

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
Thursday, April 20, 2017
Executive Dining Room
Matheson Courthouse
Salt Lake City, Utah**

Justice Deno Himonas, Presiding

ATTENDEES:

Justice Deno Himonas
John Baldwin
Terry Conaway
Dean Benson Dastrup - by phone
James Deans
Julie Emery
Dixie Jackson
Jim Jardine
Steven Johnson
Daniel O'Bannon
Rob Rice
Judge Kate Toomey
Elizabeth Wright

GUESTS:

Miles Pope
Jacqueline Morrison

STAFF:

James Ishida
Jeni Wood

EXCUSED:

Dean Robert W. Adler
Adam Caldwell
Mary Jane Ciccarello
Dr. Thomas Clarke
Sue Crismon
Judge Royal Hansen
Scott Jensen
Comm. Kim Luhn
Ellen Maycock
Monte Sleight
Senator Stephen Urquhart

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

Justice Himonas welcomed everyone to the meeting.

Motion: Judge Toomey moved to approve the February 16 committee minutes. Ms. Jackson seconded the motion, and it passed unanimously.

2. SUBCOMMITTEE UPDATES:

Admissions and Administration Subcommittee:

Mr. Rice highlighted the following in his summary of the education qualifications as recommended in the draft rules to be considered by the steering committee:

- Two license procedures
 - ❖ Traditional application for a license
 - ❖ Waiver requirements for the veteran paralegal practitioner

- Rule 15-703 – Qualifications for Licensure as a Licensed Paralegal Practitioner
 - ❖ a first professional degree in law from an approved law school; or
 - ❖ an Associate’s Degree in paralegal studies from a regionally or nationally accredited school; or
 - ❖ a Bachelor’s Degree in paralegal studies from a regionally or nationally accredited school, or
 - ❖ a Bachelor’s Degree in any field from a regionally or nationally accredited school, plus a paralegal certificate or 15 credit hours of paralegal studies/paralegal training
 - ❖ has either 1500 hours of substantive law-related experience within the last three years, including 500 hours of substantive law-related experience in family law if the applicant is to be licensed in that area, or 100 hours of substantive law-related experience in either landlord-tenant or debt collection law if the applicant is to be licensed in those areas.

A last minute revision was proposed as to the reference used for family law, landlord tenant law or debt collection law. Rather than use broad conceptual reference to these three areas of law, it was proposed to adopt the terminology utilized by the Supreme Court Task Force to Examine Limited Legal Licensing which included:

- **Family Law: temporary separations, divorce, parentage, cohabitant abuse and civil stalking, custody & support, and name change**
 - **Landlord Tenant Law: forcible entry and detainer**
 - **Debt Collection Law: debt collections**
 - ❖ has successfully passed the Licensed Paralegal Practitioner Ethics Examination approved by the Board
 - ❖ has successfully passed the Licensed Paralegal Practitioner Examination(s) for the practice area(s) in which the applicant seeks licensure
 - ❖ have passed either the National Association of Legal Assistants or NALS certification examination
- Rule 15-705 – Limited Time Waiver
 - ❖ for the limited time of three years from the date the Bar initially begins to accept LPP applications for licensure, the Bar may grant a waiver of the minimum educational requirements set forth in Rule 15-703
 - ❖ within two years from the time the waiver request is submitted, an applicant must complete the remaining requirements to become licensed as a licensed paralegal practitioner
 - ❖ has completed seven years of substantive law-related experience as a paralegal within the 10 years preceding the application for the waiver, including relevant experience for the practice area in which the applicant seeks licensure, including 500 hours of substantive law-related experience in family law, if the applicant is to be licensed in that area, or 100 hours of substantive law-related experience in landlord-tenant or debt collection law, if the applicant is to be licensed in those areas
 - ❖ proof of seven years of substantive law-related experience in the practice area in which the applicant seeks licensure shall be certified by the supervising lawyer(s)
 - ❖ has successfully passed the Licensed Paralegal Practitioner Ethics Examination approved by the Board

- ❖ has successfully passed the Licensed Paralegal Practitioner Examination(s) for the practice area(s) in which the applicant will be licensed
- ❖ is of good moral character and satisfies the requirements of Rule 15-708

Definition of paralegal studies to be included with the program details was recommended. Discussion took place.

Discussion took place relative to Washington State considering extending their grandfathering period, as it relates to family law, with regard to their Limited Legal Licensing Technician Program.

Ms. Wright reported that the remaining Licensed Paralegal Practitioner Admission Rules are administrative, with respect to the application process. Some of the rules were left blank until the information becomes available. The administrative and review process that are in place for lawyers will be the same for the licensed paralegal practitioner. An LPP Admissions and an LPP Character and Fitness Committee will be created. It was also noted that once the rules have been approved, they cannot be waived except by the court.

Motion: Judge Toomey moved to approve the proposed LPP Admission rules as amended. Mr. Johnson seconded the motion, and it passed unanimously.

Ethics and Discipline Subcommittee:

Judge Toomey reported that the proposed Rules Governing Licensed Paralegal Practitioners were recommended for approval.

Motion: Mr. Rice moved to approve the Rules Governing Licensed Paralegal Practitioners as recommended by the Ethics and Discipline Subcommittee. Mr. Johnson seconded the motion, and it passed unanimously.

Judge Toomey reported that a request was made by the Oregon State Bar was made to get a copy of the draft rules for use with the licensed paralegal practitioner. She mentioned that a copy of the rules was sent to them for review.

The proper terminology with regard to “paternity” or “parentage” was discussed. It was noted that the correct terminology should be “parentage”. Amendments to the rules as appropriate will take place.

Education Subcommittee:

Mr. Ishida reported that Dean Adler was unable to attend today’s meeting, and he would provide an update on behalf of Dean Adler. Mr. Ishida highlighted the following:

- Licensed Paralegal Practitioner Training Program
 - ❖ discussion of what a training program for licensed paralegal practitioners could look like
 - ❖ creation of a training outline on how to train the licensed paralegal practitioners

- Forms Analysis
 - ❖ two thirds of the way through analyzing the appropriate forms for use by the licensed paralegal practitioners
 - ❖ coordinating efforts with the new Forms Committee

Executive Subcommittee:

Judge Toomey reported that the priority of the forms to be used by the licensed paralegal practitioner is being made a priority by the Forms Committee.

Mr. Johnson reported that a draft rule on the MCLE requirements has been prepared. The question was asked as to the appropriate amount of MCLE hours to be required in a two-year period for the licensed paralegal practitioner. Ms. Emery noted that currently the paralegal practitioners are required to obtain 10 MCLE hours per year. Discussion took place.

The steering committee agreed to 12 MCLE hours in a two-year period—6 per year with three hours relative to ethics and civility for the licensed paralegal practitioner.

Justice Himonas asked for a volunteer from the steering committee to be a liaison on the Forms Committee. Mr. Ishida volunteered to participate as a liaison to the Forms Committee.

3. OTHER BUSINESS

Preliminary Report on Washington State's LLLT Program. Justice Himonas asked the steering committee for any feedback. Discussion took place, and feedback was provided.

Program Participant Survey. Ms. Emery reported that a survey was created to determine the interest and qualifications of potential paralegal practitioners. The survey will be sent to Mr. Ishida for distribution.

Timeline – Implementation of the Licensed Paralegal Practitioner Program. Discussion took place on offering a soft rollout in the Spring of 2018 and a hard rollout in the Fall of 2018. Consideration of offering an early examination for the grandfathered applicants will be made.

4. ADJOURN

The meeting was adjourned at 12:54 pm.