

LPP Steering Committee

AGENDA

December 19, 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 November 21, 2023.	TAB 1	Judge Amber Mettler
Item 2	Update - Memo to the Court		Judge Mettler
Item 3	Discussion – Update from the Bar <ul style="list-style-type: none">▪ Spring Convention – Presentation slot available for an LPP CLE. March 14 – 16 in St. George.		Matthew Page, Kirsten Shumway
Item 4	Discussion - Scope of Practice Question <ul style="list-style-type: none">▪ LPP drafting stipulated settlement agreement. Question from Bar’s Ethics Counsel.		Kirsten Shumway
Item 5	Discussion – Update from LPP Innovation Subcommittee. <ul style="list-style-type: none">▪ Updates on Proposed New Rule 15-712. Expungements.▪ Proposed amendments to Rule 14-802 to match new Rule 15-712.▪ Proposed amendments to Rule 15-701 to match new Rule 15-712.	TAB 2 TAB 3 TAB 4	Jackie Morrison, Scotti Hill, Monte Sleight, Melissa Parache, Brooke Byall
Item 6	Discussion – Adding language to Rule 15-802(c) allowing LPPs to recite facts in court.		Brooke Byall and Linsey Brandt
Item 7	Discussion - Making Utah’s LPP Core Competency document available to the public on the LPP website. <ul style="list-style-type: none">▪ Colorado’s final version is on their website.	Email Attachment	Kirsten Shumway
Item 8	Discussion – Safe Harbor Rule.		Kirsten Shumway
Item 9	Discussion – Update from the LPPs on current casework and projects		Tonya Wright, Leslie Staples, Brooke Byall, Melissa Parache, Lindsey Brandt
Item 10	Discussion – Update on rural outreach		
Item 11	Discussion – Update on outreach efforts		Monte Sleight

Item 12	Discussion – Old business/ new business Supreme Court Committee Rule Changes		Kirsten Shumway
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Meeting Times for 2024 (Third Tuesday at 4 p.m.):

- January 16
- February 20
- March 19
- April 16
- May 21
- June 18
- July 16
- August 20
- September 17
- October 15
- November 19
- December 17

**Licensed Paralegal Practitioner
Steering Committee**

Proposed Amended Summary Minutes for November 21, 2023,

[This meeting was conducted electronically via Zoom](#)

Committee members	Present	Excused	Bar Staff
Judge Amber Mettler (Chair)	X		Kirsten Shumway
Scotti Hill	X		
Matthew Page	X		
Leslie Staples	X		
Tonya Wright	X		
John Seegrist (Secretary)	X		
Brooke Byall	X		
Lindsey Brandt	X		
Jackie Morrison		X	
Monte Sleight		X	
Melissa Parache		X	
Anastasia Boyko		X	

Introduction

The meeting started on time with a welcome from the Chair Judge Amber Mettler after a quorum was formed and new members and guests were introduced.

Item 1: Approval of the Minutes

Judge Mettler requested approval of the amended October 2023 minutes. The motion to approve was made by Tonya Wright and seconded by Leslie Staples. The Minutes were unanimously approved.

Item 2: Report on Meeting with Judge Mettler and Bar staff Emily Lee and Kirsten Shumway

Judge Mettler and Kirsten Shumway reported on a Zoom meeting they had with Emily Lee on October 31, 2023. They discussed the current status of the LPP Steering Committee which is in transition. They discussed how to continue growing the program, which is small given the amount of work needed to support the LPP program. They discussed the Committee's purpose and determined that needed to be updated. They have decided to create a memo on the Committee's history and challenges that can be used in a planned meeting with the Utah Supreme Court in January. The goal of this meeting is to report to the court where the LPP Program is and to request guidance from the court on how to move forward with the LPP Program.

Afterward their report, the Committee discussed its current situation. Judge Mettler noted that the Committee has treading water, but that might be fine given this is still new. The Committee is currently approved for fifteen (15) members but is currently only staffed at thirteen (13). They discussed the future of this Committee and whether other committees were necessary to handle the workload of the LPP Program. The Committee will hold off adding new members until we hear back from the Court on how they would like us to proceed. The Committee will have a more detailed decision on the future of this program once the Court gives guidance.

