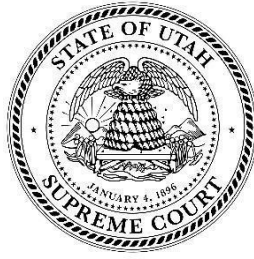


UTAH SUPREME COURT AD HOC COMMITTEE



REGULATORY REFORM

Nick Stiles, Co-Chair Maryt Fredrickson, Co-Chair

LPP Workgroup Meeting: December 11, 2025

10:00am - 11:00am

Remote Meeting:

<https://utcourts.webex.com/utcourts/j.php?MTID=m048c6b3877ee24fe36c3929482ed28ab>

1. Welcome and Review of Meeting Minutes (Tab 2)
2. Review Judicial Survey Results (To be distributed)
3. Brief Discussion on Comparison of State LP Programs (Tab 3)
4. Review of Draft Bullet Points (Tab 4)
5. Action Items for Submitting Summary Report in February

TAB 1

Licensed Paralegal Practitioners

- | | |
|---|---|
| <ul style="list-style-type: none">• Research other states' successful LPP programs and identify best practices.• Identify barriers to entry (time and cost, dearth of available training, absence of alternative paths to qualify for exam, lack of awareness of the program, etc.)• Identify barriers to practice (rule limitations on the scope of practice, challenges establishing or running a practice, public mistrust, competition in the Sandbox, etc.). | <ul style="list-style-type: none">• Develop a recommendation for:<ol style="list-style-type: none">1. increasing the number of LPPs who have the training and skills to provide competent representation, and2. expanding the number of consumers served by LPPs.• Draft proposed rule changes, if any. |
|---|---|

TAB 2

Meeting Minutes
Utah Supreme Court's Ad Hoc Committee on
Regulatory Reform Licensed Paralegal
Practitioner Workgroup

November 13, 2025

12:00 – 1:00

Remote

Attendance Online: Maryt Fredrickson, Nick Stiles, Bre Hickerson, Lindsey Brandt, Jon Wayas, Andrea Donahue, Emily Lee, Michael Barnhill, Tanya Rosado, Judge Koch, Jackie Morrison, Andrea Donahue, Lindsey Brandt

1. Welcome and Review of Meeting Minutes (Tab 1)
 - Maryt introduced our special guests – Judge Arkin and Judge Taubman – and welcomed everyone to the meeting.
 - Judges introduced themselves, committee members introduced themselves.
 - Minutes from October meeting were approved with one change from Andrea.
2. Special Guests: Colorado Judges Who Helped Develop the LPP Program
 - Maryt introduced Utah's regulatory sandbox program and asked the Judges to provide insight about anything they've learned while developing the LPP program in Colorado.
 - Judge Arkin first noted that UT provided info in 2021 about how to launch this program successfully and noted the need to prioritize education and outreach to build a successful program. Judge Arkin also noted that UT was opposed to using "paralegal" in the name of the program to avoid unnecessary limitation of the program. She noted that CO relied tremendously on UT's advice and has a robust education and outreach committee to help prioritize that.
 - Judge Arkin mentioned there are 108 licensed LLPs and after the LLP exam in November, she expects 18-20 more LLPs to join that pool.
 - Judge Taubman noted that he was on early committees to decide whether or not to create this program in Colorado and that initially, the head of the CO Bar adamantly opposed the program and believed it would take business away from family law attorneys. To mitigate these concerns, Judge Taubman explained that CO began with an LLP program that allowed work on landlord/tenant and debt issues. When the committee presented the proposal,

the CO Supreme Court asked for a proposal that also included family law within the program's scope and it was accepted.

- After the court accepted that proposal, there were four working groups established to build the programs, including the creation of LLP ethics rules. Now, LLPs can even serve on the CO Bar's ethics committee!
- Judge Taubman mentioned that practicing attorneys were critical to building the program. Family law attorneys who were initially skeptical eventually became some of the program's biggest supporters. Building support was critical to grow the program.
- Judge Taubman also noted that there have been groups working to amend statutes such as the attorney-client privilege statute to also encompass LLPs. This expansive collaboration between the CO legal community and these workgroups really contributed to growing support. He also noted that the CO judiciary was persuaded by the idea that LLPs could help advocate for the roughly 75% of clients in family law cases that are self-represented.
- CO took the UT "core competencies" to create a 20+ page document used to create the LLP exam. Judge Arkin described the exam as being a 3-hour family law multiple choice section, a 1.5-hour ethics section, and a 1.5-hour short answer section.
- Judge Arkin noted that one thing CO has done very well is maintaining communication with the LLPs and others involved in the program. She noted that one flaw was the LLP's limited ability to be in court. CO limited LLPs so that they couldn't help with cases like common-law marriage cases, etc. She also noted that this rule was something that attorneys who opposed the LPP program could use as a weapon to have LPPs removed. For example, if an expert had to be appointed to litigate income, LPPs were excluded from that case. Attorneys then started litigating whether or not LPPs could work on those cases or assist the unrepresented parties in similar situations. She noted that this was somewhat of a disaster, and that clients were using their limited funds to litigate issues of whether the LPPs could even contribute in the case. In response, the committee proposed a new list of rules that were adopted by the CO Supreme Court in October of this year (effective December 2025).
 - o Essentially, this makes it so that LPPs can litigate in court and ask questions, and judges were most in favor of this. Judges strongly favored LPPs being able to ask questions in court instead of only being able to give clients lists of questions to ask, provide the clients with lists

