

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
Thursday, April 21, 2016
Executive Dining Room
Matheson Courthouse
Salt Lake City, Utah**

JUSTICE DENO HIMONAS, Presiding

ATTENDEES:

Justice Deno Himonas, Chair
Dean Robert W. Adler
Allison Belnap (by phone)
Adam Caldwell (by phone)
Mary Jane Ciccarello
Thomas Clarke (by phone)
Terry Conaway
Sue Crismon
James Dean
Julie Emery
Dixie Jackson

STAFF:

Tim Shea
Jody Gonzales

ATTENDEES:

Jim Jardine
Scott Jensen
Steven Johnson
Daniel O'Bannion
Monte Sleight
Judge Kate Toomey
Elizabeth Wright

EXCUSED:

John Baldwin
Judge Royal Hansen
Comm. Kim Luhn
Ellen Maycock
Rob Rice

GUESTS:

Jacqueline Morrison

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

Justice Himonas welcomed everyone to the meeting. He mentioned that a few committee members were unable to attend.

He reported that Mr. Shea has announced his upcoming retirement, effective June 30. Justice Himonas recognized Mr. Shea for all the work he has done on behalf of the state court system.

Presentations relative to the Paralegal Practitioner role have been scheduled with the following:

1) Executive Committee of the Family Law Section, 2) Paralegal Committee, 3) Family Law Section, and 4) Utah State Bar's Annual Conference.

Motion: Judge Toomey moved to approve the February 18 committee minutes. Mr. Johnson seconded the motion, and it passed unanimously.

2. SUBCOMMITTEE UPDATES:

Admissions and Administration Subcommittee:

Ms. Wright highlighted the following relative to the Admissions and Administration Subcommittee's work: 1) the first meeting was held; 2) future meetings will be held on the fourth Tuesday of every month; 3) assignments were broken down into these areas: a) application, b) character and fitness, c) exam, and d) licensure; 4) development of a separate body of admission rules; 5) subcommittee outline to be prepared at the next meeting; 6) determination of a board to govern the program or members of the bar commissioners to be considered at a future meeting.

The following questions were asked: 1) will they be admitted as members of the Utah State Bar or licensed in another manner, 2) will they be considered officers of the court, and 3) what is the paralegal practitioner's legal status and how will they be treated.

It was noted that the paralegal practitioner would be licensed, but not licensed to be admitted to practice law.

Discussion took place.

Education Subcommittee:

Dean Adler highlighted the following relative to the Education Subcommittee's work: 1) the subcommittee has held one meeting, 2) establishment of learning objectives rather than a prescriptive curriculum was recommended, 3) each subcommittee member to develop a list of learning objectives of a paralegal practitioner for compilation by Mr. Shea, 4) reviewed the three paralegal associations currently providing examination and certification programs, 5) minimum requirement of an associate's degree in paralegal studies from an ABA-approved program was discussed, 6) review of current paralegal studies curriculum, 7) the advantages of paralegal programs and the advantages of law schools were discussed, 8) licensing exam to incorporate professional responsibilities upon completion of the paralegal programs, 9) consideration of the benchmark for selecting the paralegal professional of with completion of an ABA-approved paralegal program or pre-determined certification requirements, and 10) consideration of grandfathering requirements for current paralegals interested in becoming a paralegal practitioner.

Questions were asked relative to the recommendation by the task force of using the NALA exam and certification program.

Discussion took place.

Ethics and Discipline Subcommittee:

Judge Toomey highlighted the following relative to the Ethics and Discipline Subcommittee's work: 1) the subcommittee has met twice; 2) established a monthly meeting schedule; 3) assignments have been made; 4) development of standalone rules for the new role of the paralegal practitioner will take place; 5) rules of lawyer discipline, standards for imposing lawyer discipline, and lawyer sanctions will be reviewed; 6) IOLTA rules will be reviewed; 7) the need of trust accounts by the paralegal practitioner will be reviewed; 8) the standards of professionalism and civility will be reviewed—with development of something more specific to the paralegal practitioner role; 9) will the

paralegal practitioner be able to be an owner of a law firm; 10) will the paralegal professional be admitted pro hac vice in Utah; and 11) will the paralegal practitioner be expected to provide pro bono services.

Discussion took place.

Executive Subcommittee:

Justice Himonas highlighted the following relative to the Executive Subcommittee's work: 1) they have met once, 2) program evaluation goals were developed, and 3) issues not resolved by the task force were reviewed.

Issues not resolved by the task force that were discussed by the Executive Subcommittee included the following: 1) should a paralegal practitioner be required to sign or otherwise acknowledge a form prepared but not filed by the paralegal practitioner, 2) should a paralegal practitioner be authorized to represent a client in non-mediated negotiations, 3) should a paralegal practitioner be authorized to accept service on behalf of a client, 4) should guardianship of a minor be an authorized practice area, 5) should "debt collection" include small claims, and 6) what are the initial sources of money to get the program started until there are enough dues to run on its own and how long might that be.

Other areas of discussion included the following: 1) is there consideration to whether the paralegal practitioner will be able to handle social security or bankruptcy matters, 2) licensure requirements for handling social security, bankruptcy, or immigration matters will be discussed with Judge Shelby at a future event, and 3) management of court forms clarification was provided.

Discussion took place.

3. ASSIGNMENTS

Justice Himonas asked each subcommittee to prepare a list of the following for discussion at the next meeting: 1) items where action has been taken and seeking approval of a positive recommendation, 2) items which are split and seek guidance from the committee, and 3) and be prepared to present alternatives for the recommendations. This will allow for adoption of recommended resolutions.

4. ADJOURN

The meeting was adjourned.