

**LPP Steering Committee Meeting**

**Minutes**

**May 21, 2024**

4:00 p.m.–5:00 p.m.

Via Zoom

**Attendance**

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

**Item 1 Welcome and recognition of a quorum:** Monte Sleight. Approve proposed minutes from April 16, 2024. The motion by Leslie Staples and Melissa Parache minutes were approved and amended.

**Item 2 Update:** We are still waiting for the Supreme Court to approve Monte Sleight as Co-chair. The court will review a memorandum proposing Monte Sleight's appointment as the steering committee's co-chair.

We are looking for a judge or commissioner to join the committee. We are considering a commissioner from a rural area. Christina Wilson was recommended to take the position. Other recommendations should be emailed to Monte Sleight.

The Supreme Court LPP Meeting originally scheduled for June 12 has been postponed to July, while the report remains due in June. Judge Metter, Emily Lee, and Monte Sleight are slated to attend the court meeting with the Supreme Court, and other committee members can request attendance. Monte Sleight will confirm the necessary attendees.

**Item 3 Discussion:** The following discussion summary is organized into topics for clarity. The topics were not discussed in the order presented. The topics open for discussion were expanding the Scope of the LPP Program, reasons for slower growth than expected and concerns from current LPPs

- **Committee Leadership:**

- A new co-chair from a rural area could provide valuable insights and help expand the LPP program to underserved regions.

- Ideal candidates include judges or commissioners supportive of the LPP program who understand the needs of people in rural areas.
- **Review of Colorado's LPP Program:**
  - Colorado's LPP program allows for more advocacy and discovery than Utah's.
  - Discovery in Colorado is facilitated through a form-based system, providing a structured and controlled method for LPPs to assist clients.
  - The committee has been asked to review Colorado's discovery forms, specifically Form 35.5, for potential adaptation and use in Utah's family law cases.
- **Improving Discovery Capabilities:**
  - Utah currently has limited court-approved discovery forms. Expanding these forms is crucial for enhancing the LPP program's effectiveness.
  - Presenting the need for expanded discovery forms to the court, emphasizing the benefits for the LPPs and the clients they can serve.
- **Expanding LPP Roles Before Commissioners:**
  - Commissioners in Utah can adopt a more flexible approach, allowing LPPs to perform additional functions in court, except examining/cross-examining witnesses.
  - This flexibility can serve as a starting point for expanding LPP roles.
  - The commissioner's recommendations are reviewable by a judge providing another level of review on the LPP's work.
- **Additional Practice Areas:**
  - Probate, guardianship, special education law, and POA (Power of Attorney) should be included in the LPP practice areas. LPPs should be authorized to assist clients in these areas, leveraging their expertise to handle the significant paperwork and procedural requirements involved.
  - Expungement rules for CLE should be applied to these areas. CLE has already been developed and is available for use by the LPPs.
  - Ensure that forms related to these areas are available and approved for LPP use.
- **Eviction Assistance:**
  - Review Utah Legal Services forms for eviction assistance to better support clients facing eviction.
  - Prioritize getting these forms approved and included in the LPP program.
  - There is a concern that little can be done for those facing landlord issues.
- **Debt Collection and Small Claims:**
  - Address the statute of frauds in debt collection cases within small claims.
  - Allow LPPs to do more than represent in small claims court; enable them to file and attend on behalf of clients.
  - Allow LPPs to e-file for small claims and represent clients
  - Clarify whether Rule 86 applies to small claims and adjust LPP roles accordingly.
- **Informal Trials Participation:**
  - Allow LPPs to represent clients in informal trials with more lenient rules.
- **Form Utilization and Approval:**

