

**AGENDA**  
**Paralegal Practitioner Steering Committee**  
 January 17, 2018  
 12:00 p.m. – 2:00 p.m.  
 Scott M. Matheson Courthouse  
 Executive Dining Room, Room W18A  
 450 S. State St.  
 Salt Lake City, UT. 84111

Welcome <b>ACTION</b> – Approval of draft November 29, 2017 meeting minutes	Tab 1	Justice Himonas
<b>ACTION</b> – Approve proposed LPP application and licensing fees to forward to Supreme Court for approval <b>ACTION</b> – Direct Staff to prepare a letter to the Bar requesting the Bar to fund the LPP licensing and regulatory expense in the Bar budget.		Elizabeth Wright
<b>ACTION-</b> Request the Bar to fund the cost of hiring a vendor to prepare test questions for the LPP licensing test and request staff to send a letter to the Bar requesting the budget item.		Judge Kate Tommey Monte Sleight
<b>Discussion</b> – Review proposed action plan for the LPP Steering Committee <b>ACTION</b> – Adopt action plan and assign work to Subcommittees	Tab 2	Justice Himonas Cathy Dupont
Education Subcommittee		Jaqueline Etsy Morrison
Testing Subcommittee		Monte Sleight
Ethics and Discipline Subcommittee		Judge Kate Toomey
Executive Subcommittee		Justice Himonas
Forms Committee Update	Tab 3	Cathy Dupont
Other Business		

**Members**

Justice Deno Himonas, Chair  
 John Baldwin  
 Adam Caldwell  
 Dr. Tom Clarke  
 Terry Conaway  
 Sue Crismon  
 James Deans  
 Cathy Dupont  
 Julie Emery

Judge Royal Hansen  
 Dixie Jackson  
 James S. Jardine  
 Scott Jensen  
 Steven G. Johnson  
 Comm. Kim M. Luhn  
 Ellen Maycock  
 Jacqueline Morrison  
 Daniel O'Bannon

Miles Pope  
 Robert O. Rice  
 Rick Schwermer  
 Monte Sleight  
 Gayla Sorenson  
 Judge Kate Toomey  
 Steve Urquhart  
 Elizabeth Wright

# Tab 1

**PARALEGAL PRACTITIONER  
STEERING COMMITTEE  
MEETING**

**Minutes  
November 29, 2017  
Conference Rooms B & C  
Matheson Courthouse  
450 S. State St.  
Salt Lake City, Utah 84111  
12:00 p.m. – 2:00 p.m.**

**Justice Deno Himonas, Presiding**

**ATTENDEES:**

Justice Deno Himonas  
Dean Robert Adler  
John Baldwin  
Terry Conaway  
Sue Crismon  
James Deans  
Judge Royal Hansen  
Dixie Jackson  
Steven Johnson  
Daniel O'Bannon  
Rob Rice  
Monte Sleight  
Judge Kate Toomey  
Elizabeth Wright

**STAFF:**

Cathy Dupont  
Jeni Wood – Recording secretary

**EXCUSED:**

Adam Caldwell  
Dr. Thomas Clarke  
Dean Benson Dastrup  
Julie Emery  
Jim Jardine  
Scott Jensen  
Comm. Kim Luhn  
Ellen Maycock  
Richard Schwermer  
Senator Stephen Urquhart

**GUESTS:**

Jacqueline Morrison

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

Justice Deno Himonas welcomed everyone to the meeting. Justice Himonas introduced Cathy Dupont as the new Appellate Court Administrator. Justice Himonas said he presented the LPP program at the Fall Forum. Elizabeth Wright has been reviewing the licensing rules. Ms. Wright noted she hasn't noticed very much negative responses to the rules. Judge Kate Toomey said her rules did not receive much negative comments either.

**Motion:** Judge Kate Toomey moved to approve the August 30, 2017 committee minutes. Rob Rice seconded the motion, and it passed unanimously.

**2. APPROVAL OF UTAH STATE BAR BYLAWS: (Elizabeth Wright)**

Elizabeth Wright addressed the State Bar's bylaws. Ms. Wright said there were minor changes to the bylaws. Cathy Dupont discussed a few changes. Cathy Dupont mentioned a few

changes. Ms. Wright explained the changes would need to go to the Supreme Court to be approved for publication.

