

Licensed Paralegal Practitioner Committee
AGENDA

November 17, 2020
12:00 p.m.–1:30 p.m.
Via Zoom

Action —Approval of draft meeting minutes October 20, 2020	Tab 1	Judge Mettler
Discussion —Update from Angela Allen on current casework and projects		Angela Allen
Discussion —Update from LPP Innovation Subcommittee		Judge Amber Mettler, Jackie Morrison, Scotti Hill, Carolynn Clark
Discussion —Debt Collection and Landlord-Tenant forms		Scotti Hill
Discussion —LPP mentoring pilot program		Scotti Hill
Discussion —Review comments on Rule 15-703	Tab 2	Scotti Hill
Discussion —Update on evaluation project		Justice Himonas
Discussion —Update from the Bar		Elizabeth Wright, Scotti Hill, Matthew Page
Discussion —Update on rural outreach		Steve Johnson
Discussion —Update on outreach efforts		Julie Emery, Monte Sleight
Discussion —Old business/new business		

[Committee Webpage](#)

2020 Meeting Schedule:

December 15, 2020

Tab 1

Licensed Paralegal Practitioner Committee

Meeting Minutes DRAFT

October 20, 2020

Zoom Meeting

12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Judge Amber Mettler, Co-Chair
Steven Johnson
Matthew Page
Angela Allen
Elizabeth Wright
Monte Sleight

Excused:

Justice Deno Himonas, Co-Chair
Scotti Hill
Julie Emery
Jackie Morrison
Heather Farnsworth

Guests:

Staff:

Marina Kelaidis, Recording Secretary

Carolynn Clark, S.J. Quinney College of Law

Dr. Alyx Mark, Wesleyan University

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

Judge Amber Mettler welcomed everyone to the meeting and asked for approval of the minutes.

Elizabeth Wright moved to approve the September 15, 2020 minutes. 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 has been contacted by two different companies proposing to collaborate their services for pro se clients. One company is looking to provide services for pro se debt collection cases and the other assists clients in divorce matters. Through this collaboration, she will be a resource for the company and the company will list Ms. Allen as a referral. Ms. Allen suggested collaborations such as this may be good opportunities for the LPPs who do not currently work for a law firm. Both companies will be applying for approval through the Regulatory Reform Sandbox.

Ms. Allen also reported that she will be meeting with the other 3 LPPs this week, all of whom have busy caseloads. The LPPs will be discussing ways to utilize the press attention surrounding the swearing in of the nine new LPPs. Ms. Allen reported one of the new nine LPPs does not work for a law firm and they have discussed having this LPP reach out to some of the local solo practitioners in her area to offer her services as a referral resource.

Matthew Page suggested the Committee needs to develop a method for tracking the number of cases the LPPs are handling, as well as outcomes. Although the LPP program is currently receiving a lot of support from the judiciary and others, Mr. Page expressed the importance of measuring the success of the program to foster continuous support in the future. Ms. Allen agreed and proposed creating a private Facebook group for all of the current LPPs to utilize for case reporting. In the group, Ms. Allen could link an excel sheet for the LPPs to report to quarterly for measuring the number of cases retained, number of cases settled, number of consults, method for settlement, etc. Ms. Allen will work with Scotti Hill to create the Facebook group.

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

Judge Mettler reported the Subcommittee met last week and discussed how to incorporate Southern Utah University's Undergraduate Legal Studies program into the rule. After much discussion, the Subcommittee proposed that it is not feasible for the Committee to propose rule changes with each new iteration of a legal studies program. Judge Mettler reported that Jackie Morrison circulated the core competency sheet at their meeting that was created by the initial education subcommittee. The Subcommittee recommended for the Committee to review the core competencies to determine if any changes need to be made. The Subcommittee also recommended for the Committee to create a subcommittee or group that will be responsible for determining if an educational program qualifies under the rule. Carolynn Clark proposed three areas of analysis to be evaluated by such a subcommittee. 1) Does the program qualify as one of the educational requirements under the rule, 2) Does the program meet the standards of the LPP core competencies, and 3) Does the program's internship/externship meet the standards of the substantive hours' requirement?

