

**AGENDA**  
**Licensed Paralegal Practitioner Steering Committee**  
 August 30, 2017  
 12:00pm  
 Scott M. Matheson Courthouse  
 Executive Dining Room, Room W18A  
 450 South State Street, Salt Lake City, UT

Welcome <ul style="list-style-type: none"> <li>●<b>ACTION</b> - Approval of draft minutes</li> <li>●<b>INFORMATION</b> - Supreme Court approved for publication:</li> <li>• Rules Governing LPPs,</li> <li>• LPP Rules of Professional Conduct, and</li> <li>• Supreme Court Rule of Professional Practice 14-802 (Authorization to practice law).</li> </ul>	Tab 1	Justice Deno Himonas
Education Subcommittee		Dean Robert Adler
Admissions and Administration Subcommittee		Judge Royal Hansen Robert Rice
Testing Subcommittee		Monte Sleight
MLCE Subcommittee		Steve Johnson
Ethics and Discipline Subcommittee		Judge Kate Toomey
Executive Subcommittee	Tab 2	Justice Deno Himonas
Other Business		Justice Deno Himonas

**Members**

Justice Deno G. Himonas, Chair  
 Dean Robert W. Adler  
 John Baldwin  
 Adam Caldwell  
 Dr. Thomas Clarke  
 Terry Conaway  
 Sue Crismon  
 Dean Benson Dastrup  
 James Dean  
 Julie Emery  
 Judge Royal Hansen  
 Dixie Jackson

James S. Jardine  
 Scott Jensen  
 Steven Johnson  
 Comm. Kim Luhn  
 Ellen Maycock  
 Daniel O'Bannon  
 Robert Rice  
 Monte Sleight  
 Judge Kate A. Toomey  
 Stephen Urquhart  
 Elizabeth Wright

**Staff**

James N. Ishida

Jeni Wood

**Meeting Schedule**

- November 29, 2017

- January 17, 2018

Tab 1

**PARALEGAL PRACTITIONER  
STEERING COMMITTEE  
MEETING**

**Minutes  
Thursday, June 15, 2017  
Education Room  
Matheson Courthouse  
Salt Lake City, Utah**

**Justice Deno Himonas, Presiding**

**ATTENDEES:**

Justice Deno Himonas  
Dean Robert Adler  
Terry Conaway  
Julie Emery  
Dixie Jackson  
Steven Johnson  
Comm. Kim Luhn  
Ellen Maycock  
Daniel O'Bannon  
Rob Rice  
Monte Sleight  
Judge Kate Toomey  
Elizabeth Wright

**STAFF:**

James Ishida  
Jody Gonzales

**EXCUSED:**

John Baldwin  
Adam Caldwell  
Dr. Thomas Clarke  
Sue Crismon  
Dean Benson Dastrup  
James Dean  
Judge Royal Hansen  
Jim Jardine  
Scott Jensen  
Senator Stephen Urquhart

**GUESTS:**

Brad Ecker  
Jacqueline Morrison  
Miles Pope

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

Justice Himonas welcomed everyone to the meeting.

**Motion:** Judge Toomey moved to approve the April 20 committee minutes. Mr. Johnson seconded the motion, and it passed unanimously.

**2. SUBCOMMITTEE UPDATES:**

**Admissions and Administration Subcommittee:**

Mr. Rice and Ms. Wright noted a few changes made to Rule 14-802 – Authorization to practice law. With the changes noted, the Admissions and Administration Subcommittee requested approval of the rule.

A few additional changes to the rule were suggested by members of the Steering Committee.

**Motion:** Judge Toomey moved to approve Rule 14-802 – Authorization to practice law with the suggested revisions. Dean Adler seconded the motion, and it passed unanimously.

Mr. Rice mentioned, for future reference, that there may be changes to the admissions rules that reflect administrative needs at the Utah State Bar that may come before the Steering Committee at a later date.

Mr. Rice reported that a paralegal survey has been drafted by Ms. Julie Emery to be administered by the Utah State Bar through Survey Monkey to members of the Paralegal Section.