**Motion:** Dixie Jackson moved to approve the Utah State Bar's bylaws, as amended. Rob Rice seconded the motion, and it passed unanimously.

**3. APPROVAL OF UTAH STATE BAR RULES FOR INTEGRATION AND MANAGEMENT: (Elizabeth Wright)**

Ms. Wright reviewed rules 14-101, 14-102, 14-103, 14-104, 14-105, 14-107, 14-108, 14-110, 14-111, 14-112.

**Motion:** Steven Johnson moved to approve the rules as presented. Ms. Jackson seconded the motion, and it passed unanimously.

**4. SUBCOMMITTEE UPDATES:**

**Admissions and Administration Subcommittee:**

Judge Royal Hansen said he did not receive any negative comments from the proposed rules. Judge Hansen said he will have rules available for December 6 Supreme Court meeting. Rob Rice noted the bulk of the subcommittees work is complete.

**Education Subcommittee:**

Dean Robert Adler noted James Ishida was staffing the subcommittee. Cathy Dupont volunteered to staff this subcommittee. Dean Adler said there are funding sources possible that will allow for the development of a curriculum. Dean Adler is seeing recommendations for recruits to work on this curriculum. James Deans said he would help as well as Marty Black.

Dean Adler said he believes ethics training and testing will be addressed first. Dean Adler said there are paralegal programs that are not accredited within the current rules. Dean Adler said there may be rule changes later.

Ms. Dupont will work with each of the subcommittees to create a reasonable timeline of expectations. Ms. Dupont provided the committee with her email address. Justice Himonas reviewed the subcommittee chairs with Ms. Dupont.

**Ethics and Discipline Subcommittee:**

Judge Kate Toomey thanked everyone for their hard work on this subcommittee.

**Executive Subcommittee:**

Justice Himonas had nothing new to report.

**MLCE Subcommittee:**

Steve Johnson said this subcommittee has basically completed its work.

**Testing Subcommittee:**

Monte Sleight said they have created working groups, beginning with ethics. Judge Toomey is the lead of the ethics working group. Mr. Sleight said the goal is to have one judge assigned to each working group. Mr. Sleight said Tom from Community College has been volunteering his time to assist with assessments. Judge Toomey noted the working group said an agreement was made to not circulate the tests. Judge Toomey said it was recommended to have

the tests reviewed by professionals, however, this will cost. Justice Himonas said this may have to be an RFP. Mr. Sleight said the one company they looked into was costly, however, this was for the creation of the tests. Ms. Dupont will contact Dustin Treanor about opening an RFP. Ms. Dupont will talk to Jason Ralston about adding a secure link to the LPP website. The committee discussed who should have access to the drafts and final materials.

Justice Himonas noted Cathy Dupont will replace James Ishida on the Forms Committee, therefore, being a liaison between this committee and the Forms Committee.

**5. OTHER BUSINESS**

The next meeting will be January 17, 2018 in the Executive Dining Room. Mr. Rice discussed the possibility of marking issues. Mr. Rice asked the committee about business marketing element. John Baldwin said the University of Utah had no interest in marketing in the past but this can be addressed again. Justice Himonas determined there was an ethical issue with the courts getting involved with marketing. Justice Himonas said the Judicial Council may want to address this.

**6. ADJOURN**

The meeting was adjourned.