Ms. Wright suggested the Committee needs to have a uniform application so that we are prepared to defend decisions regarding rejection into the program. Monte Sleight agreed that program evaluation is going to be an ongoing issue and the Committee needs to

formulate a group to address this. Mr. Sleight also suggested that this should not be the responsibility of the Bar. The Subcommittee will be discussing this topic further.

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

Ms. Wright reported November 1, 2020 is the application deadline for the March 2021 iteration of the LPP exam. She also reported that she is working on the memo she will present to the Supreme Court regarding the combination of the LPP rules with the Rules of Professional Conduct. Ms. Wright is aiming to have this memo go before the Supreme Court on their November 2, 2020 agenda.

Mr. Page reported he is currently focusing on social media efforts to reach attorneys around the State to address any misinformation as well as a lack of information about the LPP program. He reported the Bar is working to address the treatment of LPPs among members of the Bar through this marketing approach.

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

Nothing new to report.

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

Nothing new to report.

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

Nothing new to report.

8. Adjournment and next meeting:

The meeting adjourned at 12:40 p.m. The next meeting will be held on November 17, 2020 from 12:00p.m.–1:30p.m. via Zoom.

Tab 2

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: September 22, 2020

Utah Courts

Rules Governing Licensed Paralegal Practitioners – Comment Period Closed November 6, 2020

RGLPP15-0703. Proposed changes add a degree to the list of eligible educational requirements necessary for licensure and that National Certification will no longer be mandatory for each applicant, detailing which candidates are exempt from said certification.

This entry was posted in [RGLPP15-0703](#).

« [Rules of Criminal Procedure – Comment period closes November 13, 2020](#)

[Code of Judicial Administration – Comment Period Extended to December 1, 2020](#) »

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

UTAH COURTS

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4 thoughts on “Rules Governing Licensed Paralegal Practitioners – Comment Period Closed November 6, 2020”

Amber Alleman
November 2, 2020 at 2:52 pm

As three of the first four practicing Licensed Paralegal Practitioners in the state of Utah, we are submitting our objection to the elimination of the National Certification requirement as part of the LPP program for those who have graduated with an Associates Degree from an accredited paralegal school. Angie Allen, the fourth of the first four practicing Licensed Paralegal Practitioners in Utah, is not included in this group submission as she is currently on the LPP Steering Committee and felt her inclusion in this submission could create a conflict of interest.

Our objections are as follows:

1. With most professions, when one has graduated from a university, college, technical school or other higher education learning, in order for that person to begin working in their chosen field, they must first pass a test indicating a certain level of knowledge and understanding from the training received. Whether a doctor, lawyer, nurse or electrician, these professions all require you complete a State test before being allowed to work. Unfortunately, this is not true of paralegals. Currently, paralegals are not required to take a knowledge test upon graduating. From college, they are free to immediately begin working as a paralegal no matter how prepared. It would greatly benefit them, and some may argue more so their clients, to be required to pass a knowledge exam before beginning their new profession/position. There would be no need for the added expense of a prep class to pass the national certification exam if a test were taken directly after graduation; new material should still fresh in mind.

2. Each of the initial 4 practicing LPP's have been paralegals in the area of Family Law, and all can testify as to the benefits the national certification exam offers to LPP's, even those who have been family law paralegals for over 20 years. Degrees long ago completed, many paralegals describe the exam as a “refresher course”. The national certification exam will benefit LPP's with subjects such as: how to read general financial documents, such as tax returns, bank statements, investment account statements, loan applications, and knowledge of different types of estate planning documents and procedures. As practicing LPP's, we acknowledge these are issues that arise when people are divorcing or child support modification is an issue. It is beneficial to know the federal laws and regulations taught in the

- -Rules of Appellate Procedure
- -Rules of Civil Procedure
- -Rules of Criminal Procedure
- -Rules of Evidence
- -Rules of Juvenile Procedure
- -Rules of Professional Conduct
- -Rules of Professional Practice
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix B
- Appendix F
- CJA Appendix F
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national certification class, as they can be applicable to family law issues as well.

3. As practicing LPP's, it has been an uphill battle dealing with certain attorneys upset that paralegals are practicing law. Having the national certification requirement in our background could alleviate some of that battle with said attorneys. We can all testify that taking the national certification exam is difficult and can accurately be equated to a mini-bar exam. While paralegals are not tested on every legal subject included in a bar exam, the national certification exam is equivalent to a condensed version bar exam. If paralegals lack certain qualifications in their background, it will be difficult for them to effectively represent their clients against lawyers.

