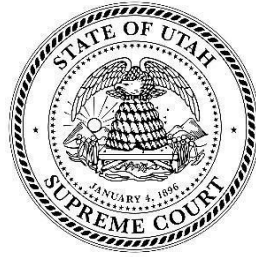


UTAH SUPREME COURT AD HOC COMMITTEE



REGULATORY REFORM

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

LPP Workgroup Meeting: January 8, 2025

12:00pm – 1:00pm

Remote Meeting:

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

1. Welcome and Review of Meeting Minutes (Tab 1)
2. Discuss Moving Away From Form Practice
3. Outside the Wasatch Front – Tonya Wright
4. Review of Draft Bullet Points (Tab 2)
5. Action Items and Conclusion

TAB 1

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

December 11, 2025

10:00am-11:00am

Remote

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

1. Welcome and Review of Meeting Minutes (Tab 2 of agenda)
 - Meetings were reviewed and approved.
2. Review Judicial Survey Results
 - Nick asked about the group's thoughts on the LPP judicial survey.
 - Courtney noted that it was nice to see that 2/3 of judges who responded had encountered an LPP in their courtroom at some point. Courtney also noted that more training would be helpful to clarify the scope of LPP practice. Nick agreed that it was really encouraging to see that judges had encountered LPPs and that the judges were so willing to get training about this. We discussed a potential bench book to help provide judges with helpful info on these programs.
 - Courtney also highlighted some of the negative experiences that judges discussed and that we can use that feedback to finalize our recommendations for the program, how to improve training, etc.
 - Andrea highlighted the difference in responses between the LPP and CJA programs and how we can use the LPP's positive feedback when reforming the CJA program (we'll discuss w/CJA group).
 - Maryt brought up the comments about LPPs using forms now that the OCAP system has gone away and asked the group whether LPPs should be limited to specific forms or not.
 - Nick asked Lindsey whether she had encountered issues with judges and forms in her practice. Lindsey noted that she had one issue with a "motion" form in a family law case, and the judge refused to engage with objections or questions about whether that form was acceptable. She hasn't had negative experiences with judges so far but did note that judges are happy to see an LLP and interact with them, especially when the clients are particularly emotional or difficult to communicate with.
 - Nick noted one judge commented that it would be helpful to have "LPP" listed on pleadings and asked Jon if that is something we could accomplish through a rule change. Jon said that this is a good question and that LPPs don't universally know what to do with this. Emily told us that this rule change would be simple and practical to require LPPs to note their involvement in the caption of the forms. The group agreed that

requiring this would help reduce friction and create more transparency about what LPPs are involved, their certifications to define the scope of their practice.

- Maryt noted that it could be helpful for judges to be aware of LPP and attorney involvement in a case, because judges often prepare for court with the assumption of who is involved, whether a litigant is self represented, etc. and the case caption is a quick way to make clear who is involved and will appear at a hearing. Lindsey told us that the LPP does sign the form, so the LPP's info is somewhere. Emily agreed with that but still advocated for inclusion of LPP in the caption box to make it even clearer. Lindsey advocated for just including "LPP" after a person's name instead of adding a new caption box. Maryt agreed with Emily that it would be helpful to have the LPP noted on the front. Nick agreed with Lindsey's point on excluding an LPP's "practice areas" just to avoid having so much to add to each form.
- Jon discussed the issues he is seeing with people using the forms and keeping them updated and noted that this is probably an even better reason to move away from the forms. Andrea also noted that depending on the other practice areas and roles that the committee approves outside of the LPP program, those forms would need to be updated again to include those groups.
- Nick asked if Jon, as the LPP administrator at the bar, would support adding a caption to note an LPP's involvement. Jon noted that some LPPs are practicing because they don't have to be affiliated with a particular case, they are just assisting a self represented client in a limited capacity. Jon was hesitant to agree to the caption and argued that LPPs would need to understand what it means if they signed the form for him to greenlight this rule change.
- Maryt asked Jon if he is referring to "unbundled" legal services that LPPs participate in and asked broadly about the unbundled services rules in Utah for attorneys. Lindsey noted that Rule 686 is the rule that specifically addresses this issue and does not require LPPs to sign on for that so long as they have a contract with the client.
- Nick highlighted survey feedback about frustrations with not knowing an LPP was involved or what they were allowed to do, so that's why the caption would be valuable to mitigate those frustrations. Lindsey asked if we could accomplish this by just being clearer when appearing in court that you are an LPP.
- Maryt noted that for attorneys, they only include their name on a pleading if they are going to represent them in court, not if they assist in "unbundled" legal services like helping a client write a document. It doesn't make sense to treat LPPs differently. Lindsey asked if we are treating LPP practice differently.
- Jon noted that a lot of the LPP rules are just vague and unclear, and that makes it difficult for judges and LPPs to be on the same page. Jon said that over the last 6 years, the piecemeal changes to the LPP rules have made it difficult to clearly communicate what the rules are to everyone involved. Jon said that having CJAs is likely to add to the confusion and the need to revise the rules. Nick said that his hope is that the committee's rule changes and form will lead to more comprehensive changes to the programs.
- Jackie said that the substantive feedback we received in the survey was incredibly helpful and that it would be nice to keep collecting more data on this. Jackie said that the most concerning comment to her was that the program was not serving A2J goals, and that this was something we should really try to address.
- Lindsey noted that the difficulty with LPPs is finding ways to get attorneys to want LPPs

