Meeting Minutes

Utah Supreme Court's Ad Hoc Committee on

Regulatory Reform Licensed Paralegal

Practitioner Workgroup

September 11, 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

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Maryt welcomed everyone to the Meeting.

1. Review of Meeting Minutes (Tab 1)
   - Change date to July 10
   - Correct sentence under Item 5 to "Practice areas include those not covered by the LPP program"

2. Introduction of Regulatory Reform Fellow, Bre Hickerson
   - Bre introduced herself as the fellow that will be helping with both the LPP and the CJA committees.

3. Discussion of two topics overlapping with regulatory reform efforts:

   A. Specialized Course of Instruction requirement (UCJA 15-703(b))
      - These courses are required for most applicants and are housed in the UVU Community Education Department. Where should they be housed in the future? Possible options are for the Bar to take over the maintenance and updating of the courses; rule changes to make the requirement a post-licensure CLE/mentoring program, or other ideas.
      - Jon noted that UVU isn't actively doing anything to oversee these courses and does not want to invest time and efforts to update the instruction materials. So, the Bar is going to take that over. Two options for that, we can either (1) continue to use the current instruction requirement or (2) we can eliminate this or update it to something like a CLE structure post-licensing. Jon opened the floor to the group for their thoughts.
      - Lindsey mentioned that in her experience, the courses (other than the Ethics one) were not very helpful, and there is limited investment because the courses are all pass/fail.
      - Emily argued for the CLE model, which would mimic the recognition of a legal professional's completed education and then the Bar's investment in continuing

to develop LLPs the way that the Bar continues to develop attorneys after passing the bar.

- Lindsey mentioned that writing practice would be super helpful and instruction about the application of the various rules.
- Michael asked if we could get access to the content used for the courses to review.
- Nick mentioned that the course is a roadblock and though some people could complete it quickly (like Lindsey in 48 hours or so), it may take others way longer if they don't have as much familiarity. Jon mentioned the cost is prohibitive as well (around $700).
- Michael suggested that the education requirement probably has to stick around but should be more helpful and not just checking a box.
- Jon mentioned that the wording of the instruction requirement provides us with a lot of flexibility to develop the program however we want. Must include an ethics course and a course in whatever practice area you want to practice in, but we can develop it to be more helpful.
- Lindsey suggested discussing the forms and how to be critical thinkers instead of just blindly filling out the forms. LLPs and clients must be able to think for themselves and would benefit from practical guidance about how to do that in the legal context. Also suggested requiring LLPs to sit in for hearings to see how the proceedings go or volunteering for pro bono work to be able to get experience.
- Nick asked when the Bar is taking the instruction over from UVU and Jon told us that will be around January 1, 2026.
- Rule 15.1 says that the board of bar commissioners will be deciding what the course looks like and sign off on it, so we could provide recommendations for that for their approval. Nick mentioned that this may be ripe for a rule change so that the Court's committee would be responsible for overseeing this course and its content instead of the bar.

B. Forms practice post-OCAP

- The LPP practice is forms-based. LPPs must use official Utah State Court approved forms or forms substantially similar to official Court forms. This requirement was manageable while OCAP was running and being updated. OCAP is now gone and has been replaced by My Court Case. My Court Case is not designed to be used by LPPs, only self-represented parties. This move makes it harder for LPPs, especially solo LPPs, to access forms. What rule changes would be needed to work around the loss of OCAP. This is a particularly apt time while we are discussing possible interplays between Sandbox entities and the LPP practice.
- Jon highlighted that the LPP practice program was very much premised on the OCAP system being available and losing access makes it very difficult for LPPs to fill out forms, especially in the context of family law issues. The new MyCourtCase system is designed to be used solely by self-represented parties, so we'll need to find a way to bridge that gap.
- Jon noted that this is more of a problem for new LLPs because LLPs that are relatively established or work with a firm likely have access to the forms that they need without OCAP.
- The rules state that LPP practice is form-based and that LLPs must use court-

approved forms in their practice.

- This is even more relevant to the series of forms used in family law cases, involving client interviews and potentially several dozen different alternative forms for the same sets of issues.
- Jon asked if there is any appetite to move LLPs from the current forms-based practice and rules to a more robust practice so that LLPs can have more individualized forms, etc. especially if they can't access OCAP's old forms.
- Jon noted that he has been discussing this with developers and lawyers and that it is very cost-prohibitive to develop a new forms database.
- Emily noted that this is coming up in the context of expanding and redefining LLP's practice scope to alleviate the necessity of constant updating and maintenance of the court's forms.
- Maryt noted that this feels like a recurring point of being limited to the court forms and mentioned that we should look into how other states are handling this. If other states are allowing LLPs to create their own forms or find alternative ways to expand LLP's practice scope, perhaps there would be an appetite for that. Noted that she has heard criticism about the forms and they should be more personalized.
- Lindsey noted that a lot of objections in court involve a discussion of whether a form is a court form or is court-approved and that this is a waste of time for clients. Opposing counsel often spend time trying to win on this argument by arguing that the forms are not court forms and shouldn't be allowed, etc.
- Jon mentioned that standardizing what LLPs do in various jurisdictions and courts would be very helpful.
- Lindsey noted that sometimes courts just don't want to hear what LLP's clients have to say. Scripts were not super helpful to control what clients said and judges tell them that the clients need to be able to think for themselves. Some judges don't even allow the clients to testify.
- Maryt says that the take-away is that the forms and complete reliance on scripts is a barrier.
- Jon mentioned again the lack of standards across courts/jurisdictions. One judge argued that the LLP cannot make any legal arguments when filling out the forms, which is not what our understanding was of what LLPs can do with the forms that were available. The rules are very vague and perhaps a rule change would help clarify the confusion to standardize what is allowed and what is not allowed.
- Judge Koch mentioned that she has asked other judges whether they have had LLPs in front of them and some judges didn't even know that LLPs were in their court until halfway through the proceeding. Judicial education is a critical component to help the courts understand what the LLPs are allowed to do. She also mentioned that the bench would probably not be adverse to this as long as the LLPs are competent.
- Nick reiterated the importance of judicial education on this and focusing on judges who have dockets that are more likely to see issues where LLPs could potentially help.
- Jon and Nick discussed some pushback from attorneys who don't want LLP practice to impose on the scope of their practice, but worth noting.

