

Licensed Paralegal Practitioner Committee

Meeting Minutes

February 16, 2021

Zoom Meeting

12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair

Judge Amber Mettler, Co-Chair

Matthew Page

Steve Johnson

Elizabeth Wright

Monte Sleight

Angela Allen

Jackie Morrison

Julie Emery

Staff:

Scotti Hill, Utah State Bar

Marina Kelaidis, Recording Secretary

Guests:

Carolynn Clark, S.J. Quinney College of Law

Nathanael Player, Director, Self-Help Center

Excused:

Heather Farnsworth

1. Action—Welcome and approval of the draft meeting minutes: (Judge Mettler)

Judge Mettler welcomed everyone to the meeting and asked for approval of the minutes. Elizabeth Wright identified a typo in the second paragraph of section two of the minutes. Ms. Wright proposed replacing “CE” with “CLE.”

Elizabeth Wright moved to approve the January 19, 2020 minutes with the proposed amendment to section two. Steve Johnson seconded the motion, and it passed unanimously.

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

Ms. Allen reported she is currently working in her own practice, as well as with two companies who are working on expanding their services into Utah. One company is California-based and provides document prep services in California and Colorado. This company is currently working on expanding into Utah, New York, and Texas. Ms. Allen will be contracting with this company to provide legal coaching in Utah. The second company provides document prep services in debt-collection matters. This company is going through the Regulatory Reform Sandbox process in order to expand their services into Utah. Ms. Allen is also assisting clients prepare OCAP documents on an hourly basis.

Ms. Allen also reported she spoke with the first four LPPs about the renaming the LPP and overall, they resisted the idea. Their main concern was the effort and resources they have invested in advertising and brand recognition. Ms. Allen has not yet spoken to the newly licensed LPPs about the possible name change.

3. Discussion—Update on OCAP forms: (Justice Himonas)

Ms. Allen reported the LPPs have informed her that the OCAP forms bank is missing, or does not include some forms that they would like to have available. In addition, the LPPs are concerned that some of the language on the LPP approved forms is not also included on the forms for attorneys. Specifically, they are concerned that the LPP forms include warning language regarding response times and potential defaults, whereas the attorney forms do not include such language.

Nathanael Player reported the Supreme Court’s Advisory Committee on the Rules of Civil Procedure and the Supreme Court recently approved some rule changes that will require including notices that will go out to all parties with an unrepresented or unknown status. This warning language will also be required on dispositive motions and motions before Commissioners. Mr. Player hopes these new requirements will mitigate some of the LPP’s concerns, as the Rules Committee’s objective is to provide as much access to justice as possible to parties with an unrepresented or unknown status. Scotti Hill reminded the Committee that she is available to assist the LPPs with form requests, and will work with the Court Forms Committee to add more forms for LPP use as needed. Ms. Allen will email the LPPs to inform them of this process.

Mr. Player reported the LPPs have identified some concerns with the OCAP system. Mainly the concerns are that the system is a little clunky, a little slow, and does not allow for electronic filing due to the PDF format in which the forms are generated. Although the LPPs are not required to participate in e-filing, it is their preferred method of filing. Mr. Player reported he is working with Clayson Quigley, our Court Services Director, to add more LPP approved forms to the OCAP system, but this doesn’t address the larger technical problem. Currently, the court’s e-filing system does not allow for PDF files to be submitted electronically, so there is not a short-term solution for the LPPs to have easy access to e-filing. However, Mr. Player proposed an alternative solution in which the court would post the LPP approved provisions from OCAP on the court’s website solely for LPP use. This would allow the LPP to copy and paste the language from the approved provision(s) into their desired format, such as an RTF file which is needed for e-filing. The caveat to this proposal is there would be less built-in regulation, and the LPP would be responsible for safeguarding their filings.

Steve Johnson moved to approve Mr. Player’s proposal. Judge Mettler seconded the motion, and it passed unanimously.

Mr. Player will present the proposal to the Court Forms Committee.

4. Discussion—Update on formation of Standing Committee for LPP specialized curriculum: (Justice Himonas)

Justice Himonas asked the Committee members to send him a list of nominations and he will circulate them to the Committee. Once finalized, Justice Himonas will present the nominations to the Supreme Court.

5. Discussion—Renaming the LPP: (Justice Himonas)

Justice Himonas reported he raised this idea with the Court along with Ms. Hill and Ms. Wright, and they are also participating in some informal national dialog to develop a single name that would apply across the country. Matthew Page reported he met with a couple of ad agencies over the past month for some brainstorming sessions and a variety of titles were considered. Overall, Mr. Page prefers the title “Licensed Legal Practitioner” because it is similar to the current title and it is an accurate description of the profession. The Committee would also like the court to consider “Legal Practitioner.”