The Committee's current role is to continue developing the LPP program including rule making and come up with creative ways to innovate the program. The bar will then work to support those changes. There is a general feeling that the committee has had to “carry all the water” and has become overwhelmed with the responsibility. Scotti Hill agrees that the Committee has been carrying the weight but feels some things can be done, and we need clarity on who will do them. She noted that we have identified some very tangible needs, and it is exciting to see those and look for ways to empower members. The Committee noted that COVID-19 also affected the Committee’s ability to move forward and discussed how to regain the lost momentum. The Committee needs guidance from the Court on what changes are necessary to move forward.

Expungements are a natural expansion for the LPPs role. There is general support for this recommendation from the committee, but the Committee still needs to discuss the required CLE. The Committee discussed its own role in drafting the rules for this expansion. The Bar will then execute the plan and develop the training course required to add this service.

Item 3: Discussion – Report on Internal Roundtable Meeting on LPP Scope with Bar staff, Monte Sleight, and Leslie Staples.

Kirsten Shumway reported on a roundtable meeting that she and Emily Lee (Admissions Deputy Counsel at the Bar) held with Committee members Monte Sleight and Leslie Staples, and Elizabeth Wright (Executive Director of the Bar). They discussed limits on the LPP license. They agreed that certain areas of law that are quite complex and are outside the scope of the LPP license. This includes complex discovery and interrogatories, motion for summary judgement, adoption, and uninhabitable dwelling.

They discussed the scope of the LPP license. The group discussed the meaning of Rule 14-802(c)(1)(C) and (F). The group Under paragraph (C), what does it mean for a document to be consistent with the relevant portions of the Judicial Council-approved forms? The group agreed that it was the substance of the document that mattered over the formatting. The formatting of many approved forms causes problems when LPPs try to efile them. The group also agreed that the documents referred to in paragraph (F) referred to ancillary and factual documents such as a military affidavit.

The Committee then further discussed the scope of the LPP license. Tonya Write asked what an LPP should do if a judge or commissioner asks them a question that is beyond the scope of their license. Kirsten reported that this was discussed in the roundtable meeting as well. LPPs need to help education judges and commissioners on the limits of their license. Before going into court, the need to prepare their client so they know the LPP's role in court. The LPP should have a script of how to handle questions from the bench that are beyond the scope of the LPP's license including letting the judge or commissioner know that the question is outside of the scope. The LPP should offer a solution such as "The answer is found in this pleading on this page," "We can take a recess, and I can talk to my client out in the hall." If the judge or commissioner continues and orders the LPP to answer, the LPP must follow a court order.

Lindsey Brandt commented that family law is unique, and each court handles it differently. There are courts where she is given more opportunities to help her client. She mentioned it would be nice to have some kind of training for LPPs on how to deal with tactical things attorneys do in court. Judge Mettler noted that the Committee has not discussed the idea of LPPs receiving training in this area. Scotti Hill likes the idea of training as well. She also states that the solution should be rule based rather than seeking advisory opinions. This would help assuage doubt on the part of the LPPs.

The presence of the LPP in the court is needed to ensure the process moves forward. An example was given of an individual in a multi-hour hearing where the client went through the motions only to leave and finally settle in frustration. If the LPPs are not in court with the clients, the clients sometimes do not know what to do.

An LPP commented that sometimes attorneys know what LPPs cannot do and use that to their tactical advantage. Judge Mettler pointed out that this happens even with attorneys, not just LPPs. Judge Mettler and Scotti support expanding the real-time experience available for the LPPs. Training should include time in court to learn the processes and the skills needed to support the clients. Rule 14-802 scope does not provide enough direction to support the LPPs. The rule needs to better clarify the scope of the license. The LPP needs to prepare the client in advance for what they may be allowed to do. It would be helpful if the client has a script of what is essential in their case.

