

LPP Steering Committee

AGENDA

August 15, 2023

4:00 p.m.–5:00 p.m.

Via Zoom

<https://us02web.zoom.us/j/89236569981?pwd=REMvdjViNGZtMzIwdXQ4WUljN3NxZz09>

Item 1	Action —Approval of draft meeting minutes June 20, 2023 (July Meeting was cancelled).	TAB 1	Judge Amber Mettler
Item 2	Discussion —Options to make OCAP documents available (OCAP will sunset soon).		Judge Mettler, Nathanael Player, Kirsten Shumway
Item 3	Discussion —Choose New Committee Member (Tonya’s seat).		
Item 4	Discussion —Update from the LPPs on current casework and projects		Tonya Wright, Meredith Farrell, Leslie Staples
Item 5	Discussion —Update from LPP Innovation Subcommittee		Scotti Hill, Jackie Morrison, Carolynn Clark, Tonya Wright
Item 6	Discussion —Update on rural outreach		Steve Johnson
Item 7	Discussion —Update on outreach efforts		Julie Emery, Monte Sleight
Item 8	Discussion —Update from the Bar		Matthew Page, Kirsten Shumway
I.	Discussion —Proposed Rule Changes to Rule 15-703. <ul style="list-style-type: none"> ▪ Rule 15-703(a)(3)(E) – National Certifications to be verified/updated. Julie and Tonya assigned in June to review. ▪ Rule 15-703: Adding Unapproved Law Schools ▪ Other Jurisdictions with similar LPP programs - Unapproved Law Schools ▪ Rule 15-703 from 2020: Bachelor’s Degree in any area plus Paralegal Certificate. Reintroduce into rule? ▪ Other Jurisdictions with similar LPP Programs – non-paralegal degree and certificate. 	TAB 2 TAB 3 TAB 4 See also TAB 2 TAB 5	Kirsten Shumway

II.	Discussion— Discussion— Proposed Rule on Non-Paralegal Degrees <ul style="list-style-type: none"> ▪ Proposed Rule 15-704: Eligibility of Those with Non-Paralegal Degrees ▪ Substantive Law-Related Experience Hours Chart ▪ Other Jurisdictions on Non-Paralegal Degrees 	TAB 6 TAB 7 TAB 8	Kirsten Shumway
III.	Discussion— Proposed Rule 15-705 Foreign Law Degree <ul style="list-style-type: none"> ▪ Proposed Rule 15-705: Eligibility of Those with Foreign Law Degrees ▪ Other Jurisdictions on Foreign Law Degrees 	TAB 9 TAB 10	Kirsten Shumway
IV.	Discussion— Proposed Rule 15-712. Practice areas not requiring testing. <ul style="list-style-type: none"> ▪ Expungements ▪ Small Claims 	TAB 11	Kirsten Shumway
V.	Discussion— Proposed Updates to Rule 15-701. Definitions.	TAB 12	Kirsten Shumway
VI.	Discussion— Old business/new business Supreme Court Committee Rule Changes		Kirsten Shumway

TAB 1

LPP Steering Committee Minutes

June 20, 2023

Attendees:	
Judge Amber Mettler (Chair)	x
Steve Johnson	x
Monte Sleight	x
Jacqueline (Jackie) Morrison (Excused)	x
Carolynn Clark (Excused)	
Leslie Staples	x
Matthew Page	x
Tonya Wright	x
John Seegrist (Secretary)	x
Melissa Parache	x
Scotti Hill	x
Kirsten Shumway, Utah State Bar (Staff)	x

1. **Action**—Approval of draft meeting minutes May 16, 2023, - Judge Amber Mettler
 - a. Steve Johnson motioned to approve, Tonya Wright seconded, and the motion carried.
2. **Discussion**—Update from the Bar - Matthew Page, Kirsten Shumway
 - a. Sandbox is on hold while a new director is being identified. An offer is to be extended today.
 - b. LPPs are receiving 40% more visits through the bar site than the attorneys receive.
 - c. There is still a huge need for more LPPs.
 - d. Julie had a question on sandbox projects allowing LPPs within individual firms.
 - e. Looking for a new LPP representative that will work at the bar.
 - f. We do not have information on the timing of LPP audits.
 - g. “Notarios” How does this fit in with the LPPs? Will we allow them to use the bar materials? Currently, they help people fill out legal forms.
3. **Announcement** - June 29th, 3:30 to 7:00 annual Bar Social invitation to all of the committee.
4. **Discussion**—Updates on Proposed Rule Changes to Rule 15-703
 - a. Rule 15-703: Adding Unapproved Law Schools Other Jurisdictions on Unapproved Law Schools
 - b. Comparing other jurisdictions' rules. We would be the first to add unapproved law schools.
 - c. Most of the schools are only state approved many of these are in California.
5. **Discussion** - requirements of paralegals in legal studies programs. What about criminal law or law enforcement?
 - a. Do we need a good legal strategy requirement?

