

Licensed Paralegal Practitioner Committee

Meeting Minutes

July 21, 2020

Zoom Meeting

12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair
Elizabeth Wright
Steven Johnson
Matthew Page
Monte Sleight
Jackie Morrison

Excused:

Judge Amber Mettler, Co-Chair
Angela Allen
Heather Farnsworth
Julie Emery

Guests:

Carolynn Clark, S.J. Quinney College of Law

Staff:

Scotti Hill, Utah State Bar
Marina Kelaidis, Recording Secretary

1. Action—Welcome and approval of the draft meeting minutes: (Justice Himonas)

Justice Deno Himonas welcomed everyone to the meeting and introduced Carolynn Clark, Director of the Master of Legal Studies program at S.J. Quinney College of Law. Justice Himonas has asked Ms. Clark to join this Committee as a Committee member. This appointment will be presented to the Supreme Court for approval at their next Court Conference.

Justice Himonas asked for approval of the June 16, 2020 minutes.

Elizabeth Wright moved to approve the June 16, 2020 minutes. Steve Johnson seconded the motion, and it passed unanimously.

2. Discussion—Update from Angela Allen on current casework and projects: (Angela Allen)

This matter is postponed and will be discussed at the next meeting.

3. Discussion—Update from Subcommittee and National Certification waiver for MLS Graduates: (Judge Mettler, Jackie Morrison, Scotti Hill, Anna Carpenter)

Scotti Hill reported the Subcommittee has conducted a number of interviews to gather more information on other innovative models, alternative legal service providers, and the education the LPP applicants are currently receiving.

Ms. Hill and the Subcommittee proposed adding a provision to Chapter 15 to allow graduates from the Masters of Legal Studies program to be exempt from the National Certification requirement. Ms. Hill has received a large number of inquiries from MLS students asking how this degree fits into the requirements for becoming a LPP. The Subcommittee, in conjunction with Ms. Clark, have reviewed the areas of study in the MLS program, and found that the degree offers similar generalized legal education when compared to the National Certification. By waiving the National Certification requirement for MLS graduates, we can lower potential barriers for entry into the LPP program for these students. Elizabeth Wright will work with Ms. Hill and Ms. Clark to draft a proposal for a rule change to be presented at the next meeting.

Ms. Clark reported the degree is evolving and improving to meet the needs of their students, and she foresees offering tailored specialty tracks for careers such as the LPP. Ms. Clark proposed adding the LPP courses to the MLS curriculum as a specialty track option for students wanting to pursue this career. Monte Sleight suggested this proposal may be an excellent fit for the LPP curriculum to be integrated into the MLS degree. Mr. Sleight will schedule a time to meet with Ms. Clark to discuss this further.

Mr. Sleight suggested for the Committee to develop a method for reviewing and approving a LPP curriculum to be integrated into the MLS program and other potential institutions. Additionally, the Committee may need to add a provision to the rules allowing the Committee to review and approve LPP curriculums. Ms. Wright will draft a proposed rule change to be presented at the next meeting.

Jackie Morrison reported the MLS students are often working full-time and the 1500-hour requisite experience seems improbable for their students. Justice Himonas proposed the 1500-hour requisite is too onerous for any applicant and suggested the Committee consider a sliding scale of requisite hours based on the level of the applicant's underlying degree(s). Mr. Sleight proposed broadening the type of hours accepted by including "law related" hours as experience. This would allow for the HR professional, the law enforcement officer, etc., to utilize their regular work hours towards the LPP experience hours requirement. Mr. Morrison reported they have discussed building in an externship option into the MLS program that would qualify as hours towards the LPP experience requirement. Steve Johnson reported individuals in the rural areas are especially concerned with the current experience hours requirement because there are less attorneys in those areas to intern with. Justice Himonas asked Ms. Morrison to create a proposal outlining the broadened "law related" areas that can be accepted and construct a sliding scale of requisite hours based on the level of underlying degree(s).

Justice Himonas suggested that it may be time to rebrand the LPP and change the title of the professional to something more accurate. Ms. Wright agreed that the title of the LPP may be confusing for some. Mr. Johnson suggested a rebranding of the LPP may be appropriate when the LPP is allowed to cross the bar, to which the Committee agreed.