# Tab 2

## LPP STEERING COMMITTEE ACTION PLAN

---

<b>Name of Subcommittee</b>	<b>Completed Work</b>	<b>Uncompleted Work</b>	<b>Timeline</b>
<b>Education</b>	Learning and competency outcomes for Licensed Paralegal Practitioners developed and incorporated into rules	Oversee and track training program developed by UVU (Mike Walker) which will be based on learning competencies	Fall 2018
<b>Admissions and Administration</b>	Rules developed and approved by Supreme Court.	<ol style="list-style-type: none"> <li>1. Approve LPP application and licensing fees (see Bar estimates)</li> <li>2. Obtain Committee vote to request the Bar to include the licensing and regulatory expenses for LPP in the Bar budget</li> <li>3. Prepare letter to Bar with budget request</li> <li>4. Study and propose:               <ol style="list-style-type: none"> <li>a. amendment to rules of evidence – LPP/atty client privilege</li> <li>b. amend Rules of Civil Procedure to allow service of pleadings on LPP</li> <li>c. e-filing for LPP?</li> <li>d. LPP appearance in front of Commissioners</li> </ol> </li> </ol>	<p>Jan – Feb 2018</p> <p>April 2018</p>
<b>Testing</b>	Created 4 working groups: ethics, domestic, landlord/tenant, and debtor/creditor. Decided to focus on ethics questions. Established secure document share site to submit proposed questions. Determined importance and difficulty of developing valid questions. Obtained estimate of the cost for test	<ol style="list-style-type: none"> <li>1. Obtain funding source for professional test development</li> <li>2. Need vote of committee to request Bar to include cost of test development in Bar budget</li> <li>3. Prepare letter to Bar with budget request</li> <li>4. Work with Bar to select vendor to develop test questions</li> </ol>	<p>Jan- Feb 2018 for request for funding source</p> <p>Date? For Bar budget approval and selection of vendor</p> <p>Date? For test development</p>

## **LPP STEERING COMMITTEE ACTION PLAN**

---

	development.		
<b>MCLE</b>	Rules for required continuing legal education of LPP completed and approved	Should ethics examination include questions about MCLE requirements?	
<b>Ethics and Discipline</b>	Rules for ethics developed and approved	Working on test questions for ethics test (currently on hold for vendor)	
<b>Forms</b>	Forms approved by Judicial Council (See attached list)	Forms under review (See attached list)	Forms will be submitted monthly to the Judicial Council for approval

January 10, 2018



# Tab 3

## January 2018 Form Committee Summary

These forms have been approved by the Judicial Council:

- Eviction forms used in OCAP
- Answer
- Debt Collection Answer
- Counterclaim
- Motion for temporary orders packet (domestic)
- Objection to form of order
- Objection to commissioner's recommendation
- Motion to correct clerical mistake packet

These forms will be considered by the Judicial Council at their January meeting:

- Certificate of service
- Proof of completed service
- Acceptance of service
- Consent to email service
- Summons - in state
- Summons - out of state

These forms are in the queue for our next full Forms Committee meeting:

- Generic motion packet
- Motion to Renew Judgment packet
- Abstract of Judgment and Judgment Information Statement
- Writ of Execution packet

These forms are in line for review by the Stylistics subcommittee:

- Motion for alternative service
- Fee waiver packet
- Writ of Garnishment packet
- Supplemental Proceeding packet
- Satisfaction of Judgment packet
- Nonpublic Information packet: Parent, Minor, Safeguarded, Personal Information
- Notice of Withdrawal of Counsel / Notice to Appear Personally or to Appoint Counsel / Notice of Appearance or Appointment of Counsel / Substitution of Counsel
- Default judgment packet
- Juvenile Court fee waiver packet

- Initial disclosures
- Small claims packet
- Adult Protective Orders packet
- Child Protective Orders packet

The former debt collection subcommittee will soon work on these family law forms:

- Motion to waive 90-day waiting period packet
- Motion to waive divorce education requirement packet
- Motion to waive mediation packets

The former landlord tenant subcommittee will soon work on the OCAP divorce provisions.

The family law subcommittee has these on their list (in no particular order, and probably not comprehensive):

- Parenting plan
- Parentage (between parents; paternity, Custody & Support or just paternity & Support)
- Order to show cause packet
- Petitions to modify - child support, child custody, parent-time packets
- Financial declaration packet
- Judicial Recognition of Relationship as Marriage packet
- Name change - adult packet
- Name change - minor packet
- Initial disclosures
- Step-parent adoption packet
- Open Adoption Record
- Petition for Registration of Adoption Order from Foreign Country
- Temporary Delegation of Parental Authority
- Voluntary Relinquishment of Parental Rights
- Establishing Fact of Birth
- Emancipation of a minor
- Temporary Separation
- Guardianship of a Minor
- Guardianship of an adult
- Conservatorship of a Minor
- Conservatorship of an adult
- Motion to appoint parent coordinator
- Motion to Bifurcate
- Motion to Appear by phone/reschedule (Commissioner)
- Motion to Set Aside (vacate dismissal and reinstate)

