

# Licensed Paralegal Practitioner Committee

## Meeting Minutes

April 3, 2020

Webex Meeting

12:00 p.m.–1:30 p.m.

*Justice Deno Himonas, presiding*

### **Attendees:**

Justice Deno Himonas, Co-Chair  
Judge Amber Mettler, Co-Chair  
Larissa Lee  
Steven Johnson  
Scotti Hill  
Jackie Morrison  
Angela Allen  
Monte Sleight  
Matthew Page  
Julie Emery  
Elizabeth Wright  
Heather Farnsworth

### **Guests:**

Amber Alleman, LPP

### **Staff:**

Marina Kelaidis, Recording Secretary

#### **1. Welcome:** (Justice Himonas)

Justice Himonas welcomed everyone to the meeting and announced that the approval of the February 18, 2020 minutes will be voted on at the next committee meeting.

#### **2. Discussion**—Incivility toward LPPs: (Angela Allen, Julie Emery)

Angela Allen reported that the four LPPs met with Scotti Hill and Julie Emery yesterday to discuss strategies for proactively engaging in outreach with opposing counsel. At the beginning of a new case, the LPP will send a “welcome” email to opposing counsel notifying them of the LPP program, the role/practice abilities of the LPP, and links to the rules. As a whole, the LPPs are unsure if the incivility they are receiving from opposing counsel is unique to LPPs or if these attorneys treat new attorneys this way as well. Ms. Emery pointed out that the LPPs are protecting their clients, who would otherwise likely be pro se, from this behavior. To assist the LPPs in engaging with opposing counsel, Ms. Emery is working with Carrie Boren to incorporate the LPPs into the New Lawyer Training Program at the Bar. Justice Himonas reported that the Supreme Court will

discuss positive working relationships with the LPPs at their upcoming speaking engagements and the Chief Justice will issue a Bar-wide notice if the incivility toward LPPs increases. Justice Himonas asked the LPPs to continue to report such behavior to the committee.

Justice Himonas reported that Rule 8.4 of the Rules of Professional Conduct will allow the LPPs to submit a Bar complaint for continuous uncivil behavior. Steve Johnson suggested this would be a good opportunity to have a training seminar(s) at the Bar focused on the impact of the changes to Rule 8.4, once adopted. Justice Himonas reported that the LPPs can also contact the Supreme Court's Professionalism and Civility Counseling Board for assistance. Christopher Von Maack is the Chair of this Board.. Elizabeth Wright recommended reaching out to the CLE department at the Bar, particularly the Family Law division, to inquire about including Professionalism and Civility and the treatment of LPPs in their programming.

Amber Alleman reported a few instances in her recent cases where she was able to prepare a statement of discovery issues, but could not appear in court to assist the client in a discovery hearing due to the constraints of the LPP practice areas. In these situations, opposing counsel used the LPP's practice constraint as an opportunity to push around the LPP and/or the LPP's client. Angela Allen reported that attorneys from the three LPPs' law firms are willing to enter an appearance if the case is scheduled for a hearing to help combat this issue and better assist the client. Ms. Allen suggested for the LPPs to partner with pro bono services and/or the mentor program to enter limited appearances if their cases go to court. As a short-term resolution, Ms. Alleman suggested for the LPPs to be able to appear by phone if the hearing is scheduled for a teleconference. Judge Mettler will contact Commissioner Sagers to see if the 3<sup>rd</sup> District's Early Case Resolution pilot program would allow for the LPPs to participate in telephone conferences with their clients. Judge Mettler will determine if the LPPs' participation in the pilot program will require a rule change and report back to the committee. In the interim, Judge Mettler suggested that the clients can ask the presiding judge if the LPP can sit with them at counsel's table during a hearing—with the intent that the client will be speaking for themselves.

Julie Emery reported that at last month's LPP meeting, the LPPs set a goal to increase their outreach on social media. Because of this increased outreach, the LPPs saw a large surge in the amount of contacts made and one of the LPPs is now at capacity and cannot take on any new cases at this time. Ms. Alleman reported that she also saw an increase in contacts after the article in the Deseret News was published.

Ms. Emery reported on some of the effects of the COVID-19 pandemic quarantine efforts on increased cases of domestic violence and disputes in Utah. Ms. Emery and the LPPs have discussed creating a repository of information and resources on the Bar's LPP website as a public service to those in domestic distress. This repository would compile all of the existing resources in Utah into one place that can be accessed by anyone in distress. Justice Himonas agreed that this is a critical issue that should also be supported

by the Bar and the courts. Ms. Wright offered that the repository can be linked on the Bar's website, social media pages, and other Utah organizations. Matthew Page reported the Bar's pro bono department has set up a virtual legal clinic with a page that includes a variety of these resources as well as a link to the LPP page on Licensed Lawyer. In addition, there will be an article published on KSL next week with information and resources on family law matters. Angela Allen reported she recently met with Safe Harbor, an organization that assists clients with protective orders in Davis County, and their resources can also be linked to in the repository. Additionally, the LPPs can work with Safe Harbor to assist clients in family law matters in Davis County.

Justice Himonas reported that the Supreme Court's Task Force on Regulatory Reform would like to include a list of low-cost or no-cost services for COVID-19 related legal services on their website. Justice Himonas asked the LPPs and the committee to think about ways the LPPs could assist with COVID-19 related legal help and what rule changes would be necessary to provide such services.

### **3. Adjournment and next meeting:**

The meeting adjourned at 12:30 p.m. The next meeting will be held on April 21, 2020 from 12:00–1:30 p.m. via Webex.