4. LPP's should have this national certification in their background and be held to a higher standard than standard paralegals. LPP's are representing clients. Those clients need the certain protections of a legal professional with additional education and certification. The LPP program is a service to a client who needs equal access to justice. The client deserves to have someone who is fully able to perform the functions designated. Having a background of national certification is essential in going against an attorney, making informed decisions, whether through court documents or in mediation, and in giving legal advice.

5. It is beneficial for the public to have quality LPP's besides merely a quantity of LPP's. Though the highest percentage of those who retain LPP's are of lower income, they should be provided the same protection in the knowledge of their legal rights and responsibilities as those able to afford an attorney. There should not be an abundant number of LPP's available to the public who decide they no longer want to practice after 6 months because they don't know what they are doing. There are risks of malpractice lawsuits if clients later find their LPP did not have the knowledge and background to represent them effectively. Practicing as an LPP is more than just completing forms. Clients have follow-up questions to the forms as to what their rights are and having this additional knowledge and background is essential.

6. Having the national certification requirement weeds out those paralegals who are not serious about the program, who just want to do the online classes and to begin practicing. For example, there was a paralegal who expressed interest in the LPP program and when asked which company she was nationally certified through, she answered she was not certified. This paralegal was informed national certification was a requirement to become an LPP. The paralegal then replied if national certification is a requirement, she was not going to become an LPP, adding she did not want to take a national certification test because it is too difficult. Again, this helps eliminate those lacking the seriousness and integrity the position and their potential future clients deserve. Just because a paralegal has filled out the online court forms for someone, does not necessarily mean they know the appropriate laws and can capably advise that person of their rights.

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7. We all want the LPP program to succeed, but without an expected, certain, measurable level of quality, it can easily become an ineffective service fraught with long-term consequences. Imperative to success of this privileged program are those practicing it, and we feel they should best be fully educated paralegals.

Amber Alleman: aalleman@clydesnow.com

Susan Morandy: smorandy@hotmail.com

Laura Pennock: laura.pendragon@gmail.com

Angela Willoughby
November 6, 2020 at 8:53 pm

As a recently sworn in LPP, I agree with what Amber Alleman and Susan Astle has said. I was working for a small law firm for 11 years before I decided to study for the NALA CP Exam. I can honestly say that It was an intimidating and difficult exam, but I am absolutely grateful and happy that I went through that process. I KNOW it has made me a much better Paralegal and now LPP.

I am now studying to take the Advanced Certified Paralegal exams (ACP).

There are plenty of Attorneys out there who are skeptical and absolutely hate the LPP field. I believe that if the National Certification requirement is removed, then that would give them one more additional reason to doubt the LPP competency.

I believe that the requirement to be National Certified needs to remain as a requirement.

Susan Astle
November 5, 2020 at 11:05 pm

Thank you for your time and consideration of this topic. I am appreciative of the opportunity to provide my perspective on the proposed changes that would eliminate the National Certification for LPP's in the state of Utah. Unlike others who have expressed their opinions, I am not an LPP yet, but I am currently inundated with studying to take the NALA exam. I can affirm that preparing to become a nationally certified paralegal is time-consuming and difficult. I am being stretched and it is not comfortable. Although it would be easy to say that I would like the National Certification to be removed as a requirement for all LPP's, I believe in the long run, it would be detrimental, and would inhibit necessary growth. My experience in studying and preparing for the exam has been an eye-opening process, and I

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believe that it is building my proficiency and is helping me to have a more comprehensive background. Because of my participation in this process, and the benefits I am seeing from it, I respectfully disagree with the proposal to eliminate the requirement for LPP's to be nationally certified.

T. Wright
November 6, 2020 at 4:04 pm

The decision to take a national paralegal certification exam is, without a doubt, an expensive and time-consuming endeavor that requires an extreme level of self-management and dedication. Many graduates of programs offering paralegal degrees or degrees in legal studies often move on to the next course in their career: studying for a national certification exam. In the State of Utah, NALA is the most popular of the paralegal associations from which many decide to seek certification.