- Motion to Change Venue
- Motion to Dismiss
- Motion to Review Notice of Relocation under Utah Code 30-3-37 (along with Notice)
- Motion for Temporary Restraining Order
- Annulment
- Registering an ORS Order
- Adjudication of Paternity (not custody or support)



Home / Daily News / The limited license legal technician is the...

ACCESS TO JUSTICE

## The limited license legal technician is the way of the future of law

BY MARY JUETTEN

POSTED DECEMBER 8, 2017, 8:30 AM CST

Tweet  635



*Mary Juetten*

The first time I heard about the Washington State Bar Association's Limited License Legal Technician program was when I hosted an Evolve Law event in Seattle in November 2015. I had just moved to the state and I was immediately intrigued by what I heard about the program.

The LLLT program is currently the only paraprofessional program of its kind, fully operational, within the United States. Many states offer court facilitators, but their offerings do not rise to the same level of independence as LLLTs. Unlike paralegals, the WSBA technicians operate on their own, without a supervising lawyer. At this time, LLLTs can help clients on family law matters only. However, the LLLT cannot represent people in court or negotiate—all communications must go through the client. With states consistently reporting that 80 percent of their citizens cannot afford an attorney for civil matters, plus the education gap as outlined here

([http://www.abajournal.com/news/article/how\\_can\\_technology\\_solve\\_our\\_access\\_to\\_justice\\_crisis](http://www.abajournal.com/news/article/how_can_technology_solve_our_access_to_justice_crisis)), the United States clearly has an access to justice problem. It's a national crisis, and the LLLT approach is an important piece of the solution.

Over the past two years, whenever I've moderated various panels, the LLLT program has been hailed as an example of alternative legal services and access to justice. The reaction wasn't all positive, however. I was surprised to hear dozens of lawyers, mainly from outside of Washington, criticize the program. When I probed deeper, the complaints did not appear to be well-founded, and my curiosity was piqued.

I started my research by connecting directly with LLLTs and lawyers, which led to discussions with WSBA personnel and several of the original proponents of the program. As issues of adoption and acceptance were discussed during these interviews, I also spoke with others involved with law education reform and paraprofessional programs in other jurisdictions. A huge thank-you to all those who shared their time and expertise. The result is this multipart monthly series. Hopefully, as we delve into the history, the program itself, and the impact on the profession within and outside Washington, I will confirm my initial thought that the LLLT is the way of the future of law.

### THE CONNECTION TO ACCESS TO JUSTICE

At a recent Evolve Law event, an attorney scoffed at the LLLT program (and paraprofessionals in general), saying that there is no point to it if the technicians charge \$100 to \$150 per hour. I was surprised to hear a level of protectionism when 80 percent of their citizens cannot afford an attorney for civil matters—including family law. Problems associated with the legal profession, including being out of touch with clients and their needs, leapt to mind at that moment and inspired me to dig even deeper into this topic.

First, access to justice is not limited to low-income Americans. The 80 percent unmet need figure is based on the entire population. Therefore, many families cannot qualify for help and cannot afford an attorney.

Second, most middle-income citizens carry debt loads commensurate to their earnings, and any unplanned expenses are difficult to cover.

Third, many family law attorneys charge anywhere from \$250 to \$400 per hour, which is still more than double that of a LLLT. For example, using a 10-hour matter, a LLLT could charge up to \$1,500 but an attorney would be \$4,000. That \$2,500 is a substantial savings to almost everyone.

In addition, the idea that only attorneys can handle all aspects of family law matters is difficult to comprehend. Necessary tasks include filling in forms and—considering that courts are overrun with self-represented parties lacking legal experience—having a trained paraprofessional to assist must be an improvement. Other professions, like accounting and medicine, improve access by offering various tiers of service. For example, a bookkeeper can prepare your financial statements but is

likely not qualified to complete your taxes. Therefore, if you pay a tax professional to do those same financials, you are likely paying too much. To that end, over the past several months, I have interviewed people who are directly involved with Washington's program to explore how the LLLT can help close the access-to-justice gap by offering legal service to a specific segment of the state's population. Please note that the program was created to solve access for only those with incomes between \$75,000 and under \$100,000.