later ask for follow up questions, etc. That was time-consuming and burdensome in time-limited court proceedings.

- Additionally, LLPs are allowed to stay in cases even if there is an issue that they can't help with (such as marital agreements, i.e., pre-nups).
- LLPs are also allowed to help in cases with experts now, unlike before.
- Judge Arkin noted that most cases with LPPs end in settlement after mediation. But these rules were critical to address those challenges. She noted that the CO Supreme Court has been tremendously supportive and empathetic of providing assistance to self-represented litigants.
- Judge Arkin noted that CO has helped collaborate with community colleges, etc. to develop ethics courses and ensured that those were online courses, based on UT's advice.
- Judge Arkin also discussed Colorado's voluntary bar and the lack of paid individuals who work for the bar or for the LPP program. There is no paid administrator; the LPP committee is entirely volunteer. She noted that she spends 15-20 hours a week still developing the LPP program.
- Judge Taubman disagreed with Judge Arkin (who noted that LPPs limitations were a "disaster" and something the CO program initially did not do right). He argued that that limiting the scope of LLPs was a critical way to garner support from other lawyers in CO, and the natural evolution of broadening LLPs' scope as the practice evolved was a necessary way for the process to unfold to retain support of lawyers.
- Judge Taubman also discussed development of ethics rules for LLPs and how to handle issues that were too complicated for them. There was a lot of care that went into determining the scope and ethics rules to create situations where an attorney should be involved or the client should have to represent themselves if they can't rely on LLPs for those complex issues.
- Judge Taubman noted that he participates in regular meetings with leaders from other comparable programs or that are working on developing those. He invited us to attend the next meeting for that, which is Tuesday, 11/18.
- Nick asked about where CO LLPs are practicing.
 - Judge Arkin noted that the vast majority of LPPs work for law firms. The larger family law firms initially determined that LLPs were something that would add to their business model significantly, and today, even smaller firms see the value of LLPs. She noted that LLPs are all over the state and some LPPs do practice independently. She also noted that we can google "Licensed legal paraprofessional" because CO

rules require LPPs to include that language in advertisements to solicit clients. She also offered to send a list from June/July of this year that includes all LLPs that agree to be on the list and is sent to parties that assist self-represented litigants within the court system.

- Judge Arkin noted that throughout the CO legal community, they are being encouraged to use the term LPP anytime the term attorney appears, including in court orders, statutes, etc. She noted that it took 20 years for people to understand and recognize what nurse practitioners do and CO did not want it to take 20 years to have people recognize LPPs. She noted that continuous outreach has been critical because getting the word out about this program is so hard.
- Nick asked about judicial officers and what they do, and Judge Arkin talked to us about the structure of CO court systems and what those officers do.
- Emily asked about the testing structure and who evaluates each LPPs. She emphasized the LPPs can ONLY practice in family law topics. She noted that there is enough cost associated with becoming licensed to be LPPs and are reliant upon this program to make a living. That's why CO moved away from including housing issues in the LPP scope because those self-represented litigants couldn't afford to pay LPPs. She noted that CO is not discussing expansion to include some less complex probate and estate planning areas and some probate practitioners advocate for this. And CO still uses Ergometrics to create their exams. Judge Arkin noted that Ergometrics has pros and cons, but that the committee is very hands-on in developing those exams such as family law questions. She said that she wanted the exam questions to have some substance to them and to actually test LPPs ability to issue spot. She also mentioned that the committee would probably be willing to share their exam and Emily noted that we would very much appreciate that. Judge Arkin said she would run that by the powers that be. Emily asked for Maryt's help connecting her to leaders of the LPP program via email that could help facilitate the transfer of exam questions and materials to her.
- Jon asked about exam prep for LPPs bc Utah doesn't have a lot of those materials and whether CO does anything to help LPPs prepare. Judge Arkin noted that the LPP group provides a list of prep materials that they used to prep for the exam. She wasn't sure if this was a formal or

informal list, but she said she was willing to connect Jon with those folks to discuss further.