Judge Mettler agreed with Scotti that the scope of the LPP license needs to be in the rules, and the Committee should move away from using Advisory Committee notes. The more the Committee can put into the rule itself, the better.

A question was raised about the difference between an LPP working alone or working in a firm with an attorney. How does this impact the restriction on using the court's forms? If an attorney is involved with the LPP, does it change what can be used? What should be done with the discovery and the current limitations on LPPs? What do you do if a case moves to a point that you need to drop and move your client to an attorney? Clients will need help understanding

when a case needs to go to an attorney. This transition may be more difficult for the stand-alone LPP and may cost the client more because the attorney needs time to get caught up.

While these questions cannot be answered right now, it is good that the questions are arising. It helps the Committee find ways to improve the program.

Item 4: Discussion – Update from the Bar

Matthew Page would like to see more CLEs on the LPP Program, and more Commissioners and Judges present at conventions where training is provided. Judge Mettler stated one problem is not getting the schedule out in time for the courts to clear their schedules to attend the conventions. Matthew reported that the Bar president chooses the dates. Usually the Spring Convention is the second week of March.

Matthew Page stated the Fall Forum and Spring and Summer Conventions need more sessions to explain the LPP program, what LPPs can do in court, and the scope of the license. He recommends that we hit this hard in the Spring Conference. There needs to be clarity across the board.

Item 5: Update from the LPP Innovation Subcommittee

Jackie Morrison, Scotti Hill, Monte Sleight, Melissa Parache, and Brooke Byall have spent more time refining the proposed New Rule 15-712 on Expungements, and Proposed amendments to Rule 14-802(c) and definitions in Rule 15-701. Kirsten Shumway stated that the Subcommittee felt the proposed rules were refined enough that the entire Committee should discuss them.

The Committee discussed the special CLE that would be required for LPPs who would like to provide expungement services. The LPP would complete the CLE in lieu of passing an additional exam. The Committee discussed the word “practice” in proposed Rule 15-712. Expungements are a service rather than a practice area. Judge Mettler proposed to delete the words “practice area” and replace it with “service.”

The CLE training should be very basic, and we would only require the CLE every three years unless they have taken the test for the unlawful detainer within three years. Judge Mettler stated the training would be mandatory for LPP. Scotti Hill asked that we table the rest of this discussion until Monti Sleight is present.

Judge Mettler proposed adjourning the meeting since the hour was nearly up. The December meeting will be held on December 19th, at 4:00 p.m.

Adjourned.

Next meeting is December 19, 2023.

402 Reduction (Utah Code § 76-3-402)

Did not discuss.

ITEM 6: Discussion – Possible Safe Harbor Rule: Informal advice from the Bar or LPP Steering Committee.

Did not discuss.

ITEM 7: Discussion – Update from the LPPs on current casework and projects

Did not discuss.

ITEM 8: Discussion – Update on outreach efforts

Did not discuss.

ITEM 9: Discussion – Update on rural outreach

Did not discuss.

ITEM 10: Discussion – Old business/new business Supreme Court Committee Rule Changes

Did not discuss.

TAB 2

Rule 15-712. Legal services requiring education in lieu of testing.

(a) **Education in lieu of passing a licensing exam.** In lieu of passing a licensing examination to provide the services listed in this rule, a Licensed Paralegal Practitioner must complete a Specialized Continuing Legal Education Course specifically approved by the Bar for the training of Licensed Paralegal Practitioners for each legal service listed in this rule.

(b) **Legal services requiring education but not a licensing exam.** A Licensed Paralegal Practitioner pursuant to Rule 14-802(c) et seq., may provide the following additional legal services without being required to pass a corresponding licensing examination:

(1) Criminal expungements; and

(2) Eviction expungements.

(c) **Exception to continuing legal education requirement.** A person licensed as a Licensed Paralegal Practitioner in forcible entry and detainer under Rule 14-802(c)(1)(B) may provide services for eviction expungements as described in paragraph (b)(2) of this rule without first completing a continuing legal education training course in eviction expungements.

