UTAH SUPREME COURT AD HOC COMMITTEE

REGULATORY REFORM

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

LPP Workgroup Meeting: March 12, 2025

12:00pm – 1:00pm

Online Only

Public Meeting Link

1. Welcome and Review of Meeting Minutes (Tab 1)

2. Review of Court's Feedback from our Preliminary Presentation (Tab 2)

3. Tonya Wright – Insights from Outside the Wasatch Front

4. Court Feedback Discussion

    A. Education Requirements
    B. Forms. Rule 14-802 "(C) completing forms approved by the Judicial Council or preparing documents that are consistent with the relevant portions of the Judicial Council-approved forms;"

5. Action Items and Conclusion
    A. Timeline
    B. Collaboration with Other Groups

TAB 1

Meeting Minutes

Utah Supreme Court's Ad Hoc Committee on
Regulatory Reform
Licensed Paralegal Practitioner Workgroup
January 8, 2026
Noon to 1pm
Remote

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

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1. Welcome and Review of Meeting Minutes (Tab 1 of agenda)
   - Minutes were reviewed and approved.

6. Discuss Moving Away From Form Practice
   - Jon began our discussion on the current LPP's Form Based practice.
   - Jon shared UCJAA 14-802(c), which outlines LPP's "authorized activities." One such activity is that LPP's can "complet[e] forms approved by the Judicial Council or preparing documents that are consistent with the relevant portions of the Judicial Council-approved forms."
   - Jon highlighted that form availability has been a major challenge for LPPs. When LPPs need a form that is no longer available or perhaps didn't exist yet, the Bar has assisted in drafting relevant forms and getting approval from the LPP Committee and other relevant parties to approve. That is not sustainable and the Bar does not have the resources for that process. Without OCAP, there is no central system for form creation/management anymore. It would cost thousands of dollars for the bar to outsource the maintenance of the forms. These limitations are one reason why we are considering moving away from forms-based practice for LPPs.
   - Jon explained that there were reasons to limit LPPs to forms-based practice initially, such as efficiency, clarifying the LPP's scope, attorney concerns, etc.
   - There was some discussion of the signature template on the forms, for both LPPs and attorneys, and whether LPPs can sign documents used to support a form.
   - Jon noted that the Bar has not seen a lot of pushback when amending rules lately, but expanding LPP's scope may generate some pushback from attorneys. He also noted that judges have requested that LPPs have more authority and that their authority be clarified. Lindsay noted pushback within

the family law bar. Judge Koch said that pushback is likely inevitable but that we could consider expanding LPP scope in debt and housing cases, where attorneys are not practicing, before expanding in family cases to see how it goes because there would probably be more pushback in the family law space. Jon agreed, but he noted that there are not a lot of LPPs in debt or housing right now. Those are the practice areas with the most demand, but they are the hardest areas to make money as an LPP so it is hard to incentivize people to do that.

- Nick reiterated the A2J goals that vary between CJAs and LPPs. CJAs are better suited for people who can't pay (e.g., debt and housing cases). LPPs are more prominent in family law because people can usually afford to pay something for those services. There may be a preference to actually restrict LPP practice to family law and one other area, but not evictions and debt collection.
- Lindsey agreed with Judge Koch that expanding LPP's scope in debt and housing areas could be helpful. For example, she suggested that we could consider including small claims cases in LPP's scope. That might help encourage LPPs to consider working in those areas.
- Andrea noted that CJAs are authorized to work in debt cases and echoed Nick's thoughts on distinguishing between LPPs and CJAs. She also highlighted that sometimes the boundaries we believe are clear get blurry in practice. As we work to clarify the scope of each role, we should be mindful of that.
- Michael noted that there doesn't seem to be a difference in his mind between a non-lawyer collections manager representing a bigger corporation and an LPP representing a client being sued for debts. On the other hand, he explained that in an arbitration he's working on in NY, there is a non-lawyer representing a client in FINRA case and that it has caused a lot of issues and delays. He concluded that he really wasn't sure how to resolve this issue yet.
- To wrap up the forms discussion, Jon highlighted what Arizona and Colorado are doing. Neither state restricts their LPs/LPPs practice to forms. Colorado allows LPPs to use forms or templates that are generally accepted by courts but does not restrict LPP practice exclusively to forms.
- Jon also explained that the LPP committee is contemplating options for LPPs, such as tying their scope to a commissioner-based practice. That is challenging because there aren't commissioners in every district of the state right now.

