

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
Thursday, October 20, 2016
Executive Dining Room
Matheson Courthouse
Salt Lake City, Utah**

Justice Deno Himonas, Presiding

ATTENDEES:

Justice Deno Himonas
Dean Robert W. Adler
John Baldwin
Dean Allison Belnap
James Deans
Steven Johnson
Comm. Kim Luhn
Ellen Maycock
Daniel O'Bannon
Rob Rice
Judge Kate Toomey
Senator Stephen Urquhart
Elizabeth Wright

STAFF:

James Ishida
Jody Gonzales

EXCUSED:

Adam Caldwell
Thomas Clarke
Terry Conaway
Sue Crismon
Julie Emery
Judge Royal Hansen
Dixie Jackson
Jim Jardine
Scott Jensen
Monte Sleight

GUESTS:

Jacqueline Morrison
Miles Pope

1. WELCOME AND APPROVAL OF MINUTES: (Justice Deno Himonas)

Justice Himonas welcomed everyone to the meeting.

Motion: Mr. Deans moved to approve the August 18 committee minutes as amended. Judge Toomey seconded the motion, and it passed unanimously.

2. SUBCOMMITTEE UPDATES:

Admissions and Administration Subcommittee:

Mr. Rice reported that the Admissions and Administration Subcommittee approved and agreed with the Education Subcommittee's recommendations regarding the basic and grandfathering requirements for paralegal licensure.

The Admissions and Administration Subcommittee continues drafting the appropriate rules that relate to the role of the licensed paralegal practitioner.

Mr. Baldwin provided feedback on his discussion with staff in Washington State regarding the licensing examinations. He also contacted the NALA organization regarding the licensing exam. They expressed a disinterest in helping us in these efforts. Washington State mentioned that preparation of the licensing exam was hired out. No concrete direction was provided by Washington State on the steps to taking in preparing the licensing examinations.

Education Subcommittee:

Dean Adler reviewed the recommendations for exemption provisions of the education requirements.

Motion: Judge Toomey moved to approve the proposed exemption provisions of the education requirements as recommended by the Education Subcommittee. Commissioner Luhn seconded the motion, and it passed unanimously.

Dean Adler distributed a handout on *Suggestions for Licensed Paralegal Practitioner Exam Format* to members of the Steering Committee with preliminary information on types of questions to consider for testing of the types of skills for the paralegal practitioner.

Dean Belnap reported that the general core competencies have been drafted, and the subject-specific core competencies are being developed. The subcommittee is awaiting information on the ethics rules to finalize the ethics core competencies.

Discussion took place.

Ethics and Discipline Subcommittee:

Judge Toomey reported that the Ethics and Discipline Subcommittee has completed their review of the rules of professional conduct and the rules of discipline and disability, as well as, the standards for imposing sanctions.

The Ethics and Discipline Subcommittee is recommending the use of the same process of disciplinary proceedings used for lawyers, in this context. They are redrafting the rule, to set in the same context, for the paralegal practitioners. A policy discussion will need to take place on whether formal procedures, in district court, are warranted for the paralegal practitioners.

The Ethics and Discipline Subcommittee requested feedback as to whether the *Lawyers Fund for Client Protection* can be made available for the paralegal practitioners or whether there would be a separate fund available to them. They also requested feedback as to whether the standing order that provides for a professional counseling program for lawyers will be made available to the paralegal practitioners.

Discussion took place.

Judge Toomey mentioned that the Ethics and Discipline Subcommittee hopes to have all the rules available for review by the Standing Committee at the December meeting.

The Education Committee requested a complete draft of the rules when they are available.

The question was asked to what the anticipated start date for the paralegal practitioner program may be. Justice Himonas anticipates that the program will be in place to start in 2018.

A question was asked whether the paralegal practitioners would be required to go through the fee arbitration process.

Discussion took place.

Executive Subcommittee:

An update was provided on the request regarding market research to be conducted on behalf of the steering committee. A request was made to the MBA Department at the University of Utah to determine whether the market research request would be appropriate as a capstone project for the third year MBA students. The suggestion was to be put in a pool of capstone project ideas to be considered by the students. The Executive Committee is awaiting a response as to whether the suggestion would be accepted as a capstone project. If the market research request is not accepted as a capstone project, then the next option would be to request the project be undertaken by the undergraduate marketing students at the University of Utah.

Judge Belnap suggested that a request be made to students at Brigham Young University, if it is not accepted as a capstone project by the third year MBA students at the University of Utah. She will provide contact information.

Other areas of concern being addressed: 1) the appropriate forms that will be accessible to the licensed paralegal practitioners, 2) draft rule changes regarding the appropriate forms to be used by the licensed legal practitioners will be prepared by Mr. Brent Johnson for approval by the Judicial Council, and 2) will the licensed legal practitioner be required to file online.

Discussion took place.

3. OTHER BUSINESS

No new business was brought up at this time.

4. ADJOURN

The meeting was adjourned.