**Motion:** Mr. Rice moved to approve the paralegal survey as drafted to be sent out by the Utah State Bar to members of the Paralegal Section. Judge Toomey seconded the motion, and it passed unanimously.

Concern was raised relative to how far reaching the survey would go. Ms. Emery mentioned that it is intended to be sent to the following: 1) members of the Paralegal Division, 2) members of the Utah Paralegal Association, and 3) firm and legal administrators.

A request was made to include students in paralegal certification programs and all members of the Utah State Bar with the request to bar members to distribute the survey to their paralegals.

#### **MLCE Subcommittee:**

Mr. Johnson reported that with the help of employees from the Utah State Bar's MCLE office, a set of draft Mandatory Continuing Legal Education (MLCE) rules similar to those in place for attorneys were recommended for approval by the Steering Committee.

He mentioned that a change to Rule 14-403 – Establishment and membership of Board has a recommended change to the membership to include up to two additional licensed paralegal practitioners.

The MLCE Subcommittee recommended 12 hours of CLE every two years which must include three hours of ethics and professionalism. The licensed paralegal practitioner is required to use the same certification process used by attorneys at the end of the two-year cycle to certify they have attended the appropriate CLE courses.

**Motion:** Mr. Johnson moved to approve the proposed Mandatory Continuing Legal Education (MLCE) rules as recommended by the MLCE Subcommittee. Ms. Jackson seconded the motion, and it passed unanimously.

#### **Education Subcommittee:**

Dean Adler highlighted the following in his report:

- The three subject matter experts who reviewed the forms appropriate for use by the licensed paralegal practitioners forwarded their revisions and recommendations and the forms they deemed appropriate for use in the licensed paralegal practitioner practice to the Courts Forms Committee for review and approval.

- The family law area is more complicated than the other two areas of focus. In the other two areas, a limited number of forms were considered, and it was determined that all the forms considered were appropriate for use by the licensed paralegal practitioner. More work will need to be done to address the forms appropriate for use by the licensed paralegal practitioner for use in family law matters.

Justice Himonas reported on the request by the Courts Form Committee for a formal letter from the Steering Committee relative to the Steering Committee's involvement in reviewing and editing the forms to be used by the licensed paralegal practitioner.

- Proposed Licensed Practitioner Training Program – The recommendations propose an outline on how to provide for one course for training licensed paralegal practitioners around the state.

Mr. Sleight suggested that a starting point for development of curriculum and training modules could begin with the ethics section.

Dean Adler mentioned that a potential source of funding may be available.

Justice Himonas mentioned that approval from the Supreme Court regarding the rules approved by the Steering Committee will be put on their court conference agenda for a future meeting.

- Training program cost information will be left open for now.

Discussion took place throughout.

#### **Ethics and Discipline Subcommittee:**

There was nothing to report at this time.

#### **Executive Subcommittee:**

There was nothing to report at this time.

### **3. OTHER BUSINESS**

Committee on Forms. Mr. Ishida provided background information regarding a jurisdictional issue brought up by the Judicial Council Committee on Forms relating to one of the forms *Verified Petition to Amend a Utah Vital Record*. Mr. Ishida sought input from the Steering Committee on whether the form in question was appropriate for use by the licensed legal practitioner.

The Steering Committee determined that the *Verified Petition to Amend a Utah Vital Record* form would not be used by the licensed paralegal practitioner as part of their support to court patrons.

Justice Himonas suggested that Mr. Ishida catalog the forms that would be appropriate for use by the licensed paralegal practitioner.

Future Meeting Dates. Justice Himonas mentioned that this is the last scheduled Steering Committee meeting, and he proposed that Steering Committee meetings be scheduled over the next six months. Mr. Ishida will send out a request to Steering Committee members to determine the best day to schedule future meetings. Mr. Ishida will send out the schedule for future meetings once he has received responses from all Steering Committee members.