TAB 3

1 **Rule 14-802. Authorization to practice law.**

2 (a) **Application.** Except as set forth in paragraphs (c) and (d), only a persons who ~~are-is an~~
3 active ~~and~~ licensed attorney member of the Bar ~~members-and~~ in good standing may engage in
4 the practice of law in Utah.

5 (b) **Definitions.** For purposes of this rule:

6 (1) “Practice of law” means representing the interests of another person by informing,
7 counseling, advising, assisting, advocating for, or drafting documents for that person
8 through applying the law and associated legal principles to that person’s facts and
9 circumstances.

10 (2) “Law” means the collective body of declarations by governmental authorities that
11 establish a person’s rights, duties, constraints, and freedoms and includes:

12 (A) constitutional provisions, treaties, statutes, ordinances, rules, regulations, and
13 similarly enacted declarations; and

14 (B) decisions, orders, and deliberations of adjudicative, legislative, and executive
15 bodies of government that have authority to interpret, prescribe, and determine a
16 person’s rights, duties, constraints, and freedoms.

17 (3) “Person” includes the plural as well as the singular and legal entities as well as natural
18 persons.

19 (c) **Licensed Paralegal Practitioners.** A person may be licensed to engage in the limited
20 practice of law as a Licensed Paralegal Practitioner in the area or areas of one or more limited
21 areas of law.

22 (1) A person may be licensed as a Licensed Paralegal Practitioner by examination in one
23 or more of the following limited areas:

24 (A4) temporary separation, divorce, parentage, cohabitant abuse, civil stalking,
25 custody and support, name or gender change, and petitions to recognize a
26 relationship as a marriage;

27 (B2) forcible entry and detainer ~~and eviction expungement; and or~~

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(C3) debt collection matters in which the dollar amount in issue does not exceed the statutory limit for small claims cases.

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(2) A person who is already licensed as a Licensed Paralegal Practitioner may also provide services as specified in Rule 15-712 and in accordance with that rule.

(34) Within a practice area or areas in which a Licensed Paralegal Practitioner is licensed, a Licensed Paralegal Practitioner who is in good standing may represent the interests of a natural person ~~who is not represented by a lawyer unaffiliated with the Licensed Paralegal Practitioner~~ by:

(A) establishing a contractual relationship with the client;

(B) interviewing the client to understand the client's objectives and obtaining facts relevant to achieving that objective;

(C) completing forms approved by the Judicial Council or preparing documents that are consistent with the relevant portions of the Judicial Council-approved forms;

(D) informing, counseling, advising, and assisting in determining which form to use and giving advice on how to complete the form;

(E) signing, filing, and completing service of the form;

(F) obtaining, explaining, preparing, and filing any document needed to support the form;

(G) reviewing documents of another party and explaining them;

(H) informing, counseling, assisting, negotiating, and advocating for a client for purposes of settlement;

(I) filling in, signing, filing, and completing service of a written settlement agreement form in conformity with the negotiated agreement;

(J) communicating with another party or the party's representative regarding the relevant form and matters reasonably related thereto; ~~and~~

(K) explaining a court order that affects the client's rights and obligations; ~~and-~~

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(L) standing or sitting with the client during a proceeding to provide emotional support, answering factual questions as needed that are addressed to the client by the court or opposing counsel, taking notes, and assisting the client to understand the proceeding and relevant orders.

(d) **Exceptions and Exclusions.** Whether or not it constitutes the practice of law, the following activity by a nonlawyer, who is not otherwise claiming to be a lawyer or to be able to practice law, is permitted:

(1) Making legal forms available to the general public, whether by sale or otherwise, or publishing legal self-help information by print or electronic media.

(2) Providing general legal information, opinions, or recommendations about possible legal rights, remedies, defenses, procedures, options, or strategies, but not specific advice related to another person's facts or circumstances.

(3) Providing clerical assistance to another to complete a form provided by a municipal, state, or federal court located in Utah when no fee is charged to do so.