7. Review of Draft Bullet Points (Tab 2)
   - Nick noted that Courtney and other members of IAALS are advocating for a uniform name for LPPs and we should be mindful of that.
   - Andrea noted that if we keep bullet 1 as including "successful" LPP programs in other states, we need to define what success means. Maryt agreed and said that we could just remove the word "successful."
   - Michael discussed the experience-based waiver for the education requirement. He said that he would not characterize the new alternative pathway to licensure for lawyers as an education-waiver, since lawyers still must have gone to law school to qualify for that. Nick noted that the Bar is hesitant to characterize the alternative licensure program as an A2J initiative or the reg reform effort. The Committee agreed that we should remove (2)(iii) from our bullets to eliminate reference to the alternative licensure program. Instead, we can emphasize bringing back the experience-based pathway that we originally had in Utah.
   - Nick noted that in this legislative session, there has been discussion about restructuring our judicial districts. If the legislature decides to restructure those districts, that could be an opportunity for us to advocate for commissioners in every district if we feel strongly about LPPs having a commissioner-based practice.
   - In reviewing our recommendations at section (4) of the bullet points, Lindsey recommended that we consider maybe combining (iii) and (iv) to clarify the difference between CJAs and LPPs.
   - Andrea highlighted a topic for ongoing discussion about how "to preserve existing Sandbox practices post Sandbox" and asked what we meant by that. Maryt noted that this was intended to capture the entities that don't fit within the LPP/CJA realm and how we can look ahead to deal with that. Andrea recommended we be very precise in how we talk about this topic and suggested we reword this section to something like "how to best address the additional types of alternative legal providers created through the Sandbox (outside of LPPs and CJAs)."
   - Jon mentioned that we should think about reciprocity rules with other state programs as well. That is something we have not yet addressed in Utah at all. Nick agreed on that. Nick asked if the LPP exam is Utah-specific, and Jon told us that the exams are. That would be a challenge we would need to think about if considering a reciprocity rule.

8. Action Items and Conclusion
    - Maryt noted that because we are working on a larger joint meeting with all workgroups in February, we may or may not meet as a small group in February.

TAB 2

To:	Ad Hoc Committee on Regulatory Reform
From:	Connor Dela-Cruz & Breanna Hickerson, Regulatory Reform Fellows
Date:	Tuesday, March 10, 2026
Subject:	Summary of the Committee's Interim Report to the Utah Supreme Court

Introduction

On February 18, 2026, Nick Stiles, Maryt Fredrickson, Breanna Hickerson, and Connor Dela-Cruz presented an interim update to the Utah Supreme Court regarding the work of the Committee's four workgroups: Licensed Paralegal Practitioners (LPPs), Community Justice Advocates (CJAs), Rule 5.4, and AI/Legal Technology. The purpose of this presentation was to update the Court on the work the Committee has done thus far and receive feedback on whether the workgroups are moving in directions the Court is interested in pursuing before proposals are further refined.

This memorandum recaps the presentation of each workgroup and directional feedback from the Court.

Licensed Paralegal Practitioner Workgroup

First, no objections from the Court on rebranding the LPP program as "LPs" to be more consistent with analogous programs around the country.

Second, one member of the court expressed great support in moving LPP practice away from the forms-based practice originally contemplated, and there were no objections to this change from other justices. The Court is also open to a change in the scope of LPP practice, and we explained Colorado's success in limiting its LP practice to family law while expanding what LPs can do in those cases. It would be helpful for the committee to continue thinking through how to capture the kinds of family law cases that are normally assigned to commissioners in SLC to include the same kinds of cases in state districts without commissioners, as we look to clarify these changes in LPPs' scope. There was mention of pushback from family law attorneys against the LPP program and the need to clearly communicate LPP's scope to help offset those concerns and show attorneys how LPPs can add value to this area.

In discussing LPPs' education requirements, the Court noted that the University of Utah is offering a Bachelor's of Law degree now, and it could be worthwhile to consider if those graduates should be able to take the LPP exam if desired, to create an additional LPP pipeline.

Finally, we informed the Court of our intent to confer with the existing LPP committee to review any proposed rule amendments and proposed changes to the program before submitting our final report to the Court, and the Court raised no objections.

The Court appreciated the distinctions being drawn between LPPs and CJAs, primarily: (1) that LPPs can act on behalf of clients, whereas CJAs cannot and instead assist self-represented litigants to represent themselves better, and (2) LPPs can charge clients to provide limited legal services, whereas CJAs cannot, though they may be paid more by an employer for the services they provide as a CJA. LPPs are viewed as alternative legal service providers, whereas CJAs are generally people already in support roles, such as social workers and victim advocates, who would primarily provide legal resources instead of advice.

Community Justice Advocate Workgroup

The Court agreed that CJAs should not be housed at legal services organizations, as we want this program to be widely accessible to anyone interested without the limitations that LSOs can present. The group shared the current regulatory burden on the CJA host organizations. The Court also agreed that either the bar or the Court is the most logical home for CJA regulation and recognized the need for resources for whichever entity ultimately manages the program.