Testing Subcommittee Request. Mr. Sleight expressed concern with bids received from testing centers being very costly. He requested approval to seek help from other subcommittee members in assisting in development of the test. Members of the Steering Committee were in agreement to allow the Testing Subcommittee to seek help from other subcommittee members to assist with their test development efforts.

#### **4. ADJOURN**

The meeting was adjourned.

# Tab 2



**PARALEGAL PRACTITIONER  
EXECUTIVE SUBCOMMITTEE MEETING**  
**Minutes**  
**Thursday, July 6, 2017 10:00am**  
**Judicial Council Conference Room**  
**Matheson Courthouse**

**JUSTICE DENO HIMONAS, Presiding**

**ATTENDEES:**

Justice Deno Himonas, Chair  
Dean Benson Dastrup (via conference call)  
James S. Jardine  
Steven G. Johnson  
Jacqueline Esty Morrison  
Robert O. Rice  
Judge Kate A. Toomey  
Elizabeth Wright  
James Ishida, Staff

**EXCUSED:**

Judge Royal I. Hanson, Vice Chair  
Dean Robert W. Adler  
Dr. Thomas Clarke

**I. WELCOME AND APPROVAL OF MINUTES (Himonas)**

Justice Himonas welcomed everyone to the meeting. Minutes of the last meeting were approved.

**II. PRESENTATION OF LPP RULES TO SUPREME COURT (Himonas)**

Justice Himonas reported that the package of proposed rules amendments approved by the LPP Steering Committee had been presented to the Supreme Court at its last court conference on June 21, 2017. Because the rules package is voluminous, the proposals were presented as an information item only. To assist the Court in its consideration of the proposed amendments, the committee decided to break the package into more easily comprehensible parts. It was agreed that the ethics and disciplinary rules, along with the proposed Rule 14-802 (Authorization to practice law), would be presented first as an action item to the Supreme Court at its next court conference on July 25, 2017. The admissions and administration rules would thereafter be presented to the Court sometime in August 2017.

### **III. SUBCOMMITTEE REPORTS**

#### **A. Admissions and Administration Subcommittee (Rice)**

Mr. Rice reported that his subcommittee's proposed rules are being vetted and revised by Utah Bar staff to accommodate real-life, practical issues. For example, Mr. Rice said that the proposals are being clarified to address issues such how an LPP candidate can evince completion of a paralegal studies program. Mr. Rice noted that these are technical, non-substantive changes. Given the nature of the changes, Mr. Rice wondered whether the changes should go back to the subcommittee for formal approval. Justice Himonas suggested that the changes be circulated by email to the subcommittee, requesting approval and pointing out that they are de minimus changes. Mr. Rice agreed with that procedure.

#### **B. Ethics and Discipline Subcommittee (Toomey)**

Judge Toomey said that her subcommittee had nothing new to report.

#### **C. Education Subcommittee (Morrison)**

Ms. Morrison reported that her subcommittee is maintaining contact with prospective LPP schools such as Utah Valley University and Salt Lake Community College to monitor progress. She also mentioned that her subcommittee will probably hold one last meeting to tie up loose ends. Other than that, the subcommittee had nothing new to report.

#### **D. Testing Subcommittee (Rice)**

Mr. Rice gave an informal report on activities by the testing subcommittee. He mentioned that the subcommittee's work is proceeding apace. The subcommittee, Mr. Rice noted, has been reviewing vendors' estimates for writing the exams, but the subcommittee eventually concluded that it would compose the exam itself, with the assistance from Utah lawyers. Finally, Mr. Rice relayed that the subcommittee believes that it can complete work on the ethics part of the exam by spring 2018, while the three subject-matter areas would be ready by fall 2018.

It was suggested that the chair and staff of the testing subcommittee be invited to the next LPP Steering Committee meeting on August 30, 2017, to give a formal progress report.

#### **E. MCLE Subcommittee (Johnson)**

Mr. Johnson reported that his subcommittee had nothing new to report.

### **IV. ADJOURN**

Justice Himonas thanked the members, and the meeting was adjourned at 10:17am.