(4) When expressly permitted by the court after having found it clearly to be in the best interests of the child or ward, assisting one's minor child or ward in a juvenile court proceeding.

(5) Representing a party in small claims court as permitted by Rule of Small Claims Procedure 13.

(6) Representing without compensation a natural person or representing a legal entity as an employee representative of that entity in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.

(7) Representing a party in any mediation proceeding.

(8) Acting as a representative before administrative tribunals or agencies as authorized by tribunal or agency rule or practice.

(9) Serving in a neutral capacity as a mediator, arbitrator, or conciliator.

(10) Participating in labor negotiations, arbitrations, or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.

(11) Lobbying governmental bodies as an agent or representative of others.

(12) Advising or preparing documents for others in the following described circumstances and by the following described persons:

(A) A real estate agent or broker licensed in Utah may complete state-approved forms including sales and associated contracts directly related to the sale of real estate and personal property for their customers.

(B) An abstractor or title insurance agent licensed in Utah may issue real estate title opinions and title reports and prepare deeds for customers.

(C) Financial institutions and securities brokers and dealers licensed in Utah may inform customers with respect to their options for titles of securities, bank accounts, annuities, and other investments.

(D) Insurance companies and agents licensed in Utah may recommend coverage, inform customers with respect to their options for titling of ownership of insurance and annuity contracts, the naming of beneficiaries, and the adjustment of claims under the company's insurance coverage outside of litigation.

(E) Health care providers may provide clerical assistance to patients in completing and executing durable powers of attorney for health care and natural death declarations when no fee is charged to do so.

(F) Certified Public Accountants, enrolled IRS agents, public accountants, public bookkeepers, and tax preparers may prepare tax returns.

(13) Representing an Indian tribe that has formally intervened in a proceeding subject to the Indian Child Welfare Act of 1978, 25 U.S.C. sections 1901–63. Before a nonlawyer may represent a tribe, the tribe must designate the nonlawyer representative by filing a written authorization. If the tribe changes its designated representative or if the

representative withdraws, the tribe must file a written substitution of representation or withdrawal.

(14) Providing legal services under Utah Supreme Court Standing Order No. 15.

Advisory Committee Notes:

Paragraph (a).

“Active” in this paragraph refers to the formal status of a lawyer, as determined by the Bar. Among other things, an active lawyer must comply with the Bar’s requirements for continuing legal education.

Paragraph (b).

The practice of law defined in paragraph (b)(1) includes: giving advice or counsel to another person as to that person’s legal rights or responsibilities with respect to that person’s facts and circumstances; selecting, drafting, or completing legal documents that affect the legal rights or responsibilities of another person; representing another person before an adjudicative, legislative, or executive body, including preparing or filing documents and conducting discovery; and negotiating legal rights or responsibilities on behalf of another person.

Because representing oneself does not involve another person, it is not technically the “practice of law.” Thus, any natural person may represent oneself as an individual in any legal context. To the same effect is Article 1, Rule 14-111 Integration and Management: “Nothing in this article shall prohibit a person who is unlicensed as an attorney at law or a foreign legal consultant from personally representing that person’s own interests in a cause to which the person is a party in his or her own right and not as assignee.”

Similarly, an employee of a business entity is not engaged in “the representation of the interest of another person” when activities involving the law are a part of the employee’s duties solely in connection with the internal business operations of the entity and do not involve providing legal advice to another person. Further, a person acting in an official capacity as an employee of a government agency that has administrative authority to determine the rights of persons under the law is also not representing the interests of another person.

As defined in paragraph (b)(2), “the law” is a comprehensive term that includes not only the black-letter law set forth in constitutions, treaties, statutes, ordinances, administrative and court rules and regulations, and similar enactments of governmental authorities, but the entire fabric of its development, enforcement, application, and interpretation.

Laws duly enacted by the electorate by initiative and referendum under constitutional authority are included under paragraph (b)(2)(A).

Paragraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as well as the background, such as committee hearings, floor discussions, and other legislative history, that often accompanies the written law of legislatures and other law- and rule-making bodies.