Finally, consider that an attorney can start serving clients after the bar exam without an hour of actual practice experience. In comparison, the LLLT program requirements are rigorous, including 3,000 hours of practical experience under a lawyer's supervision plus professional responsibility and practice area examinations.

As of this month, there are only 26 LLLTs licensed in Washington, mainly concentrated in the Seattle-Tacoma area. The program appears to suffer from barriers to entry including the cost of the classes and the duration of the practical experience requirement. In addition, the classes are not eligible for student aid, so it is also expensive. Other states are moving towards similar paraprofessional programs but are taking heed from these low numbers. Additionally, Washington is revisiting some of its LLLT requirements.

From a business point of view, this should be an opportunity for family law attorneys to broaden their practice by employing a LLLT to provide the intended population—families with incomes between \$50,000 to \$100,000—with legal services at a reduced rate. Of course, LLLTs can and have set up their own practices. Attorneys can work with these independent technicians to assist when matters need to go to court or negotiations are required. Instead, attorneys complain that LLLTs are taking their business. With 80 percent of Americans unrepresented in civil matters, this does not seem to make sense and will be explored later in this series. It should be noted that LLLT is just one piece of an overall solution to access to justice, which seems to be misunderstood by lawyers and used against the program.

The LLLT is almost three years old. Many attorneys say that the program is a failure because of the low numbers, but I believe that the slow start is because of the high barrier to entry, lack of support from lawyers, and a need for more paraprofessional awareness. Washington state has approximately 35,000 lawyers in comparison to the handful of LLLTs, so the marketing of this relatively new service is a challenge.

Former WBSA Bar President Patrick Palace of Palace Law (<https://www.palacelaw.com/workers-compensation/?PhoneScript=ppc-b>) added this: "A popular concern among small and solo practitioners is that the LLLT would directly compete and take away business. However, that was never likely to happen and has not happened because the citizens that are using LLLTs cannot afford a lawyer and would not hire a lawyer. Therefore, practicing lawyers are not losing clients to LLLTs. Instead the latent market or those in the justice gap are simply provided access."

I spoke with two technicians who have their own firms, including one of the first LLLTs, Priscilla Selden of Columbia Valley Legal Technician Services (<http://cvlegaltech.com/>), plus one paralegal who is working on her 3,000 hours. In a nutshell, they report that adoption by the profession is slow, but clients are responsive to these services. In fact, most clients are grateful to have affordable help, as Selden's client explained:

"It was very positive and cost efficient for me to use Priscilla ... I was very grateful to have this option! She provided me excellent support during the divorce process and was responsive to all my questions. Priscilla completed all paperwork completely and within the time frame that I requested."

Clients are demanding alternatives to attorneys because they cannot afford lawyers and the forms and process are too difficult. We will explore the chill from the profession further next time, along with successes and other challenges for the LLLTs.

*Mary E. Juetten, CA, CPA, JD is founder and CEO of Traklight (<http://www.traklight.com/>). In 2015, Mary co-founded Evolve Law (<http://evolve.lawnow.com/>), an organization for change and technology adoption in the law. She was named to the ABA's Legal Technology Resource Center 2016 Women in Legal Tech list and the Fastcase 50 Class of 2016. She is the author of ([http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426\\_VAN&trktype=external&ts=true](http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426_VAN&trktype=external&ts=true)) Small Law Firm KPIs: How to Measure Your Way to Greater Profits ([http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426\\_VAN&trktype=external&ts=true](http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426_VAN&trktype=external&ts=true)). She is always looking for success stories where technology has been used to bridge the justice gap, from pro-bono through low-bono to non-traditional legal services delivery. Reach out to her on Twitter @maryjuetten (<http://www.twitter.com/maryjuetten>).*



Copyright 2018 American Bar Association. All rights reserved.