- b. An applied critical thinking course is an option.
 - c. Consider using the new lawyer program applied to the LPPs
- 6. **Discussion** - Share the UVU program with U of U, adding more paralegal courses
 - a. Conversations continue with Randy Dryer.
 - b. Leslie Staples feel experience outweighs education
- 7. **Discussion** - Using Mentors to support the LPPs would provide CLE credit.
 - a. This will be drafted into the proposed rules for the next meeting.
 - b. Jackie Morrison motioned to table the topic to allow for more research Tonya Wright seconded, and the motion carried.
- 8. **Discussion**—Updates on Proposed Rule on Non-Legal Degrees
 - a. Proposed Rule 15-704: Eligibility of Those with Non-Legal Degrees Other Jurisdictions on Non-Paralegal Degrees
 - b. Question on paralegal in Nevada non-legal degrees from Nevada, Associates vs. Certificate what is the difference, and will they be considered?
 - c. Rule 15-701 needs to add a definition of non-legal degree and define the non-legal field
 - d. Jackie questions the required number of hours for LPP does it give too big of a barrier to enter the field?
 - e. The number of hours cannot be done working part-time in three years.
 - f. How does this fit with the certification path? Does this make a harder path?
 - g. Some certifications may take 7 years to complete, and a degree would shorten this.
 - h. Other certificates are easier.
 - i. The very hardest path does not be the standard for all paths.
 - j. We need other paths, but they need to produce qualified people to protect the public.
 - k. If we have too big of a barrier, the LPP program may become irrelevant.
 - l. Core legal system information and writing skills are impactful
 - m. Can the courses apply to specific situations and experiences? Can we have the board/committee approve it?
- 9. **Individual exceptions**
 - a. We are regulated by the Utah Supreme Court, and only they can make exceptions. Individuals could petition the supreme court for an exception. This is a very expensive process.
- 10. The following programs are to be reviewed for the current certification requirements and identifying similarities between the requirements.
 - a. <https://www.nals.org/page/pp>
 - b. <https://www.paralegals.org/page/pace-pcce#pcce%20eligibility>
 - c. https://iaals.du.edu/sites/default/files/documents/publications/alp_national_framework.pdf
 - d. Julie and Tanya are assigned to review to make sure the credential on their sites match the credentials we have recorded and report back.
 - e. Matt Page motioned to table the topic to allow for more research, Steve Johnson the motion carried
- 11. Meeting adjourned

Next meeting July 20, 2023

Following topics not discussed

12. **Discussion**— Updates on Proposed Rule 15- 705 Foreign Law Degree
13. **Discussion**—Updates on Proposed Rules 15-712. Practice areas not requiring testing.
14. **Discussion**—Update from the LPPs on workload
15. **Discussion**—Update from LPP Innovation Subcommittee Scotti Hill, Jackie Morrison, Carolynn Clark, Tonya Wright
16. **Discussion**—Update on rural outreach Steve Johnson
17. **Discussion**—Update on outreach efforts - Julie Emery, Monte Sleight
18. **Discussion**—Old business/new business
19. **Supreme Court Committee Rule Changes** - Kirsten Shumway

TAB 2

Proposed Rule Change to Rule 15-703: Adding “Unapproved Law Schools”

Rule 15-703. Qualifications for Licensure as a Licensed Paralegal Practitioner,
Applicant with Paralegal Studies, Legal Studies^[KS1], or law degree.

(a) Requirements of Licensed Paralegal Practitioner Applicants. The burden of proof is on the Applicant to establish by clear and convincing evidence that ~~she or he~~ the applicant:

(1) has paid the prescribed application fees;

(2) is at least 21 years old;

(3) has:

(A) graduated with a First Professional Degree in law from an Approved Law School; or

(B) graduated with a First Professional Degree in law from an Unapproved Law School located within a U.S. state, territory, or the District of Columbia^[KS2]; or

(B~~C~~) graduated with an Associate's Degree in ~~p~~Paralegal ~~s~~Studies^[KS3] from an Accredited School or Accredited Program; or

(C~~D~~) graduated with a Bachelor's Degree in ~~p~~Paralegal ~~s~~Studies from an Accredited School or Accredited Program; or

(E) graduated with a Bachelor's Degree in any field from an Accredited School, plus a Paralegal Certificate or 15 credit hours of Paralegal Studies from an Accredited Program; or

(D~~E~~~~F~~) graduated with a Master's Degree in legal studies or equivalent that is offered through an Approved Law School; or

(E~~F~~~~G~~) obtained either the Certified Paralegal (CP or CLA) credential from the National Association of Legal Assistants (NALA); the Professional Paralegal (PP) credential from the National Association of Legal Professionals (NALS); or the Registered Paralegal (RP) credential from the National Federation of Paralegal Associations (NFPA); ~~;~~^[KS4]

(4) is of good moral character and satisfies the requirements of Rule 15-708; and

(5) has a proven record of ethical, civil, and professional behavior.

(b) **Specialized Course of Instruction requirement.** If the Applicant has not graduated with a First Professional Degree in law from an ~~a~~Approved ~~H~~Law ~~S~~School, the Applicant must take a Specialized Course of Instruction, as defined in Rule 15-701, in:

- (1) professional ethics for Licensed Paralegal Practitioners; and
- (2) each subject for which the Applicant seeks to be licensed.