Reference to adjudicative bodies in this paragraph includes courts and similar tribunals, arbitrators, administrative agencies, and other bodies that render judgments or opinions involving a person’s interests.

Paragraph (c).

The exceptions for Licensed Paralegal Practitioners arise from the November 18, 2015 Report and Recommendation of the Utah Supreme Court Task Force to Examine Limited Legal Licensing. The Task Force was created to make recommendations to address the large number of litigants who are unrepresented or forgo access to the Utah judicial system because of the high cost of retaining a lawyer. The Task Force recommended that the Utah Supreme Court exercise its constitutional authority to govern the practice of law to create a subset of discreet legal services in the practice areas of: (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking, and custody and support; (2) unlawful detainer and forcible entry and detainer; and (3) debt collection matters in which the dollar amount in issue does not exceed the statutory limit for small claims cases. The Task Force determined that these three practice areas have the highest number of unrepresented litigants in need of low-cost legal assistance. Based on the Task Force’s recommendations, the Utah Supreme Court authorized Licensed Paralegal Practitioners to provide limited legal services as prescribed in this rule and in accordance with the Supreme Court Rules of Professional Practice. In the future, the Court may add additional practice areas for Licensed Paralegal Practitioners to assist otherwise unrepresented persons in obtaining legal representation.

TAB 4

Paragraph (c)(3+).

A Licensed Paralegal Practitioner may complete a forms that ~~are-is~~ approved by the Judicial Council and that are directly related to the limited scope of practice of law described in paragraph (c). The Judicial Council has approved~~s~~ forms for Licensed Paralegal Practitioner use in the Online Consumer Assistance Program (OCAP)-and for use by the public. All forms published by the Utah State Courts or the Utah State Bar are approved for Licensed Paralegal Practitioner use so long as the form is within the scope of the Licensed Paralegal Practitioner's specific licensure. The forms approved by the Judicial Council may be found at www.utcourts.gov/en/self-help/services/ocap.html~~<https://www.utcourts.gov/ocap/>~~ and www.utcourts.gov/en/self-help.html~~<https://www.utcourts.gov/selfhelp/>~~.

A Licensed Paralegal Practitioner may also prepare a documents that ~~are-is~~ consistent with the relevant portions of the Judicial Council approved forms but that eliminates any unnecessary information or tailors the information to a client's specific needs. This addresses a formatting issue found in some forms approved by the Judicial Council that may cause the form to be rejected by the court's efilng system. Allowing a Licensed Paralegal Practitioner to format their own template that has the same content as the approved form will eliminate the need to reformat every document and allow for greater efficiency. Such a documents may be filed with the court by a Licensed Paralegal Practitioner in the same manner as a forms approved by the Judicial Council. This paragraph is not intended to expand the scope of Licensed Paralegal Practitioners' limited scope of practice.

Paragraph (c)(3)(F)

A document "needed to support a form" means a document that is ancillary, factual, and evidentiary. This includes but is not limited to a military service affidavit; financial records from a retirement account or a bank account; and forms needed to file a court order with a government agency such as a Certificate of Divorce, Dissolution of Marriage, or Annulment with the Utah Department of Health.

Paragraph (d).

192 To the extent not already addressed by the requirement that the practice of law involves the
193 representation of others, paragraph (d)(2) permits the direct and indirect dissemination of legal
194 information in an educational context, such as legal teaching and lectures.

195 Paragraph (d)(3) permits assistance provided by employees of the courts and legal-aid and
196 similar organizations that do not charge for providing these services.

197 Paragraph (d)(7) applies only to the procedures directly related to parties' involvement before a
198 neutral third-party mediator; it does not extend to any related judicial proceedings unless
199 otherwise provided for under this rule (e.g., under paragraph (d)(5)).

Rule 15-701. Definitions.*Effective: 5/1/2022***Commented [KS1]:** Click for current [UCJA Rule 15-701](#).

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.

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(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) “**Associate’s 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.

(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) “**CLE**” means MCLE accredited continuing legal education course.

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

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

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

(o) “**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).