3. Review & Discuss the Comparison of State LP Programs (Tab 3)

- We decided to save this for our next meeting due to time constraints.

4. Action

- Maryt asked if it would be useful for us to put together a quick and short survey to send out to UT judges and commissioners. She noted that this was a critical part of CO's decision to evolve their rules and expand LPP scope.
- Nick asked if a reasonable practicing cap is to limit or expanding LPP's practice scope to be in front of commissioners since more complex cases are in front of district judges already.
- Andrea asked about including the other different categories of practitioners in survey info (like CJAs, etc.)
- Jon noted that this survey/educational materials about these different alternative legal professionals would be very helpful to distribute widely to all members of the judiciary, etc.
- Maryt mentioned that this entire discussion really helped highlight the demand for marketing LPPs and what they do. Andrea noted that we're trying to cultivate "buy-in" for these programs.
- Nick asked about the group's thoughts on CO's limitation of LPPs to exclusively family law issues. Lindsey noted that passionate LPPs that are doing this for access-to-justice reasons love working in non-family law cases (such as housing/debts). She did note that those LPPs are charging extremely low rates or not charging at all.
- Jon noted that the definition of unlawful detainer is pretty limiting. If keeping them in these other areas, need to look at what they can do bc the words right now in L-T is pretty limited. Emily - can appreciate what Lindsay is saying about the few people in other areas that love what they do. From a resource and admin point of view, it takes a lot to test in those areas. And there are few people doing it. Emily thinks it is worth considering - to limit but without taking away what people are doing. But to limit going forward would let us put all our resources to certain areas. And allows CJAs to take up the slack and space in those areas.
- Andrea - to piggyback on that from the sandbox perspective, that's a challenge we have too - if there is breadth you need depth, the broader you go, the less

depth you can have. Jon notes that we could think about probate and guardianships as areas where LPPs could help. Lindsay notes that new stuff comes up also. Lots of TPRs coming up. Jon suggests maybe we have a conversation with AZ and can help connect us with people.

- Maryt: In closing, we'll prepare a survey for judges. Nick and Maryt will work on and circulate that survey by email for feedback. Nick noted he'll be speaking with the district court group soon about CJAs and can mention LPPs too.
- In looking ahead, Maryt notes that we will prep a framework of recommendations based on past conversations to discuss in Jan, review those draft recommendations and hopefully prepare those for submission to the supreme court in Feb. After that, we'll invite AZ to fill gaps and tweak things.
- Lindsay noted that she had a judge say he has no idea what Ms Brandt can and can't do, so not going to rule on anything related to LPP and what she can and can't do.
- Nick noted that a recommendation that does not include education/marketing/buy-in would be a mistake.

TAB 3

Comparing Nationwide LPP Programs

| State | Education Waiver? | Practice Areas | Practice Scope | Supervision Required? |
|--|--|--|---|--|
| Arizona Legal Paraprofessionals (LPs) | Yes, experience-based waiver allowed (with 7 years of substantive law-related experience) | <ul style="list-style-type: none"> • Family law • Limited civil (in municipal or justice courts), • Misdemeanor criminal cases with no incarceration penalty, and • Admin law (where admin agencies allow LPs) | File court docs (including initiating actions, filing motions, discovery, etc.), appear in court on behalf of clients | No, independent licensure. Note that a separate license is required for each practice area the LP will practice in |
| Oregon Licensed Paralegals (LPs) | Yes, experience-based waiver allowed (5 years of paralegal experience totalling 7,500 hours, military paralegal experience, or national paralegal certification) | <ul style="list-style-type: none"> • Family law • Landlord/Tenant law | <p>Family law: File court docs, limited client representation (such as during settlement discussions) but may not represent clients in court (such as in evidentiary hearings, etc.).</p> <p>Landlord/Tenant: Same as family, but can also sometimes represent clients in court</p> | No supervision required as long as the practice is within the scope of practice outlined in the rules. |
| Colorado Licensed legal paraprofessional (LLPs) | Yes, experience-based waiver allowed (3 full-time years of “substantive law-related practical experience” including 1 full-time year focused on CO family law within 5 years preceding the application). | <ul style="list-style-type: none"> • Family law | Can file standard pleadings and represent their clients in mediation. May not represent clients in court. | No supervision required |
| Minnesota Legal Paraprofessional (LPs) | Yes, allows experience to substitute education (5 years of substantive paralegal experience) | <ul style="list-style-type: none"> • Family law • Landlord/Tenant • Criminal expungement • Debt • Limited probate/estate matters • Admin law | Can file court docs and provide limited representation in court. | Yes, supervision “of a member of the bar” required, including a written agreement with a supervisory attorney outlining LP’s scope and steps to supervise. |