(c) **Substantive Law-Related Experience requirement.** Except as provided in paragraph (d):

(1) An Applicant must have 1500 hours of Substantive Law-Related Experience, as defined in Rule 15-701, within the last 3 years.

(2) An Applicant for licensure in temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name or gender change, and petitions to recognize a relationship as a marriage must have 500 hours of the total Substantive Law-Related Experience in those areas. ~~including 500 hours of Substantive Law-Related Experience in temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name or gender change, and petitions to recognize a relationship as a marriage if the Applicant is to be licensed in that area,~~

(3) An Applicant for licensure in forcible entry and detainer must have 100 hours of the total Substantive Law-Related Experience in that area. ~~or 100 hours of Substantive Law-Related Experience in forcible entry and detainer or debt collection if the Applicant is to be licensed in those areas.~~

(4) An Applicant for licensure in debt collection must have 100 hours of the total Substantive Law-Related Experience in that area.

(5) ~~Except as provided in paragraph (d), the~~All Substantive Law-Related Experience must have been supervised by a lawyer licensed in any state or a Utah Licensed Paralegal Practitioner.

(d) **Substantive Law-Related Experience in a school or program.** An Applicant may submit a transcript from an Approved Law School, an Accredited School, or an

Accredited Program and receive a maximum of 750 credit hours toward the Substantive Law-Related Experience requirements under the following conditions:

(1) Courses must have been completed within the five years prior to applying for licensure as a Licensed Paralegal Practitioner.

(2) The transcript must specifically note the Substantive Legal Course, as that term is defined in Rule 15-701, for which the Applicant requests credit under this paragraph.

(3) The transcript or other documentation must note whether the credits are semester-based or quarter-based.

(4) For credit to apply to a specific practice area, the Applicant must specifically request that a course apply and also demonstrate that the course covers the specific area of practice.

(5) Upon request, the Applicant must provide the course description, syllabus, or other course materials.

(6) To receive Substantive Law-Related Experience credit, a course must meet the definition of Substantive Legal Course under Rule 15-701, as determined by the LPP Admissions Committee.

(e) **Credit for Substantive Legal Courses.** Substantive Law-Related Experience credit for a Substantive Legal Course will be given as follows:

(A1) If the course ~~is~~ offered at an institution that works on the common semester model, the Applicant will receive 30 Substantive Law-Related Experience hours for each credit hour of the course.

(B2) If the course is offered at an institution that works on the common quarter model, Applicants will receive 20 Substantive Law-Related Experience hours for each credit hour of the course.

(C3) If the course is offered using any other formula, the Applicant must submit documentation of the actual hours of classroom instruction along with the hours of out-of-classroom work expected by the program or school. The committee will

determine how many Substantive Law-Related Experience hours to grant the Applicant based on a rough equivalence to the semester or quarter models.

(f) **Examination requirement.** An Applicant must successfully pass:

(1) the Licensed Paralegal Practitioner Ethics Examination; and

(2) the Licensed Paralegal Practitioner Examination~~(s)~~ for ~~the~~ each practice area~~(s)~~ in [KSS] which the Applicant seeks licensure.

(g) **Licensure and fee requirements.** Upon successfully completing the application and examination requirements, an Applicant must comply with the provisions of Rule 15-716 concerning licensing and enrollment fees before the Applicant will be licensed.

(h) **Disqualification.** An individual who has been disbarred or suspended in any jurisdiction may not apply for licensure as a Paralegal Practitioner.

TAB 3

Other Jurisdictions with Programs Similar to Utah's LPP: Comparison on Approach to "Unapproved Law Schools"

Of the five other jurisdictions who currently have programs similar to Utah's LPP Program, none of them address "Unapproved Law Schools." *Oregon and Colorado have very new programs.

Arizona: specifies ABA-approved law school for J.D. and Master of Legal Studies. Unapproved not mentioned. [Arizona Code of Judicial Admin. § 7-210\(E\)\(3\)\(b\)\(9\)](#)

Colorado: J.D. from school approved by Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association or a state-accredited law school. [Rule 207.8. Applications for Colorado LLP Admissions](#) paragraph (3)(a).

Minnesota: J.D. from ABA-accredited school. Unaccredited not mentioned. Master's in Legal Studies is not mentioned. [Rule 12.02 Eligible Legal Paraprofessionals](#) paragraph (a).

Oregon: J.D. or Bachelor of Law (LL.B) from ABA-approved school. Non-ABA schools not mentioned. [RULES FOR LICENSING PARALEGALS](#), pgs 8-9.

Washington: Associate's Degree, but the 45 credit hours must be taken at an ABA-approved law school or ABA-approved paralegal program, or an institution with LLLT program approved by LLLT Board. [APR 3: Applicants For Admission to Practice Law](#) and [Appendix APR 28](#).

TAB 4

**Rule 15-703 From 2020:
Bachelor's Degree In Any Area Plus Paralegal Certificate.**

VOLUME 1
State Rules

UTAH COURT RULES
ANNOTATED

2020



LexisNexis

UTAH
COURT RULES
ANNOTATED

VOLUME 1
STATE RULES

production of documentary evidence before the Board or before anyone authorized to act on its behalf.

