

Licensed Paralegal Practitioner Steering Committee

Approved Minutes for January 16, 2024

This meeting was conducted electronically via Zoom

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

Introduction

The meeting started at 4:02 pm with a welcome from the Chair, Judge Mettler, and a recognition of a quorum.

Item 1 & 2: Approval of the Minutes

November 21, 2023, draft meeting minutes presented with minor wording changes. Jackie Morrison seconded the motion to approve Matt Page. Approved

December 19, 2023, draft meeting minutes presented. Melissa Parache seconded the motion to approve Leslie Staples. Approved

Item 3: Update on Court Memo

Judge Mettler and Bar staff are finalizing a memorandum to the Utah Supreme Court regarding the LPP Program. Judge Mettler is excited about the meeting which will be on January 24, 2024.

Item 4: Discussion - Update from the Bar

Kirsten Shumway will attend the Legal Paraprofessional Summit hosted by James E. Rogers College of Law at the University of Arizona. She will attend remotely on February 9, 2024.

Matt Page felt that the article in the last Bar Journal was an excellent heavy push for using the Licensed Lawyer page.

Melissa Parache raised a question on the availability of Malpractice Insurance for LPPs. ALPS offers coverage for attorneys and LPPs through the Utah Bar. Matt Page has suggested this may be a good topic for an upcoming conference. This topic has been discussed in the past but could use additional attention.

Matt Page raised the question of how to recruit more LPPs. Kirsten is considering having LPPs and their attorneys present at law firms to showcase the advantages of adding LPPs to a practice.

There is a concern that paralegals who move to LPP are increasing their billable rate to just under what the attorneys charge. The increased fees may not be helpful when the purpose of LPPs is to increase access to justice. However, firms with LPPs may have additional expenses including malpractice insurance and annual licensing. LPPs on their own are billing around \$100 an hour or more. Paralegals typically bill around half of what the attorneys bill. Adding an LPP is not intended to take work from paralegals and increase the rate but to allow the firm to help people who would not otherwise have legal assistance. The main purpose of the LPP license is to increase access to justice.

Judge Mettler states that the Committee needs to focus on growing the profession. It is not necessarily a conflict that firms can make money because their margins are lower with an LPP than an attorney. This arrangement is similar to how the first-year associates do more work and charge a lower rate than a senior partner. The structure is the reality; firms will continue assessing the most they can while keeping their clients happy and margins up. The Bar avoids getting involved in how much attorneys or LPPs charge. If the firms can make money with LPPs on their staff, that will grow the profession.

Firms could increase their services to the community by offering low-bono services with the LPPs and remove the stress from the partners by doing the low-bono work.

There are times when the clients need help to keep up with the firm's expenses, and the firm can shift the work to the LPPs and keep helping the client.

When attorneys and LPPs work together as a team, there can be an advantage and shift the work where the strength is. If the case has to go to court, the attorney is there to step in. One attorney reported that it is easier to step in and give a deep level of support if they are involved in the case from the beginning.

Question how the LPP knows when they are doing LPP or paralegal work. There could be a chance that the LPP is doing paralegal work but billing as an LPP if the case crosses the line on what the LPP can do independently; they can list an Attorney on the case that steps in adding strength to the service offered to the client.

Monte Sleight asked for an opinion on the best firms to approach. Are LPPs a better fit with large or small firms? There are differing opinions based on what the LPPs do for the clients. Brooke Byall is with a small firm and is one of the only people who work tenant law since

Peoples Legal Aid lost funding and has closed. She receives calls regarding evictions from all over the state which shows there is a huge need.

The University of Utah's Master of Legal Studies has focused a lot on the LPP program in the past. Anastasia Boyko is the current director of the MLS program and reported that a few in each cohort enter the program with this intention. However, the number of required hours seem to discourage some of them from applying to become an LPP. John Seegrist feels that the number of hours is a positive factor in preparing LPPs to be ready. The hours are sometimes challenging if they are working part-time as a paralegal. Lindsey Brandt got her hours volunteering while she was in graduate school. Volunteering together with mentors was helpful. Matt Page intends to put together a communication that could help those looking to get their hours volunteering.

Matt Page will schedule a follow-up meeting with Lindsey Brandt and John Seegrist to look deeper into who to focus on in the recruiting including social workers.

Kirsten Shumway attends a monthly meeting with other jurisdictions who have or are looking into a limited legal license. Colorado reported that they had 77 applicants for their first exam in March or April. Colorado's limited legal license does generally have a broader scope than Utah's and might be able to argue in court. Oregon also has a broader scope but still cannot examine witnesses.

Lindsey Brandt reports that the legal "sandbox" is creating a test for family law. This test would allow firms to use their paralegals to practice family law and advocate in court. Some attorneys still need to take the Bar, allowing them to practice law in the firms. The sandbox monitors what is happening and tracks the individuals.

Lindsey Brandt recommends including a class on the Rules of civil procedure. In Washington, they require courses from the law school to qualify. These classes could be a CLE of a separate college-level class. The current LPP exam only focuses on rules of civil procedure in areas specific to the practice area. In Arizona, those applying for the limited legal license must take a core exam on the law which includes civil procedure.

Kirsten Shumway has looked into starting an LPP section in the Bar. The biggest issue having enough people to keep the section going. There must be at least 25 to create the section, and that number must be maintained to keep the section going. Each section of the Bar creates its CLE classes. If the LPPs had their section, the classes would better fit their needs.

Item 5: Discussion Document for LPP Ethics Exam

Kirsten Shumway has a new document about the areas to study for the Ethics Exam and would like approval to publish the document on the website. The rules listed on the document are older, so Kirsten will update the references. She is looking into the possibility to create a study guide for other practice areas.

Item 6: Discussion LPPs on current casework and projects

Lindsey Brandt is looking for attorneys willing to take on an LPP and support them in their cases when they move beyond the LPP's experience or ability to practice. Matt Page recommends

creating a list as a resource. Currently, LPPs are required to network and find their help. The Bar could publish this by looking for attorneys willing to help on a low-bono basis. LPPs may charge a flat fee, and the attorneys could add a flat fee based on the hearing. One source for these attorneys could be junior attorneys who need court experience. Matt Page recommends presenting this as a topic for the Spring Convention, including a mixer for new attorneys and LPPs. Finding attorneys willing to help has been challenging, as has finding people available when needed.

Some LPPs have referred clients to the Modest Means program, but the program is overloaded.

Item 7: Discussion LPPs Update on Outreach Efforts

Salt Lake Community College is having another career event. We could do more outreach to Snow College. Since Steve Johnson and Julie Emery have left the Committee, we need new members to head up the Committee's rural outreach. Matt Page will take over the rural outreach with John Seegrift.

Item 8: Discussion of Foreign Legal Degrees

Last fall, the Committee put the topic of foreign legal degrees on hold to focus on expungements. After the meeting with the Supreme Court on January 24th, 2024, the Committee will address the topic again. Judge Mettler, Emily Lee, and Kirsten Shumway will meet with the court on a special request to report on our progress and receive more direction.

Adjournment 5:01

Licensed Paralegal Practitioner Steering Committee Meeting Times for 2024

(Third Tuesday at 4 pm):

- January 16, 2024
- February 20, 2024
- March 19, 2024
- April 16, 2024
- May 21, 2024
- June 18, 2024
- July 16, 2024
- August 20, 2024
- September 17, 2024
- October 15, 2024
- November 19, 2024
- December 17, 2024