

**SUPREME COURT TASK FORCE TO
EXAMINE LIMITED LEGAL LICENSING
MEETING**

**Minutes
Thursday, September 10, 2015
Council Room
Matheson Courthouse
Salt Lake City, Utah**

JUSTICE DENO HIMONAS, Presiding

ATTENDEES:

Justice Deno Himonas, Chair
Dean Robert W. Adler
Nathan D. Alder
Mary Jane Ciccarello
Carol Sue Crismon
Dixie Jackson
Rep. Brian King
John Lund
Lori Nelson
Senator Stephen H. Urquhart
Jacey Skinner

STAFF PRESENT:

Tim Shea
Jody Gonzales
Daniel J. Becker
Rick Schwermer

GUESTS:

Jacqueline Morrison

EXCUSED:

Hon. James Brady
Comm. Joanna B. Sagers
Angelina Tsu

1. WELCOME AND APPROVAL OF MINUTES: (Justice Deno Himonas)

Justice Deno Himonas welcomed everyone to the meeting.

Motion: Mr. Alder moved to approve the August 20, 2015 minutes. Mr. Lund seconded the motion, and it passed unanimously.

Justice Himonas mentioned that Mr. Tom Clarke, National Center for State Courts (NCSC), has finished his white paper entitled *Non-Lawyer Legal Assistance Roles Efficacy, Design and Implementation* which was distributed, by email, to members of the task force for review. Proposals from the two workgroups will be discussed later in the meeting. Justice Himonas anticipates taking action regarding the proposed recommendations presented by the work groups of the task force at the October 1 meeting.

**2. WORK GROUP REPORT – LIMITED LEGAL LICENSE TECHNICIAN:
(Robert Adler)**

Dean Adler highlighted the following in his update of the Work Group Report – Limited Legal License Technician: 1) the draft report of sections 1-3 is provided in the task force material, 2) two to three additional work group meetings will be held between now and October to finalize their recommendations, 3) the draft report was circulated to the workgroup with no comments being received, 4) a more fine-grained approach to a limited legal license technician program is foreseen, 6) similarities to the Oregon model are noted, 7) training and certification requirements will be addressed by the work group in future meetings, and 8) focus on the gaps

and needs of such a program.

Discussion took place throughout.

Discussion points included the following: 1) consider options that will be a step in the right direction, in conjunction, with other appropriate programs; 2) what types of services should be offered with such a program; 3) consider barriers to entry into the market of such a program; 4) what is the demand to what services should be provided; 5) consideration of unbundled services; 6) consider different levels of such a program; 7) consider available services in a court setting, i.e., protective order legal aid program, etc.; and 8) available court-based functions.

Dean Adler requested that any comments on the draft Work Group Report – Limited Legal License Technician should be submitted to him or Ms. Jacqueline Morrison.

It was requested that a fifth area be considered by the work group to address any statutory changes regarding the unauthorized practice of law.

3. WORK GROUP REPORT – OTHER EMERGING STRATEGIES: (Mary Jane Ciccarello)

Ms. Ciccarello highlighted the following in her update of the Work Group Report – Other Emerging Strategies: 1) provided information on what current information/services are available in Utah to provide legal assistance to court patrons; 2) listed areas where there is still a need for legal assistance; 3) resources currently being used by court patrons to help them get information on their legal issues; 4) continue to provide available standardized court forms; 5) expand Self-Help Center staff and resources; 5) use of facilitators in courthouses in Oregon and Colorado, who are court-based staff dealing with legal services, who provide help to court patrons; 6) virtual aspect of the self-help center is vital; 7) consideration of a court navigator program; 8) approve a new rule or statute regarding the unauthorized practice of law; 9) support and expand early resolution of in-court programs for certain case types; 10) review and reform of court procedures of all case types handled primarily by pro se litigants, including the litigant's point of view; 11) establish access to justice commission; 12) establish and maintain assessment tools to track effectiveness and sustainability of accessibility; 13) establish the unbundled section; and 14) easy accessibility of the lawyer directory.

Discussion took place throughout.

Discussion points included the following: 1) consider the needs of court patrons, and 2) what type of assistance can happen in the courthouse vs. outside of the courthouse.

4. UTAH PARALEGALS AND THE PARALEGAL DIVISION: (Heather Allen) Justice Himonas welcomed Ms. Allen to the meeting.

Ms. Allen provided background information on her experience as a paralegal in Utah.

She highlighted the following relative to paralegals in Utah: 1) staff vs. freelance paralegals, 2) paralegals in a law-firm setting, 3) in-house paralegals, 4) responsibilities in a law-firm setting, 5) responsibilities as an in-house paralegal, 6) two-year vs. four-year paralegal programs available in Utah, 7) ADA approved programs and certification-level programs in Utah, and 8) what a paralegal can/cannot do.

Two documents were distributed to members of the task force. They included: 1) The Who, What, Why and How of Using Paralegals, and 2) The Who, What, Why and Where of Paralegals.

Discussion points included the following: 1) Utah rule of a paralegal, 2) marketing paralegal services to the consumer—what would be included, 3) malpractice insurance for lawyers, 4) selecting services from a paralegal vs a lawyer, 5) broadening of the Utah paralegal rule, and 6) additional paralegal training on filling out necessary court forms.

5. ASSIGNMENTS: (Justice Deno Himonas)

No new assignments were made.

6. ADJOURN

The meeting was adjourned.