(c) *Administration of oaths.* Members of the Board, the Executive Director and their designees shall have power to administer oaths in furtherance of this article.

(d) *Taking of testimony.* Members of the Board, the Executive Director and their designees shall have the power to take testimony in furtherance of this article.

(e) *Regulations.* The Board is empowered to appoint committees or persons who may adopt and enforce reasonable regulations and policies in furtherance of this article.

(f) *Waiver of rules.* Neither the Bar nor its representatives has authority to waive any rule. Waiver of any rule may only be obtained by petitioning the Supreme Court.

(Added effective November 1, 2018.)

Rule 15-703. Qualifications for Licensure as a Licensed Paralegal Practitioner.

(a) Requirements of Licensed Paralegal Practitioner Applicants. The burden of proof is on the Applicant to establish by clear and convincing evidence that she or he:

(a)(1) has paid the prescribed application fees;

(a)(2) has either been granted a Limited Time Waiver under Rule 15-705 or has timely filed the required Complete Application for a Licensed Paralegal Practitioner Applicant in accordance with Rule 15-707;

(a)(3) is at least 21 years old;

(a)(4) has graduated with either:

(a)(4)(A) a First Professional Degree in law from an Approved Law School;

or

(a)(4)(B) an Associate Degree in paralegal studies from an Accredited School or Accredited Program; or

(a)(4)(C) a Bachelor's Degree in paralegal studies from an Accredited School or Accredited Program; or

(a)(4)(D) a Bachelor's Degree in any field from an Accredited School, plus a Paralegal Certificate or 15 credit hours of paralegal studies from an Accredited Program;

(a)(5) if the applicant does not have a First Professional Degree from an Approved Law School, the applicant must have 1500 hours of Substantive Law-Related Experience within the last 3 years, including 500 hours of Substantive Law-Related Experience in temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support if the Applicant is to be licensed in that area, or 100 hours of Substantive Law-Related Experience in forcible entry and detainer, and name change or debt collection if the Applicant is to be licensed in those areas.

(a)(6) has successfully passed the Licensed Paralegal Practitioner Ethics Examination;

(a)(7) has successfully passed the Licensed Paralegal Practitioner Examination(s) for the practice area(s) in which the Applicant seeks licensure;

(a)(8) is of good moral character and satisfies the requirements of Rule 15-708;

(a)(9) has a proven record of ethical, civil and professional behavior; and

(a)(10) complies with the provisions of Rule 15-716 concerning licensing and enrollment fees.

(b) If the Applicant has not graduated with a First Professional Degree in law from an approved law school, the Applicant must:

(b)(1) have taken a specialized course of instruction approved by the Board in professional ethics for Licensed Paralegal Practitioners;

(b)(2) have taken a specialized course of instruction approved by the Board in each specialty area in which the Applicant seeks to be licensed; and

(b)(3) have obtained either the Certified Paralegal (CP or CLA) credential from the National Association of Legal Assistants (NALA); the Professional Paralegal (PP) credential from the National Association of Legal Professionals (NALS); or the Registered Paralegal (RP) credential from the National Federation of Paralegal Associations (NFPA).

(c) An individual who has been disbarred or suspended in any jurisdiction may not apply for licensure as a Paralegal Practitioner.
(Added effective November 1, 2018; amended effective November 1, 2018; November 1, 2019; December 18, 2019.)

Amendment Notes. — The 2018 amendment substituted “if the applicant does not have a First Professional Degree from an Approved Law School, the applicant must have” for “has either” at the beginning of (a)(5) and rewrote (b)(3), which had read “have passed either the National Association of Legal Assistants or The Association of Legal Professionals certification examination.”

The November 2019 amendment added “or

Accredited Program” in (a)(4)(C) and (D); substituted “Accredited Program” for “Accredited School” in (a)(4)(D); and substituted “a specialized course of instruction approved by the Board” for “three credit hours” in (b)(1).

The December 2019 amendment substituted “Registered Paralegal (RP) credential” for “Certified Registered Paralegal (CRP) credential” in (b)(3).

Rule 15-704. Reserved.

TAB 5

Other Jurisdictions with Programs Similar to Utah's LPP: Non-Paralegal Degree with Paralegal Certificate

Arizona: Associate's degree in any subject plus paralegal certificate with a minimum of 24 semester units and legal specialization courses in specific areas. Four-year bachelor's degree in law from an accredited college or university and approved by the court that included the following coursework

Colorado: Bachelor's degree in any subject plus paralegal cert/15 hours. Only Associate's Degree in paralegal studies is mentioned.

Minnesota: a paralegal certificate from an institutionally accredited school in addition to an Associate's or Bachelor's degree in any subject from an institutionally accredited school.

Oregon: Bachelor's degree in any subject, no certificate mentioned. Only Associate's Degree in paralegal studies is mentioned.