and how that creates the need for financial incentives to motivate the use of LPPs. That takes away from the A2J goals. Andrea noted that one ATJ challenge is how we collect and provide pricing information for these different types of services. Maryt reminded us again that the LPP program is really intended for the middle class and not indigent people.

- Lindsey disagreed with this observation and noted that in her experience, LPPs are just filling the need for one-on-one client interactions that attorneys don't want to do, and that means attorneys are hiring LPPs at high hourly rates to meet that need.
- Nick said that the reality of the LPP program is maybe not the intended reality. The goal of the LPP program is to serve clients who can afford legal services but not necessarily an attorney. The fact that we aren't meeting that need in this intended way is probably why we haven't seen as much growth of the program as we expected.
- Andrea circled back to the goals of legal regulatory reform and Jackie's comment on data, and noted that finding ways to measure what LPPs are doing would be very helpful to evaluating these programs and refining them so that they are more successful long-term.
- Courtney asked if there is a pricing limit for LPP services in Utah. Nick said that because of the US supreme court case preventing rate-setting, we probably can't do that.
- Courtney said that Colorado is dealing with these exact issues, because firms are hiring LPPs and potentially billing out their services at similar prices as first-year associates. Courtney explained that Colorado is trying to gather data about LPP rates, what LPPs are doing (more paralegal-type work, client-facing work, etc.). She said that this is critical to figuring out how to grow the profession of LPPs and that CO is working through this now as the state recognizes that firms hiring LPPs is not the best way to address A2J goals. But this is such a challenging topic because firms are necessary in many ways to grow the profession but then maybe aren't the best option long-term.
- Jon said this data would be very helpful, because he thinks LPPs are still mostly working as paralegals and not using their license/certification for LPP-specific work. Lindsey reiterated that what her experience is as an LPP is that she truly is taking on client management because attorneys do not want to do that. She also reiterated that her role is not serving lower income individuals; it's serving people who hired an attorney in addition to her. Her volunteer work serves the A2J needs, but she does not lean on her professional role to meet A2J goals.
- Jon said that this is exactly why he wants to move away from forms practice because LPPs can't really do much and this practice is very limited. There is minimal wiggle room for how LPPs can help in court or to be independent from attorneys/firms. He noted his personal hesitation in hiring an LPP because it's just not clear if they will be able to get a case through the system. LPPs that are on their own are really struggling to help clients because of the limitations of the forms-based practice.
- Nick said that we don't lose much by eliminating the forms-based practice if we restrict LPP's scope in other ways. For example, we could allow LPPs to represent clients in front of a commissioner or focus exclusively on family law issues. He asked if something like that would help clarify the LPP's scope and mitigate those issues.
- Jon said that he felt like approaches like that would really help LPPs know what the limits of their practice are and would help clients understand what LPPs can help with as well.