- If there is an existing form online for a legal area, LPPs should be able to use it to assist clients.
- This principle should guide the expansion of LPP practice areas.
- If the court provides a form that they feel individuals with no training can use, then LPPs should be able to guide and help them complete the forms.
- Utah Legal Services has a significant number of forms that could be reviewed and approved for use by LPPs
- The committee should review and approve more Utah Legal Services forms for LPPs in more practice areas.
- **Collaboration and Mentoring:**
  - Partner with schools and legal aid organizations (e.g., Timp Legal, Utah Legal Services) to provide practical experience and mentoring for LPPs.
  - Utilize training programs that offer free education in exchange for pro bono work to help LPPs gain needed experience.
- **Experience Requirements and Training:**
  - Consider adding experience hours to any bachelor's degree for LPP qualification.
  - Ensure thorough testing and training in all practice areas.
  - If a sandbox participant can perform a task with supervision, an LPP should also be allowed to perform the task with training.
  - Develop and implement a structured training program covering civil procedures, rules of evidence, proffering, and other necessary skills.
- **Bench Education:**
  - Ensure judges and commissioners are well-educated on the LPP program and LPPs' roles. This education will foster a more supportive environment for LPPs.
  - Specific training sessions should be organized for judges and commissioners to understand the full capabilities of LPPs.
- **Innovative Projects:**
  - Collaborate with initiatives like the U of U's innovation projects to integrate LPPs and prioritize funneling people into these solutions.
- **Reasons for Slower Growth Than Expected:**
  - When the LPP program was rolled out in Denver, the bar worked to get the larger firms to support the change first. Who then sponsored the LPP development.
  - The effort of the large firms removed much of the opposition that the Utah program has had to the rollout of the program and the anticipated pushback on expansion.
  - Potential pushback from attorneys who will be worried about the continued expansion of the LPP program.
  - There are concerns that the program would eventually lead to LPPs acting more like attorneys arguing cases in court and hurting their business.
  - The rates paid to LPPs may not be enough of an incentive.
  - The market for new LPP in Denver may be high due to the higher attorney fees.

- Denver attorney fees are higher than in Utah, starting at \$400 an hour, and seem to be pushing the growth and need for LPPs.
- Outreach efforts to support understanding the role of the LPP and how they fit into a successful practice.
- **Concerns with the current LPPs:**
  - LPPs face challenges in court, potentially due to a lack of understanding from judges and commissioners about their role.
  - Concerns exist about how LPPs are treated by the judiciary and attorneys.
  - Lack of specialized training programs for judges and commissioners to educate them on the capabilities and roles of LPPs.
  - A need to highlight positive experiences with judges, such as Judge Walsh, as examples for the court to follow.
  - There is a need for better training on civil procedures and rules of evidence for LPPs.
  - Proper training is necessary to prepare LPPs for their roles adequately.
  - Develop comprehensive training programs that cover civil procedures and rules of evidence.
  - Consider partnerships with educational institutions and mentoring programs to provide practical experience.
  - Opposition and lack of professionalism from attorneys regarding expanding LPPs could hinder their integration and acceptance in the legal community.
  - Address concerns from the legal community by demonstrating the value and effectiveness of LPPs through data and positive case studies.
  - Engage in dialogue with attorneys to mitigate opposition and find common ground.
  - Ensure LPPs have sufficient practical experience to perform their duties effectively.
  - Address specific concerns about the adequacy of LPPs' practical experience.
  - Increase opportunities for practical training through internships, clinics, and real-world casework.
  - Collaborate with schools to integrate practical training into LPP curricula.
  - The overall quality of the LPP program is linked to the experience and training LPPs receive.
  - Continuously evaluate and improve the training programs for LPPs.
  - Encourage ongoing professional development and mentorship for LPPs to enhance their skills and knowledge.
- **Actions:**
  - Have the committee review Colorado's discovery forms. We can use some of their forms and ideas.
  - Monte Sleight to research other states' programs (Oregon, Arizona)

- Emphasis on education and practical experience for LPPs, including potential partnerships and pro bono training programs.
- Review of Utah legal services forms and integration into LPP practices.
- Include the slides that Tonya will send to the committee
- Email Monte Sleight if we have any other ideas we have not considered for the court report.
- **Item 4:** Update from the LPPs on current casework and projects
  - LPPs are frustrated about what they can and cannot do as LPPs. Some have decided to study for their JDs.
- **Item 5:** Update on outreach efforts
  - Tabled
- **Item 6:** Ideas for rural outreach
  - Tabled
  - Item 7 Update from the Bar
  - Tabled
- **Adjourn**
  - Motion to adjourn Tonya Wright
  - Adjourned 4:54 PM

### **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