Washington: (A) an associate level degree or higher; (B) 45 credit hours of core curriculum instruction in paralegal studies . . . ; and (C) in each practice area in which an applicant seeks licensure, instruction in the approved practice area based on a curriculum developed by or in conjunction with an ABA approved law school

TAB 6

Rule 15-704. Qualifications for Licensure as a Licensed Paralegal Practitioner for Applicant with a non-legal post-secondary degree.

(a) Applicability. This rule applies to an Applicant who has graduated with a post-secondary degree from an Accredited School or Accredited program who does not otherwise qualify under Rule 15-703. non-legal degree.

(b) Requirements of Applicants. The burden of proof is on the Applicant to establish by clear and convincing evidence that the applicant:

(1) has paid the prescribed application fees;

(2) is at least 21 years old;

(3) has:

(A) graduated with an Associate's Degree in any non-legal field [KS1] from an Accredited School or Accredited Program;

(B) graduated with a Bachelor's Degree in any non-legal field from an Accredited School or Accredited Program; or

(C) graduated with a Master's Degree in any non-legal field from an Accredited School or Accredited Program; [NS2]

(4) is of good moral character and satisfies the requirements of Rule 15-708; and

(5) has a proven record of ethical, civil, and professional behavior.

(c) Specialized Course of Instruction requirement. An Applicant under this rule must take a Specialized Course of Instruction, as defined in Rule 15-701, in:

(1) professional ethics for Licensed Paralegal Practitioners; and

(2) each subject for which the Applicant seeks to be licensed.

(d) Substantive Law-Related Experience requirements. Except as provided in paragraph (d):

(1) An Applicant under subparagraph (b)(3)(A) must have 3,000 hours of Substantive Law-Related Experience, as defined in Rule 15-701, within the last 5 years.

(2) An Applicant under subparagraph (b)(3)(B) must have 2,000 hours of Substantive Law-Related Experience, as defined in Rule 15-701, within the last 3 years.

(3) An Applicant under subparagraph (b)(3)(C) must have 1,500 hours of
[KS3] Substantive Law-Related Experience, as defined in Rule 15-701, within the last 3
years.

(4) All Substantive Law-Related Experience must have been supervised by a lawyer
licensed in any state or a Utah Licensed Paralegal Practitioner.

(5) Except as provided in paragraph (d), an Applicant for licensure in the areas of
temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody
and support, and name or gender change, and petitions to recognize a relationship
as a marriage must have 500 hours of the total Substantive Law-Related Experience
in those areas.

(6) An Applicant for licensure in forcible entry and detainer must have 100 hours of
the total Substantive Law-Related Experience in that area.

(7) An Applicant for licensure in debt collection must have 100 hours of the total
Substantive Law-Related Experience in that area.

(d) **Substantive Law-Related Experience in a school or program.** An Applicant may
submit a transcript from an Approved Law School, an Accredited School, or an
Accredited Program and receive a maximum of 750 credit hours toward the Substantive
Law-Related Experience requirements under the following conditions:

(1) Courses must have been completed within the five years prior to applying for
licensure as a Licensed Paralegal Practitioner.

(2) The transcript must specifically note the Substantive Legal Course, as that term is
defined in Rule 15-701, for which the Applicant requests credit under this
paragraph.

(3) The transcript or other documentation must note whether the credits are
semester-based or quarter-based.

(4) For credit to apply to a specific practice area, the Applicant must specifically
request that a course apply and also demonstrate that the course covers the specific
area of practice.

(5) Upon request, the Applicant must provide the course description, syllabus, or other course materials.

(6) To receive Substantive Law-Related Experience credit, a course must meet the definition of Substantive Legal Course under Rule 15-701, as determined by the LPP Admissions Committee.

(e) **Credit for Substantive Legal Courses.** Substantive Law-Related Experience credit for a Substantive Legal Course will be given as follows:

(1) If the course is offered at an institution that works on the common semester model, the Applicant will receive 30 Substantive Law-Related Experience hours for each credit hour of the course.

(2) If the course is offered at an institution that works on the common quarter model, Applicants will receive 20 Substantive Law-Related Experience hours for each credit hour of the course.

(3) If the course is offered using any other formula, the Applicant must submit documentation of the actual hours of classroom instruction along with the hours of out-of-classroom work expected by the program or school. The committee will determine how many Substantive Law-Related Experience hours to grant the Applicant based on a rough equivalence to the semester or quarter models.

(f) **Examination requirement.** An Applicant must successfully pass:

(1) the Licensed Paralegal Practitioner Ethics Examination; and

(2) the Licensed Paralegal Practitioner Examination~~(s)~~ for ~~the~~each practice area~~(s)~~ in which the Applicant seeks licensure.

(g) **Licensure and fee requirements.** Upon successfully completing the application and examination requirements, an Applicant must comply with the provisions of Rule 15-716 concerning licensing and enrollment fees before the Applicant will be licensed.

(h) **Disqualification.** An individual who has been disbarred or suspended from the practice of law in any jurisdiction may not apply for licensure as a Paralegal Practitioner.