Monte Sleight asked the Committee to consider what the outcomes may be from a marketing perspective if we parsed the LPPs into separate title categories based on the different pathways available for becoming an LPP. For example, paralegals certified through NALA can be certified as a Certified Legal Assistant, Certified Paralegal, etc. Ms. Sleight proposed a solution such as this may address the concerns of the current LPPs regarding the name change. Mr. Page recommended from a marketing perspective, it would be more advantageous to have a single unified title. However, it may work if we allow the LPPs to add various titles to their business cards, pages, etc. on an individual basis such as a medical doctor may add the title designation of D.O. or M.D. Mr. Sleight proposed drafting a rule that allows for and regulates other titles associated with the Licensed Legal Practitioner. Judge Mettler supported this proposal and suggested it would allow the Committee a lot of flexibility as the profession expands. Justice Himonas asked Ms. Hill to add this proposal and the name change proposal to the next Supreme Court Conference agenda.

6. Discussion—Update from LPP Innovation Subcommittee: (Judge Mettler, Jackie Morrison, Scotti Hill, Carolynn Clark)

Judge Mettler reported the Subcommittee met and discussed the expansion parameters of allowing the LPP to cross the bar in court proceedings. The Subcommittee came to a consensus that it will be important to take small steps in expanding this practice area, and that they overall felt comfortable allowing the LPP to accompany their clients in an advisory capacity before the court at this time. Ms. Hill recommended drafting an amendment to Rule 14-802 to incorporate this proposal. Justice Himonas will ask the Court to issue a notice to all judicial personnel once the rule change is effective. Ms.

Wright will draft the proposed rule change to present to the Court at the next Supreme Court Conference in March.

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

Nothing new to report.

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

Ms. Wright reported the Supreme Court approved the final merger of the Rules of Professional Conduct with the LPP rules. These rules will become effective May 1, 2021. Ms. Wright also reported she presented to the court the proposal of allowing LPPs to represent legal entities in small claims court matters. The Court requested for the Committee to review the curriculum and training requirements to determine if there is appropriate education and training in the Rules of Evidence as well as the Rules of Civil Procedure in the LPP's practice areas before proceeding.

Ms. Hill reported they are currently preparing for the March 2021 LPP exam. The first application deadline for the August 2021 exam is April 1st and the second and final deadline is May 1st. Ms. Hill also reported the rule change adjusting the educational pathways will be effective for those taking the August 2021 exam.

Mr. Page reported he has begun working on changing all of the search engine optimizations to Licensed Legal Practitioner instead of LPP, so that it will show up properly in Google searches once the name change is approved by the Court. Mr. Page also reported he is hoping with the upcoming fiscal year, the Bar will have more funds available for assisting with LPP advertising and to push the new name.

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

Steve Johnson reported he is still waiting to hear back from Snow College and some of their professors to schedule presentations. He will reach out to his contact at Snow College for an update. Julie Emery reported one of the new nine LPPs is working in Delta, UT and suggested including this LPP in the rural outreach efforts. Mr. Johnson reported he conveyed this information to Snow College and they were interested in also hearing from her at any future presentations at their school.

10. Discussion—Update on outreach efforts: (Julie Emery, Monte Sleight)

Ms. Emery asked the Committee if the time was right to begin participating at career fairs with the high schools around the state. Mr. Sleight reported Salt Lake Community College has not been contacted by any high schools at this point in time, so career fairs

may not happen this year. Mr. Page reported he recently participated in a couple of Zoom presentations for Davis High School and Layton High School in which he presented the LPP program. Mr. Emery suggested creating a packet of informational materials on the program to disseminate to the high schools. Mr. Page responded the Bar does have an informational packet and is happy to share it with the high schools around the state. Ms. Emery will work with Mr. Page to disseminate this packet.

11. Discussion—Old business/new business:

Mr. Page reiterated the importance of reviewing the experience hours that will be accepted under the rule. Mr. Sleight suggested broadening the number of bodies which can approve the experience hours, to include the courts. Currently, only licensed attorneys can approve experience hours. Ms. Emery also suggested reviewing the rule and the time parameters for experience hours that are accepted. Carolynn reported the subcommittee has put this item on the back burner thus far, but will begin exploring this area at their next meeting.

The meeting adjourned at 1:15 p.m. The next meeting will be held on March 16, 2021 from 12:00p.m.–1:30p.m. via Zoom.