We informed the Court that an extension may be necessary, either for the workgroup or the entities under their current authorizations/standing orders, to allow the group to finalize any recommended rule changes for the CJA program.

Rule 5.4 Workgroup

The presentation on Rule 5.4 indicated that some amendment to Rule 5.4 appears warranted, but the likely path forward is not a wholesale adoption of any of the three existing reform models in Arizona, the District of Columbia, or Puerto Rico. The workgroup's research to date suggests Utah may wish to consider a more limited amendment tailored to Utah's own regulatory experience rather than importing another jurisdiction's framework.

As part of the Rule 5.4 presentation, Connor summarized the Committee's research on those three jurisdictions. As the broadest and most sweeping example of reform, Arizona represents the resource intensive nature of Rule 5.4 reforms. D.C. is the oldest and narrowest case study, but it does not maintain a registration system for non-lawyer owned entities, which makes data monitoring challenging. Puerto Rico is the newest and least developed case study, but it is explicitly tied to access to justice with its pro bono requirements and nonlawyer ownership capped at 49%.

In response, a member of the court pressed directly on the central question as to whether there is an actual, demonstrable consumer benefit to Rule 5.4 reform. A member of the court expressed skepticism that Utah presently has sufficient evidence linking Rule 5.4 reform to improved access to justice, lower costs, or greater availability of legal services. She also noted that one early premise of the Sandbox was that outside investment and alternative ownership might

lead to innovation and lower prices, but that the Sandbox experience did not clearly bear that out. It remains unclear whether Utah currently has sufficient reason to believe Rule 5.4 would materially benefit consumers.

Although skeptical, the Court did not dismiss Rule 5.4 reform. However, the comments strongly suggest that any recommendation supporting reform might want to consider more than possibilities, theories, or analogies.

That being said, a few narrower potential justifications may warrant further development. For example, one-stop-shop firms that allow some nonlawyer ownership in narrow circumstances (i.e., long-time employees or succession planning) may allow flexibility while preserving lawyer control. We also noted that any change to Rule 5.4 may be accompanied by a separate implementing rule, potentially a new Rule 5.9, to govern the mechanics of nonlawyer ownership and fee sharing in greater detail.

Another key theme was the overlap between the Rule 5.4 and AI/Legal Tech workgroups. Future AI/Legal Tech entities may require some form of Rule 5.4 carve-out if they involve capital or ownership structures that do not fit cleanly within the current rules. Although this did not resolve the court's concern, it highlighted that Rule 5.4 may not be a stand-alone topic. Rather, its strongest justification may emerge only when considered together with legal tech models that do not fit neatly within traditional law firm structures.

AI/Legal Tech Workgroup

The AI/Legal Tech discussion is the most complex of the four workgroups. At least in the interim stage, the group is not leaning toward broad Rule 5.4 reform as the primary solution. Rather, the Committee is considering some form of carve-out or safe harbor under Utah's Unauthorized Practice of Law (UPL) rules.

The Sandbox is ahead of its time, and it has yet to produce strong examples of truly autonomous AI legal service providers. This is likely due to the fact that large-language-model technology did not reach its current capability until the later end of the Sandbox. In that respect, the Sandbox appears to have anticipated a future market that only recently began to materialize. There has also been a sharp rise in AI-generated filings over the last few months, suggesting that the regulatory question is no longer hypothetical.

The key question here is what exactly Utah would want to regulate. At one end of the spectrum are general tools, such as ChatGPT, which can be useful for obtaining legal-sounding answers or drafting assistance. At the other end of the spectrum, narrower tools with specific purposes may be considered for safe-harbor treatment. With this comes the potential practical issue that if Utah continues to define legal-tech as UPL without clarification, it may create an inconsistency between the law on the books and the reality of widespread public use.

The Court was receptive to a potential carve-out. At the same time, the Court is interested in requiring some form of disclaimer or notice similar to those used by medical-information

websites. The disclaimer would ideally clarify that AI-generated information is not a substitute for legal advice and that consumers ordinarily should consult a lawyer when appropriate. A broad prohibition model is likely unrealistic, while a disclosure-based carve-out or safe harbor may be a more workable path.

Conclusion

The Court's feedback indicated that the Committee's work is moving in a positive direction, while also underscoring the need for further refinement before final recommendations are presented. Across all four workgroups, the Court appeared interested in practical reforms grounded in Utah's own experience and needs. The Court's feedback also made clear that future recommendations should demonstrate a clear connection to closing the justice gap.

The Court's comments provided helpful direction on questions of scope, consumer benefit, and regulatory feasibility. This guidance should assist the Committee as it continues developing recommendations for the final report to the Court.