TAB 7

COMPARISON: SUBSTANTIVE LAW-RELATED HOURS REQUIRED IN PROPOSED RULE 15-704

ORIGINAL SUGGESTED HOURS:

Rule/Degree	Hours	Full Time - (40 hours a week) – How long to complete	Part Time (20 hours a week) – How long to complete
15-703 regardless of degree (proposed to include Unapproved Law School within the U.S.).	1500 hours	37.5 weeks	75 Weeks / 1.45 years
	2000 hours	Almost 1 year	Almost 2 years
	2500 hours	62.5 weeks / 1.20 years	125 weeks / 1.40 years
Proposed 15-704(b)(3)(C) Master's in any field	3000 hours	75 Weeks / 1.45 years	150 weeks / almost 2 years
Proposed 15-704 (b)(3)(B) Bachelor's in any field	4,000 hours	100 weeks / almost 2 years	200 weeks / almost 4 years
Proposed 15-704 (b)(3)(A) Associate's in any field	5,000 hours	125 weeks / 2.4 years	225 weeks / almost 5 years

PROPOSED HOURS FROM LPP STEERING COMMITTEE MEETING IN JUNE 2023:

Rule/Degree	Hours	Full Time - (40 hours a week) – How long to complete	Part Time (20 hours a week) – How long to complete
15-703(b)(3) regardless of degree (proposed to include Unapproved Law School within the U.S.).			
Proposed 15-704(b)(3)(C) – Master's in any field.	1500 hours	37.5 weeks	75 Weeks / 1.45 years
Proposed 15-705 Foreign Law School (regardless of whether is based on English Common Law)			
Proposed 15-704 (b)(3)(B) Bachelor's in any field	2000 hours	Almost 1 year	Almost 2 years
	2500 hours	62.5 weeks / 1.20 years	125 weeks / 1.40 years
Proposed 15-704 (b)(3)(A) Associate's in any field	3000 hours	75 Weeks / 1.45 years	150 weeks / almost 2 years
	4,000 hours	100 weeks / almost 2 years	200 weeks / almost 4 years
	5,000 hours	125 weeks / 2.4 years	225 weeks / almost 5 years

TAB 8

Other Jurisdictions with Programs Similar to Utah's LPP: Non-Paralegal Degree Compare With Proposed Rule 15-704

Arizona: Four-year bachelor's degree in law from an accredited college or university that included classes in specific areas of law depending on what practice area endorsement the person wants.

Colorado: Need paralegal degree or certificate.

Minnesota (Pilot Project): Need paralegal degree or certificate.

Oregon: Bachelor's degree in any subject, no certificate required.

Washington: Associate level degree or higher plus 45 credit hours of core curriculum instruction in paralegal studies . . . ; and specialized instruction.

TAB 9

1 **Rule 15-705. Qualifications for licensure as a Licensed Paralegal Practitioner,**

2 **Applicant with foreign law degree.**

3 (a) **Applicability.** This rule applies to an Applicant who has graduated from a foreign
4 law school.

5 (b) **Requirements of Licensed Paralegal Practitioner Applicants.** The burden of proof
6 is on the Applicant to establish by clear and convincing evidence that the applicant:

7 (1) has paid the prescribed application fees;

8 (2) is at least 21 years old;

9 (3) has:

10 (A) graduated with the equivalent to a First Professional Degree in law or an
11 LLM from an accredited foreign law school that is capable of verification by an
12 Approved Degree Evaluation Organization;

13 (B) been admitted to practice law in that country;

14 (C) maintained good standing and can provide a certificate to that effect and a
15 disciplinary history or its equivalent;

16 (4) is of good moral character and satisfies the requirements of Rule 15-708; and

17 (5) has a proven record of ethical, civil, and professional behavior.

18 (b) **Specialized Course of Instruction requirement.** An Applicant under this rule must
19 take a Specialized Course of Instruction, as defined in Rule 15-701, in:

20 (1) professional ethics for Licensed Paralegal Practitioners; and

21 (2) each subject for which the Applicant seeks to be licensed.

22 (c) **Substantive Law-Related Experience requirement.** Except as provided in paragraph
23 (d):

24 (1) An Applicant must have 1500 total hours of Substantive Law-Related Experience,
25 as defined in Rule 15-701, within the last 3 years.

26 (2) An Applicant for licensure in temporary separation, divorce, parentage,
27 cohabitant abuse, civil stalking, custody and support, and name or gender change,
28 and petitions to recognize a relationship as a marriage must have 500 hours of the
29 total Substantive Law-Related Experience in those areas.

Commented [KS1]: 1. Graduating from country with English common law v. other law.

2. Language added from 14-704 for someone with a foreign law degree who wants to be an attorney in Utah.

Commented [KS2]: We may need to define this or reword.

Commented [KS3]: Would need to define this in Rule 15-701.

Commented [KS4R3]: English translation.

Commented [KS5]: This is the same as those who currently qualify under Rule 15-703 and have a paralegal degree (Assoc. or Bach.), a Master's in legal studies, or a National Accreditation.

30 (3) An Applicant for licensure in forcible entry and detainer must have 100 hours of
31 the total Substantive Law-Related Experience in that area.

32 (4) An Applicant for licensure in debt collection must have 100 hours of the total
33 Substantive Law-Related Experience in that area.