4. Discussion—Create LPP informational document for judges, commissioners, & annual Judicial Conference: (Scotti Hill)

Ms. Hill reported she is working on drafting an informational document to be disseminated to judges, commissioners, attorneys, and at the upcoming annual Judicial Conference. The document will include information about the LPP, the role and abilities of the LPP, the limitations of the LPP, and some frequently asked questions. Ms. Hill will present this document at a future Committee meeting for feedback and approval.

5. Discussion—Update on evaluation project: (Justice Himonas)

Nothing new to report.

6. Discussion—Updating LPP CLE Rules: (Justice Himonas)

Justice Himonas reported the Committee has proposed to change the reporting cycle to every year, rather than every two years and reduce annual hours requirement by 50%. Ms. Wright proposed combining the LPP CLE rules with the MCLE rules. Justice Himonas will raise this proposal at the next Supreme Court Conference.

7. Discussion—Update on Regulatory Reform: (Justice Himonas)

Justice Himonas reported the comment period closes on Thursday, July 23, 2020. The Bar Commission voted to adopt the recommendations of their subcommittee which supported the concept with six recommendations. The Task Force is currently working on three of the six recommendations.

Justice Himonas reported Arizona recently convened a study on their version of the LPP program, and found that over 80% of their population supported their LPP program and over 60% of the population supported alternative legal business structures.

8. Discussion—The LPP program and combating racism: (Justice Himonas)

This matter was removed from the agenda.

9. Discussion—Update from the Bar: (Elizabeth Wright, Scotti Hill, Matthew Page)

Ms. Wright reported the Fee Arbitration Committee has a few rule changes that will go before the Bar Commission in August. The rule changes include a merging of the LPP Fee Arbitration rules with the lawyer rules, which she has drafted. This proposal will likely go before the Supreme Court for approval in September. Ms. Wright is also working on merging the LPP rules with the IOLTA rules.

Matthew Page reported the Bar's paid marketing efforts ended on June 30, 2020. Due to the budget adjustments amid the pandemic, there are no further funds for marketing any Bar program at this time. However, they are pursuing marketing efforts on social media. Mr. Page reported there has recently been a high amount of activity on the Licensed Lawyer website from individuals looking for legal help. 10% of the searches from Licensed Lawyer were for the LPPs and there has been a significant number of referrals to the LPPs from this site.

Ms. Hill reported there are nine candidates who will be taking the August iteration of the LPP exam. The test will be administered over two days for those testing in all four practice areas, and administered over one day for those testing in a single practice area. The test will be held in-person at the Bar and they will adhere to social distancing and face covering guidelines.

10. Discussion—Review proposed changes to combined lawyer and LPP Rules of Professional Conduct: (Elizabeth Wright, Steve Johnson)

Ms. Wright presented a draft of the Rules of Professional Conduct combining the LPP rules with the lawyer rules. Ms. Wright has been working with a member from the Rules of Professional Conduct Committee and Steve Johnson to draft these proposed changes.

Steve Johnson moved to approve the proposed changes to the Rules of Professional Conduct. Justice Himonas seconded the motion, and it passed unanimously.

11. Discussion—Update on rural outreach: (Steve Johnson)

Mr. Johnson reported Snow College will be holding in-person classes for the upcoming Fall semester. He is working on arranging a speaking engagement in the Fall to encourage interest in the LPP program.

12. Discussion—Update on outreach efforts and exposure to potential LPPs: (Julie Emery, Monte Sleight)

Mr. Sleight reported that all of the LPP students at UVU have applied to take the August iteration of the LPP exam. UVU is continuing to offer the LPP courses until this Committee arranges for another school to purchase the curriculum or create their own curriculum. Mr. Sleight suggested for the Bar to purchase the curriculum from UVU and

then distribute it to multiple institutions. Justice Himonas suggested this option may be more economical compared to creating a new curriculum from scratch. Justice Himonas also suggested for the Bar to pursue grant opportunities for purchasing the curriculum. Ms. Clark suggested if the Bar owned the curriculum, it would be important for the individual institutions to make innovative adjustments to the curriculum as needed. Mr. Sleight will pursue pricing information from UVU and Mr. Johnson will assist with pursuing grant opportunities for purchasing the curriculum.

13. Discussion—Old business/new business: (all)

Nothing new to report.

14. Adjournment and next meeting:

The meeting adjourned at 1:00 p.m. The next meeting will be held on August 18, 2020 from 12:00p.m.–1:30p.m. via Zoom.