential overhaul of OCAP. The Committee unanimously agreed to appoint Ms. Wright as a member of this Committee. Pending Ms. Wright's acceptance, she will also be appointed to serve on the Innovation Subcommittee.

#### **4. Discussion—Study update, LPP survey: (Professor Anna Carpenter)**

Professor Carpenter reported they have developed a draft survey outline for LPP clients and provided a link to the survey for review. She asked the Committee to review the survey and send her and Dr. Mark any feedback. Professor Carpenter reported they will need some buy in from the LPPs themselves in order to get access to their clients to disseminate the survey. All clients will need to be exposed to the survey opportunity to avoid selection biases. Judge Mettler suggested once the survey questions are finalized they schedule a meeting with the LPPs to present the surveys, address any questions they may have, and determine the best method for disseminating the surveys to the clients. Professor Carpenter also reported that they have a method for addressing confidentiality of survey participants and gave a brief overview of the program they will use. The Committee expressed interest in gathering data on client demographics, such as location and annual income ranges. Professor Carpenter reported they anticipate rolling this survey out to clients in the fall of 2021.

They will be conducting surveys of the working LPPs beginning in September 2021. The survey will be conducted via live interviews. Professor Carpenter reported the goal is to eventually turn those live interviews into a written survey that can be disseminated as the number of working LPPs increases over time.

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

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

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

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

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

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

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

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

**9. Discussion—Old business/new business:**

Ms. Hill reported the Court approved a Sandbox proposal from Pearson Butler that authorizes non-lawyer staff to practice law in a variety of areas. Ms. Hill gave a brief overview of the proposal and circulated a copy to the Committee via email. In summary, this proposal allows non-lawyer staff to practice law in more areas than the LPP is currently authorized and gives the firm discretion to determine the title of these professionals.

The Committee expressed some concern regarding this proposal and discussed the potential effects to this program. Steve Johnson reported the Sandbox proposals do not go out for public comment and recommended for members of the Committee to submit letters outlining their concerns to the Court if needed. Mr. Sleight recommended for the Committee to monitor this proposal and keep a close eye on the title(s) this firm selects for these professionals, as Mr. Sleight is concerned about potential infringement upon the LPP and/or LLP titles.

**10. Adjournment and next meeting:**

The meeting adjourned at 1:20 p.m. The next meeting will be held on September 21, 2021 from 12:00p.m.–1:30p.m. via Zoom.