34 (5) All Substantive Law-Related Experience must have been supervised by a lawyer
35 licensed in any state or a Utah Licensed Paralegal Practitioner.

36 (d) **Substantive Law-Related Experience in a school or program.** An Applicant may
37 submit a transcript from an Approved Law School, an Accredited School, or an
38 Accredited Program and receive a maximum of 750 credit hours toward the Substantive
39 Law-Related Experience requirements under the following conditions:

40 (1) Courses must have been completed within the five years prior to applying for
41 licensure as a Licensed Paralegal Practitioner.

42 (2) The transcript must specifically note the Substantive Legal Course, as that term is
43 defined in Rule 15-701, for which the Applicant requests credit under this
44 paragraph.

45 (3) The transcript or other documentation must note whether the credits are
46 semester-based or quarter-based.

47 (4) For credit to apply to a specific practice area, the Applicant must specifically
48 request that a course apply and also demonstrate that the course covers the specific
49 area of practice.

50 (5) Upon request, the Applicant must provide the course description, syllabus, or
51 other course materials.

52 (6) To receive Substantive Law-Related Experience credit, a course must meet the
53 definition of Substantive Legal Course under Rule 15-701, as determined by the LPP
54 Admissions Committee.

55 (e) **Credit for Substantive Legal Courses.** Substantive Law-Related Experience credit
56 for a Substantive Legal Course will be given as follows:

Commented [KS6]: Maybe cut paragraphs (d) and (e).
This would be too difficult to verify.

~~(1) If the course is offered at an institution that works on the common semester model, the Applicant will receive 30 Substantive Law-Related Experience hours for each credit hour of the course.~~

~~(2) If the course is offered at an institution that works on the common quarter model, Applicants will receive 20 Substantive Law-Related Experience hours for each credit hour of the course.~~

~~(3) If the course is offered using any other formula, the Applicant must submit documentation of the actual hours of classroom instruction along with the hours of out-of-classroom work expected by the program or school. The committee will determine how many Substantive Law-Related Experience hours to grant the Applicant based on a rough equivalence to the semester or quarter models.~~

(f) Examination requirement. An Applicant must successfully pass:

~~(1) the Licensed Paralegal Practitioner Ethics Examination; and~~

~~(2) the Licensed Paralegal Practitioner Examination(s) for each the practice area(s) in which the Applicant seeks licensure.~~

(g) Licensure and fee requirements. Upon successfully completing the application and examination requirements, an Applicant must comply with the provisions of Rule 15-716 concerning licensing and enrollment fees before the Applicant will be licensed.

(h) Disqualification. An individual who has been disbarred or suspended in any jurisdiction may not apply for licensure as a Paralegal Practitioner.

TAB 10

Other Jurisdictions' Approach to Foreign Law Degrees (Compare with Proposed Rule 15-705)

The five other jurisdictions who currently have programs similar to Utah's LPP Program:

Arizona: Foreign-trained lawyers with LLM from ABA-accredited school with specified coursework. [Arizona Code of Judicial Admin. § 7-210\(E\)\(3\)\(9\)\(f\)](#).

Colorado: First professional degree outside US with LLM. [Rule 207.8. Applications for Colorado LLP Admissions\(3\)\(e\)](#).

Minnesota: Foreign law degrees are not mentioned in the rule.

Oregon: Foreign law degrees are not mentioned in the rule.

Washington: Foreign law degrees are not mentioned in the rule.

TAB 11

1 **Rule 15-712. Practice areas not requiring testing.**

2 (a) **Practice areas not requiring testing.** Licensed paralegal practitioners may practice in
3 the following areas without being required to test on them:

4 (1) Expungement petitions; motions for conviction reductions pursuant to Utah
5 Code 76-3-402; and any other pleadings necessary for the expungement of criminal
6 convictions.

7 (2) Small claims.

8 (b) **Education in lieu of testing.** In lieu of testing, the LPP must attend an approved
9 three-hour continuing legal education course on the topic areas listed above.

TAB 12

Rule 15-701. Definitions.

Effective: 5/1/2022

As used in this article:

- (a) **"ABA"** means the American Bar Association.
- (b) **"Accredited Program"** means a course of instruction in paralegal studies from a program officially recognized as meeting the standards and requirements of a regional or national accrediting organization that is approved by the U.S. Department of Education, or a paralegal school or paralegal studies program that has been fully or provisionally approved by the ABA Standing Committee on Paralegals.
- (c) **"Accredited School"** means a school officially recognized as meeting the standards and requirements of a regional or national accrediting organization that is approved by the U.S. Department of Education.
- (d) **"Applicant"** means each person requesting licensure as a Licensed Paralegal Practitioner.
- (e) **"Approved Law School"** means a law school which is fully or provisionally approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of Law Schools. To qualify as approved, the law school must have been fully or provisionally approved at the time of the Applicant's graduation, or at the time of the Applicant's enrollment, provided the Applicant graduated within a typical and reasonable time.
- (f) **"Approved Degree Evaluation Organization" means a reputable organization that evaluates foreign degrees and is approved by the Utah State Bar.**
- (g) **"Associate Degree"** means an undergraduate academic degree conferred by a college upon completion of the curriculum required for an associate degree.
- (g) **"Bachelor's Degree"** means an academic degree conferred by a college or university upon completion of the undergraduate curriculum.