- Maryt said that one pitfall of that approach is that not all districts in Utah are doing things the same way, such as using commissioners in family law cases. So, we need to think about how the LPP program can be inclusive enough to apply in rural places and still be able to assist clients in those areas. Jon agreed and noted that one goal of this program is to provide A2J in rural areas.
 - Courtney reminded us again that one challenge is how to motivate LPPs to do LPP-work. In firms, LPPs would get paid less for LPP work than they are for paralegal work, so Colorado is struggling to balance those competing incentives.
 - Andrea agreed and noted that this is similar in the medical world with nurse practitioners versus registered nurses, because there is a substantial pay bump between those roles that does not exist in the LPP/paralegal space. Courtney agreed and noted that continuing to think about marketing could help address that. Jon agreed and noted that sometimes paralegals in big firms are making more money than attorneys in smaller firms, so this is a hard sell.
 - Nick asked us to highlight potential bullet points to address in our preliminary recommendations: (1) improvement in messaging to the bar on LPPs, (2) judicial training, and (3) potentially using bench cards.
 - Nick asked about LPPs in small claims cases based on some of the survey results, and Jackie and Maryt agreed and wanted to explore how LPPs can help there. Jon agreed that this has come up in the LPP steering committee and how this would be an easy area to incorporate LPPs into the cases.
3. Looking ahead + action items
- Nick noted that we will now start putting together a draft of our preliminary recommendations and bullet points for a presentation to the supreme court in February to get preliminary feedback and from the court.
 - Andrea asked what the court would be agreeing to and for clarification about this process. Nick explained that this is a preliminary step before we start drafting the committee's recommendations to understand how the court is leaning prior to our preparation of the report. The court's feedback will inform our report and recommendations so that neither the court nor the committee are surprised about the contents of the final report.

TAB 2

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

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.

1. Other states successful LPP programs

- a. Colorado: met with start up and ongoing leadership
 - 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, only one year post-launch, 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.
 - v. IAALS staff, Courtney Petersen-Rhead is a member of the working group and is providing input as IAALS studies Colorado’s and other state programs. She and Michael Houlberg also met with co-chairs to discuss LPPs around the country and the recent rebrand to LPs (like NPs in the medical profession).
- b. Utah – conducted two surveys: (1) LPPs and firms, and (2) district court judges & commissioners. Also heard from some LPPs in and outside of Wasatch Front.

- c. Compared rules with other states with LPP programs: AZ, OR, CO, and MN. DC has considered an LPP program but has tabled that for now, to focus on CJA programs.

2. Barriers to entry

- a. Experience-based Waiver of Education Requirement (UT's provision sunsetted)
 - i. All four states with successful LPP programs allow an experience-based waiver (Arizona, Oregon, Colorado, and Minnesota).
 - ii. The group has previously discussed that we would need to define "substantive law-related/paralegal experience" carefully if we decide to offer this waiver.
 - iii. Utah now has an alternative pathway to attorney licensure so considering this type of pathway for LLPs may offer a parallel.
- b. Lack of Knowledge of LPPs and What They Can Do
 - i. Lack of understanding among the bar, some courts, 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.
- c. Continuing Education Requirements
 - i. 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.
 - ii. Practical education would be more useful for LPPs, especially writing practice. We may need to consider a rule change so that the Court's committee would be responsible for overseeing course development and oversight or at least signing off on LPP programs.

3. Barriers to practice

- a. Limiting Practice Areas
 - i. 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.
 - ii. But expanding scope of practice in landlord-tenant may be useful. Current scope of practice in that subject matter is limited.
 - iii. Currently, Colorado only allows LPPs to practice in family law. Oregon allows family law and housing. Arizona and Minnesota allow more participation in areas like misdemeanor criminal cases, expungement, debt, and limited estate and civil matters.
- b. Lack of Bench Understanding of What LPPs Can and Cannot Do
 - i. Variations by judges between districts, and in the same district, can make it challenging to increase awareness of LPPs and what they can do.

- ii. Consider creating bench cards, on-demand short training videos, and other ways to inform judges about LPPs. Also consider adding to annual judicial conference.

4. **Recommendations**

- a. In addition to rule amendments, a marketing & outreach plan—for a short-term boost and for ongoing marketing—should be central.. The champions at the start of the program have since fallen off, and so have new applicants. CO attributes its success to the ongoing engagement and marketing.
- b. Trainings for bench and bar.
- c. Emphasize that this is primarily for serving the middle-class A2J 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 existing Sandbox practices post Sandbox
- 6. Role of national licensure if that arises in the future.
- 7. Other?