

PARALEGAL PRACTITIONER STEERING COMMITTEE

(1) COMMITTEE MEMBERS AND STAFF

- Dean Robert W. Adler, S. J. Quinney College of Law
- John Baldwin, Utah State Bar
- Dean Alison Belnap, J. Reuben Clark Law School
- N. Adam Caldwell, Bingham Snow & Caldwell
- Mary Jane Ciccarello, Self-Help Center
- Dr. Thomas Clarke, National Center for State Courts
- Teresa Conaway, Utah Valley University
- Sue Crismon, Utah Legal Services
- James H. Deans, Attorney at Law
- Julie M. Emery, Parsons Behle & Latimer
- Jody R. Gonzales, Administrative Office of the Courts
- Judge Royal I. Hansen, Third District Court, Vice Chair
- Justice Deno G. Himonas, Utah Supreme Court, Chair
- Dixie A. Jackson, Attorney at Law
- James S. Jardine, Ray Quinney & Nebeker
- Scott G. Jensen, Jensen and Sullivan
- Steven G. Johnson, Attorney at Law
- Commissioner Kim M. Luhn, Third District Court
- Ellen M. Maycock, Kruse Landa Maycock & Ricks
- Daniel O'Bannon, Division of Consumer Protection
- Robert O. Rice, Ray Quinney & Nebeker
- Timothy M. Shea, Utah Supreme Court
- L. Monte Sleight, Salt Lake Community College
- Judge Kate A. Toomey, Utah Court of Appeals
- Senator Stephen H. Urquhart, Utah Senate
- Elizabeth Wright, Utah State Bar

(2) COMMITTEE CHARGE

In general, the steering committee should familiarize itself with the report and recommendations of the Task Force to Examine Limited Legal Licensing and identify the details for making the licensed paralegal practitioner profession a reality. The committee should address questions raised by the task force, but should also explore and resolve questions that come up during its discussions.

Forming subcommittees as needed, the committee should involve experienced lawyers, educators, administrators, and others to thoroughly investigate alternatives

and recommend policies and procedures to make the licensed paralegal practitioner profession economically sustainable, professionally competent and accountable, respected in the legal community, and relevant to legal proceedings. Specifically, the committee should:

(a) ANSWER THE QUESTIONS THE TASK FORCE DID NOT HAVE TIME TO RESOLVE:

- Should a paralegal practitioner be required to sign or otherwise acknowledge a form prepared but not filed by the licensed paralegal practitioner?
- Should a licensed paralegal practitioner be authorized to represent a client in non-mediated negotiations?
- Should a licensed paralegal practitioner be authorized to accept service on behalf of a client?
- Should guardianship of a minor be an authorized practice area?
- Should “debt collection” include small claims?
- What are the initial sources of money to get the program started until there are enough dues to run on its own? How long might that be?

(b) DEVELOP THE ADMINISTRATION AND CURRICULUM FOR TO MEET THE EDUCATION REQUIREMENTS

(i) TASK FORCE RECOMMENDATIONS

- Doctor of Jurisprudence degree from an ABA-approved law school; or
- Associate’s degree with a paralegal or legal assistant certificate from a program approved by the ABA plus:
 - successful completion of the paralegal certification through the National Association of Legal Assistant’s Certified Paralegal/Certified Legal Assistant exam;
 - successful completion of a course of instruction for a practice area (content to be determined based on the approved practice area); and
 - experience working as a paralegal under the supervision of a lawyer or through internships, clinics or other means for acquiring practical experience.

We recommend that a JD degree be one of two methods for meeting the education requirements of a licensed paralegal practitioner, but the candidate under either method would be required to meet any licensing requirements.

Since the range of authorized tasks that we recommend depends so heavily of the existence of a form, we recommend that the advanced instruction include intense work

with the forms in a practice area, the objective that each form is intended to achieve, and the facts and procedures relevant to that objective.

(ii) TASK FORCE QUESTIONS

- Must a JD be from an ABA approved law school to satisfy the education requirement of a licensed paralegal practitioner?
- Should any of the education or experience requirements of a licensed paralegal practitioner be waived for current paralegals? Which requirements should be waived? What should be the minimum requirements to qualify for the waiver? For how long should a waiver be available?
- Are there equivalent credentials from other states or nations that should satisfy the education requirement?

(iii) STEERING COMMITTEE CHARGE

- Develop learning objectives. What does a paralegal practitioner need to know?
- Develop curriculum for courses and examinations in the practice areas.
- Develop a model for delivering that curriculum.

(c) DEVELOP THE REGULATIONS AND ADMINISTRATION FOR LICENSING

(i) TASK FORCE RECOMMENDATIONS

Based on the requirements for paraprofessionals in other states and for lawyers in Utah, we recommend that regulations in the following areas be considered.

- Application and fee
- Character and fitness review
- Utah-specific licensing exam in the approved practice areas
- Mentored experience
- Appointment by the supreme court
- Oath of office
- Financial responsibility (bond or professional liability insurance)
- IOLTA account
- Annual licensing fee
- CLE
- Rules of professional conduct
- Complaint and discipline process

The supreme court might also consider establishing the paralegal division as a regulatory board, instead of using the board of bar commissioners for that role.

(ii) STEERING COMMITTEE CHARGE

Draft rules for the regulation, administration and licensing of paralegal practitioners.

(d) DEVELOP MEASURES FOR SUCCESS

(i) TASK FORCE RECOMMENDATIONS

Program goals: Increase access to legal remedies. Protect consumers.

Participant's role: See the section in the report on recommended authority.

Key stakeholders: A successful program will need participation by:

- Clients/Public
- Lawyers in the specified practice areas
- Bar administration
- Paraprofessionals in the specified practice areas
- Paraprofessional administration
- Higher education
- District court judges
- District court staff
- Self-help center lawyers
- Supreme court

Appropriateness. Determine whether the specified authority of a paraprofessional will make a significant difference in access to legal remedies. Determine whether the education, licensing and regulation required of a paraprofessional are sufficient to enable him or her to perform those tasks competently. Determine whether the education, licensing and regulation required of a paraprofessional are sufficient to protect clients.

Effectiveness. Determine whether paraprofessionals are indeed competently performing their authorized tasks. Determine whether paraprofessionals are being used. Identify and measure any secondary goals of key stakeholders.

Sustainability. Determine whether a market-based solution in which paraprofessional services are paid for by clients is durable. Determine whether the education, licensing and regulation of paraprofessionals in which the cost is paid for by the paraprofessional is durable. Determine whether the key stakeholders, particularly the paraprofessionals and their clients, perceive value.

(ii) STEERING COMMITTEE CHARGE

Specify the data points and data collection methods for measuring the success of the paralegal practitioner program.