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(h) “**Bar**” means the Utah State Bar, including its employees, committees and the Board.

(i) “**Board**” means the Board of Bar Commissioners.

(j) “**Complete Application**” means an application that includes all fees and necessary application forms, along with any required supporting documentation, character references, a criminal background check, a photo, an official certificate of graduation and if applicable, a test accommodation request with supporting medical documentation.

(k) “**Confidential Information**” is defined in Rule 15-720(a).

(l) “**Disbarred Lawyer**” means an individual who was once a licensed lawyer and is no longer permitted to practice law.

(m) “**Executive Director**” means the executive director of the Utah State Bar or designee.

(n) “**First Professional Degree**” means a degree that prepares the holder for admission to the practice of law (e.g. juris doctorate) by emphasizing competency skills along with theory and analysis. An advanced, focused, or honorary degree in law is not recognized as a First Professional Degree (e.g. master of laws or doctor of laws).

(o) “**Full-time**” means providing legal services as a paralegal for no fewer than 80 hours per month.

(p) “**General Counsel**” means the General Counsel of the Utah State Bar or designee.

(q) “**Legal Studies**” means ...

(q) “**Licensed Paralegal Practitioner**” means a person licensed by the Utah Supreme Court to provide limited legal representation in the practice areas of (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, name or gender change, and petitions to recognize a relationship as a marriage, (2) forcible entry and detainer and unlawful detainer; or (3) debt collection matters in

which the dollar amount in issue does not exceed the statutory limit for small claims cases.

(r) “**LPP**” means Licensed Paralegal Practitioner.

(s) “**LPP Administrator**” means the Bar employee in charge of LPP licensure or designee.

(t) “**LPP Admissions Committee**” means those Utah State Bar members or others appointed by the Board or president of the Bar who are charged with recommending standards and procedures for licensure of LPPs, with implementation of this article, reviewing requests for test accommodations, and assessing the qualifications of applicants.

(u) “**NALA**” means the National Association of Legal Assistants.

(v) “**NALS**” means The Association for Legal Professionals.

(w) “**NFPA**” means the National Federation of Paralegal Associations.

(x) “**National Certification**” means Certified Paralegal (CP or CLA) credential from the National Association of Legal Assistants (NALA); the Professional Paralegal (PP) credential from the National Association of Legal Professionals (NALS); or the Registered Paralegal (RP) credential from the National Federation of Paralegal Associations (NFPA).

(y) “**Non-legal degree or non-legal studies**” means...

(y) “**OPC**” means the Office of Professional Conduct.

(z) “**Paralegal**” means a person qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or the entity in the capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that absent such assistance, the attorney would perform.

(aa) **“Paralegal Certificate”** means verification that an individual has successfully completed a paralegal studies program from an Accredited Program that includes at least 15 credit hours of paralegal studies. The certificate must be offered, taught, and granted by an Accredited Program.

(bb) **“Paralegal Studies”** and **“Paralegal Studies Degree”** mean course work that prepares a holder to work as a paralegal.

(cc) **“Privileged Information”** in this article includes: information subject to the attorney-client privilege, attorney work product, test materials and applications of examinees; correspondence and written decisions of the Board and LPP Admissions Committee, and the identity of individuals participating in the drafting, reviewing, grading and scoring of the LPP Licensure Examination.

(dd) **“Reapplication for Licensure”** means that for two years after the filing of an original application, an Applicant may reapply by completing a Reapplication for Licensure form updating any information that has changed since the prior application was filed and submitting a new criminal background check.

(ee) **“Specialized Course of Instruction”** means a course that has been approved by the Board to provide instruction in professional ethics or the subject areas for which LPP’s are licensed.

(ff) **“Substantive Law-Related Experience”** means the provision of legal services as a Paralegal, paralegal student or law student including, but not limited to, drafting pleadings, legal documents, or correspondence, completing forms, preparing reports or charts, legal research, and interviewing clients or witnesses. Substantive Law-Related Experience does not include routine clerical or administrative duties. Substantive Law-Related Experience for licensure in landlord-tenant and debt collection includes, but is not limited to, legal services provided in the areas of bankruptcy, real estate, mortgage and/or banking law.

(gg) **“Substantive Legal Course”** means a course offered for academic credit by an Approved Law School, an Accredited School, or an Accredited Program. Any course by an Approved Law School is a Substantive Legal Course. Any non-general education course required as part of a Paralegal Studies Degree or Certificate by an Approved School of an Approved Program, including required electives, is a Substantive Legal Course.

(hh) **“Supreme Court”** means the Utah Supreme Court.

(ii) **“Unapproved Law School”** means a law school that is not fully or provisionally approved by the ABA.

(jj) **“Updated Application”** means that an Applicant is required to amend and update the Applicant’s application on an ongoing basis and correct any information that has changed since the application was filed.