4. Review Survey Results (Tab 2 Paralegal Survey, Tab 3, Law Firm Survey) and Consider Previously Identified Barriers in Light of Survey Results
   - Nick recapped the results. Only two firms responded. 1 firm had an LLP that they charged $200/hour for them and the other firm did not use LLPs. Nick asked if anyone had thoughts on that survey but no one did, likely because there was such a small response.
   - Nick then began recapping the responses for the paralegal survey.
     - 81% said they had considered LLPs
     - Over 60% said that they believed this was financially worthwhile
     - 65% were familiar with what LLPs could do in and out of court and the rest were not.
     - Responses indicated that motivations for being LLP included being able to help the community but the primary barrier was lack of firm support.
     - When asked why they didn't pursue the LLP, the most common themes were financial/time commitments, eligibility requirements, and the practice area limitations.
     - Most responses indicated that the LLP program would be financially worthwhile because they could make more money or open their own firms, etc. Some responded that they needed mor information to assess that.
     - When asked about whether any qualifications led people not to pursue an LLP, responses included information about practice area limitations and a desire to give more weight to practical experience as part of the pre-requisites. Meeting the 1500-hour substantive law experience was a major burden.
     - When asked if participants would be interested in more education, 66% indicated that they would. Responses noted that the types of info that would be helpful included practical experience and insights from current LLPs, general info about the program, and info about how to become an LLP without a degree.
     - In noting what type of organization respondents worked for, the biggest sectors were small firms and the government, with small percentages in "other" and "non-profits."
     - Nick noted that these responses were not super surprising but noted some promising takeaways. First, people seemed interested (66% of people wanted to learn more about it). Also noted that 66% of people said it was financially worthwhile to become an LLP. So, the biggest burdens are probably info about the program and LLP practice and the financial/education requirements. Nick then opened the floor for the committee's thoughts.
   - Jon agreed that these responses were not very surprising in light of previously identified barriers. Jon doesn't believe that the experience requirement will go away because it is the bedrock of this program. However, one thing that people don't realize is that the experience doesn't have to be in a single practice area once you meet the minimal, more specific hour requirements. Better presentation and education would be helpful.
   - Lindsey noted that another issue is that LLPs are not being used very extensively

and may not even be able to do this full time. The education to attract people who may want to be LLPs need to understand their value and what they can do. They don't want to be a glorified paralegal. Addressing some of those points when selling the program would help get more interest. She noted that some attorneys are vocal about not liking LLPs and so there is growing confusion about how LLPs can make money doing this work and how they can be most effectively utilized in firms, etc. Michael echoed those thoughts and mentioned that we may need to educate law firms about how utilizing LLPs can help them make money and better understand the value of LLPs.

- Lindsey highlighted that the biggest benefit of LLPs is their ability to manage clients and "hold client's hands" because attorneys do not want to do that. Clients really like that support, and a lot of smaller firms especially don't have time for that.
- Judge Koch noted that we might need to direct these thoughts and education to two different groups, noting that some LLPs are looking for a job and others are looking to help provide access to justice. Lindsey noted that a lot of people get into this for access to justice purposes but then don't get a lot of work that is sustainable.
- Nick mentioned discussing the use of LLPs with Utah Legal Aid and Utah Legal Services.
- Lindsey mentioned that the rate differentiation between paralegals and LLPs is a barrier because a lot of paralegals are charging $200/hour or so. Pricing is interesting because those motivated to provide access to justice don't want to charge those rates. They want to be more affordable.
- Nick mentioned that we might need an LLP practice management CLE.
- Emily mentioned that it might be helpful to get input from LLP entities (like Pearson Butler and Elysium) that would allow them to help us develop the scope of LLPs and how the movement needs to evolve to accept what is going on in the sandbox.
- Andrea noted that Chris Martinez might also be helpful for these discussions, as he is on the Sandbox committee.

5. Action Items & Conclusion
   - Nick noted that inviting a representative from an entity like Pearson Butler to talk in one of our meetings might be helpful. Emily/Andrea suggested that they could help facilitate the conversation and give them a bit of a primer on the issues we are looking at.
   - Nick said he would touch base with Stuart and Pam with ULS to see why they haven't opted to use more LLPs to help with their demanding caseloads.
   - Follow-up Question 1: What are the requirements now are acting more of roadblocks and deterrents and less of metrics to gauge an LLP's qualifications?
   - Follow-up Question 2: How to we address the lack of information? CLEs could be an option, but we may have a marketing issue which is contributing to that problem.
   - Nick concluded that it is still exciting that there is interest and a perceived value of LLP program, so we just need to be able to alleviate some of these barriers to

bridge the gap there.

- Jon mentioned that he would bring up the specialized course in a meeting next week to start working on that as well. Nick asked Jon to look into what CLEs we have already done since the original outreach to communicate the value of LLPs, etc.

The meeting concluded at 1:00pm.