I obtained my certification and advanced certification from NALA. From what I have heard and observed, all of the programs require the applicant to be very serious about self-study and self-management in order to successfully pass the exam. I have read and observed many say that paralegals who voluntarily choose to take on the task of studying for, and passing, a national paralegal certification exam, do so because they are serious about the paralegal profession.

Proposed Rule 15-703 ("the Rule") removes the requirement for all LPP applicants to have to pass a national paralegal certification exam. The Rule instead proposes to allow applicants who have an associate's degree in paralegal studies from an accredited school or accredited program, a bachelor's degree in paralegal studies from an accredited school or accredited program, and/or a master's degree in legal studies or equivalent that is offered through an accredited law school, to apply for the LPP program without having to take a national paralegal certification exam. The Rule also appears to do away with Rule 15-705, "Limited Time Waiver"; thus, any paralegal with the amount of required experience to take national certification exams can take the certification exam, and then apply for the LPP program – without being subject to the two-year time bar. There are pros and cons to the proposed Rule.

The Pros:

No doubt, there is desire to bring in more participation. It is fair to say that lack of participation over too long a period of time could potentially table the LPP program in Utah; something no one wants to see. The Rule appears to encourage participation in the shorter term by not requiring applicants who meet the education requirements to then have to double up and advance to a national certification exam. On the flip-side, highly experienced paralegals who have been paralegals for a very long time are not being forced into education programs

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through accredited schools in order to apply for the LPP program. Highly experienced paralegals are indeed a target demographic for the LPP program. The removal of the two-year time bar, in my opinion, is the biggest “pro” to the Rule.

The Cons:

As stated above, the decision to take a national paralegal certification exam is a huge endeavor. When I was studying for my own CP exam, people were always asking me “why?” Many other paralegals I knew couldn’t understand why I would voluntarily put myself through the studying and stress, where the certification is not required, and doesn’t guarantee any kind of pay raise or licensing. In preparation for the exam, I, like many others before me, took a study course, which took place every Saturday for two to three months. I drove 120 miles (one-way) to the class week after week. I took the study course and the CP exam because I am serious about the paralegal profession. Everyone I know who has put themselves through the same voluntary stress, has done so because they too are serious about the paralegal profession.

I believe applicants of the LPP program need to be very serious about this profession too. As evidenced above by other comments, there is some worry about quantity being valued over quality. It is also reportedly the experience of some of the first LPPs that some (not all) attorneys on the other side of cases treat them poorly. If attorneys view LPPs as intruders with a lack of education, who are not serious about the profession, they have no incentive to cease undervaluing LPPs and treating them poorly.

While it is true that many of the subject areas in the national certification exams are not the same as the practice areas currently offered in the LPP program, and that the national certification exams are focused on federal law rather than state law; it is also true that the level of competency regarding the law has to be high in order to successfully complete the CP exam. It is revered as the “mini bar exam” or the “bar exam for paralegals” because of the expansive amount of content one must study and show competency in in order to pass. Moreover, some parts of the exam are closely related to the practice areas for LPPs. Contracts is one example, and something I found helpful when studying for the debt collection and landlord-tenant portions of the LPP exam. There are also many aspects of estate planning work; understanding tax returns; knowledge of business entities and how they operate and how their principals are taxed; how to read tax returns; understanding how to properly interview witnesses and do proper client intake; spotting relevant issues during intake; knowledge in legal ethics and the U.S. legal system; and communicating with attorneys, clients, court staff; that will be highly relevant for LPPs practicing in the areas of law they are licensed in – and particularly in family law.

While I cannot personally speak for those who have taken paralegal courses through accredited schools and have the minimum amount of on-the-job experience necessary to apply for the LPP program, I can speak for myself. Two things that

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stand out to me when I consider my own proficiency: nearly ten years of working as paralegal, and studying for and successfully passing the NALA CP exam.

For the above-stated reasons, and after weighing the pros and the cons, I do not agree with the proposed Rule to remove the national paralegal certification requirement for those who meet the education requirements. Because I view highly experienced paralegals to be a good part of the target demographic for the LPP program, I do agree with exploring other ways to extend the “Limited Time Waiver” to encourage the more experienced paralegals to participate and give them the necessary time needed in order to do so. I think other areas of focus should also be explored to garner more interest; including adding more practice areas such as expungements, guardianships, and informal/formal probate appointments, to name a few.

Thank you for taking the time to read this and for allowing comment.

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