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

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

(r) “**Licensed Paralegal Practitioner**” means a person licensed by the Utah Supreme Court to provide limited legal representation in the practice areas listed in Rule 14-802(c). ~~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.~~

Commented [KS3]: Borrowed from [Rule 14-801\(e\)](#). Adding this for Rule 15-712.

Commented [KS4]: Removing this and replacing it with a reference to Rule 14-802(c). Then we won't need to update this paragraph with changes to 14-802(c).

(s) **"Licensed Paralegal Practitioner Ethics Examination"** means the ethics portion of the Licensed Paralegal Practitioner Examination as defined in Rule 15-713.

(t) **"Licensed Paralegal Practitioner Examination"** means the examination prepared by the Bar for the licensure of Licensed Paralegal Practitioners as defined in Rules 15-710, 15-711, and 15-713.

(u) **"LPP"** means Licensed Paralegal Practitioner.

(v) **"LPP Administrator"** means the Bar employee in charge of LPP licensure or designee.

(w) **"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.

(x) **"MCLE"** means Mandatory Continuing Legal Education as set forth in Rule 14-401 et seq.

(y) **"NALA"** means the National Association of Legal Assistants.

(z) **"NALS"** means The Association for Legal Professionals.

(aa) **"NFPA"** means the National Federation of Paralegal Associations.

(bb) **"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).

(cc) **"OPC"** means the Office of Professional Conduct.

(dd) **"Paralegal"** means a person qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency,

Commented [KS5]: This paragraph is based on the definitions for the UBE Bar Exam found in (ee). "Licensed Paralegal Practitioner Ethics Exam" is mentioned in Rule 14-703(f)(1), but it is not defined anywhere. I am working on an update for Rule 15-713.

Commented [KS6R5]: This change is for the LPP Admissions Committee to Review.

Commented [KS7]: This paragraph is based on the definitions for the UBE Bar Exam found in Rule 14-701(h) and (rr). "Licensed Paralegal Practitioner Ethics Exam" is mentioned in Rule 14-703(f)(2), but it is not defined anywhere. I am working on an update for Rules 15-710, 15-711, and 15-713.

Commented [KS8R7]: This change is for the LPP Admissions Committee to Review.

Commented [KS9]: Borrowed from Rule 14-801(g). Adding this for Rule 15-712.

Commented [KS10]: NFPA certifications need to be updated. See [this webpage](#). Email sent to NFPA on 12/05/23.

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.

(aace) "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.

(bbff) "Paralegal Studies" and "Paralegal Studies Degree" mean course work that prepares a holder to work as a paralegal.

(eeeg) "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.

(dhhh) "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.

(ii) "Specialized Continuing Legal Education Course" means a CLE course designed by the Bar for the training of LPPs to provide specific legal services defined in Rule 15-712.

(eejj) "Specialized Course of Instruction" means a course that has been approved by the Board to provide instruction in professional ethics ~~or~~ and the subject area or areas for which the LPP's are applies to be licensed.

(ffkk) "Substantive Law-Related Experience" means the provision of legal services as a Paralegal, paralegal student, or law student, including, This includes but is not limited

Commented [KS11]: The term "LPP Licensure Examination" is not defined anywhere or used anywhere.

Commented [KS12]: This was added after the LPP Steering Committee meeting on 11/21/23.

Commented [KS13]: Do we need to specify that it will be a CLE?

Commented [KS14]: Clarifies that they need to take the ethics class AND at least one other class.

Commented [KS15]: Just trying to clean up this paragraph. Semi-colons will clean it up.

to⁷ drafting pleadings, legal documents, or correspondence;⁷ completing forms;⁷
preparing reports or charts;⁷ legal research;⁷ 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 includes⁷ but is not limited to⁷ legal services provided in the areas of
bankruptcy, real estate, mortgage² and ~~or~~ banking law.

~~(ggll)~~ **“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.

~~(hmm)~~ **“Supreme Court”** means the Utah Supreme Court.

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

~~(joo)~~ **“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.