Other Notes

Arizona

- CLE model for continuing education
- LPs are bound by the AZ Supreme Court's Rules of Professional Conduct (the same as lawyers in AZ).
- Allows experience to substitute the education requirement (based on passing the LP exam and completion of 7 years of full-time substantive law-related experience within 10 years preceding the LP application, including experience in the practice area in which the applicant is seeking licensure (2 years of experience in each specific practice area the individual is requesting licensure for)
 - o "Substantive law-related experience" defined as provision of legal services as a paralegal or paralegal student including, but not limited to, drafting pleadings, legal documents or correspondence, completing forms, preparing reports or charts, legal research, and interviewing clients or witnesses in the area(s) or practice the applicant seeks to be licensed. Substantive law-related experience does not include routine clerical or administrative duties.

Oregon

- Requires Practice Area Endorsements that are based on completing the requisite amount of practice hours within that area. Family law requires 500 hours of experience focused on family law within 18 months preceding the application. Landlord-tenant requires 250 hours focused on LT law within 12 months preceding the application.

Colorado

- Application requires experience in family law matters, since that is the only practice area LPs practice in. There is a family-law exam and an ethics exam that all LPs must pass.

Minnesota

- CLE model for continuing education, including ethics training requirements
- Practice area-specific training required, which could also be waived by practical experience in that practice area.

TAB 4

LLP – preliminary, working draft in response to working group charge

1. Other states successful LPP programs & their best practices

- a. Colorado
 - i. Heavy on the marketing and engagement, which was suggested by Utah's early stages of efforts. Also modeled exam after Utah's. And created the ethics class through a university, like Utah did.
 - ii. Judges and practitioners on the working groups to build engagement and buy in, including the ongoing committee.
 - iii. Changes. In newest rule amendments, now allows in-courtroom practice to limit the areas that quickly arose where parties litigate what the LLP could and could not do. Litigants were spending their limited funds on litigating LLPs, which was more harm than help to the litigants. Allowing in-courtroom practice also resolved feedback from the judges who were frustrated by the limitations. Also made some of those changes in response to lawyer opposition that arose when the program rolled out.
 - iv. Paid staff to keep the program is helpful; CO does this through volunteers which is a big lift.
- b. Utah – insert results of (1) survey of LPPs and firms, and (2) district court judges & commissioners
- c. Comparison to other state programs

2. Barriers to entry

- a. Discuss: whether to bring experience-only pathway back. That provision sunsetted.
- b. Discuss: adding comment to what counts for experience hours, which is expensive and timeconsuming. Only a portion of the experience hours must be dedicated to family law. Also consider how CJA work can count as experience hours.
- c. Lack of understanding in bar and paralegal community of how LPPs can be their own practice and how they can benefit firms where LPPs are practicing. LPP practice is a business of its own and can be an additional revenue generator in firms.
- d. UVU courses were costly and not engaging. UVI sunsetted that program and it is now within the bar. Switching to the bar's CLE model is better.

3. Barriers to practice

- a. Keep practice areas limited (based on CO input). If there are too many areas, each area begins to lack depth. While small claims, misdemeanors, and simple probate may be appealing expansions of the practice areas, there are resource limitations for testing and admissions. Another benefit of limiting practice areas could be as another distinguishing characteristic from CJAs.
 - i. But expanding scope of practice in landlord-tenant may be useful. Current scope of practice in that subject matter is limited.
- b. Lack of bench understanding of what LPPs can and cannot do, and there are variations by judges between districts

4. Recommendations

- a. Marketing & outreach plan, and make it ongoing. The champions at the start of the program have since fallen off, and so have new applicants.
- b. Trainings for bench and bar.
- c. Emphasize that this is primarily for serving the middle-class justice gap, i.e., people who can afford some service but not full service. ATJ to lower income in debt collection and evictions tend to be as pro bono or low-bono, similar to lawyers.
- d. Distinguish LPPs from CJAs

5. Proposed rule changes

- a. TBD
- b. Is there a name change pending, of LPP to something else?

For ongoing discussion or for 2026

- 1. Discuss with Arizona program. Also look more at New Hampshire, Oregon, and Minnesota. Texas program did not launch. DC program is still in study phase as resources diverted to CJA program. Michigan is in a test phase.
- 2. See IAALS upcoming survey on ATJ impacts of LPP programs
- 3. Discuss limitations based on forms, and whether practice should remain limited to OCAP forms now that OCAP no longer exists and there is no access to forms for LPPs.
- 4. Look at attorney-client privilege and if any changes are needed for LPPs.
- 5. What is needed to preserve exiting Sandbox practices post Sandbox
- 6. Role of national licensure if that arises in the future.
- 7. Other?