

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
August 16, 2018
Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Judge Kate Toomey, Presiding

Attendees:

Justice Deno Himonas, Chair
John Baldwin
Carrie Boren
Terry Conaway
Sue Crismon
James Deans
Julie Emery
Judge Royal Hansen
Dixie Jackson
Steven Johnson
Commissioner Kim Luhn
Jacqueline Esty Morrison
Daniel O'Bannon
Rob Rice
Richard Schwermer
Monte Sleight
Judge Kate Toomey
Elizabeth Wright

Excused:

Dean Robert Adler
Adam Caldwell
Dr. Thomas Clarke
Dean Benson Dastrup
Jim Jardine
Scott Jensen
Ellen Maycock
Senator Stephen Urquhart

Staff:

Cathy Dupont
Jeni Wood – Recording secretary

Guests:

1. WELCOME AND APPROVAL OF MINUTES: (Judge Kate Toomey)

Judge Kate Toomey welcomed everyone to the meeting. Judge Toomey noted Justice Deno Himonas would be late.

Motion: Steven Johnson moved to approve the June 21, 2018 committee minutes, as amended. Rob Rice seconded the motion, and it passed unanimously.

2. RGLPP 15-701(p) AND UTAH CODE § 78B-6-801: (Cathy Dupont)

Cathy Dupont reviewed the proposed amendment to rule 15-701(p) and 14-802. The committee discussed the definition of unlawful detainer and agreed to add “unlawful detainer” to the definitions throughout the LPP Rules. Ms. Wright will assist identifying the rules that need to be amended.

Ms. Dupont next discussed name changes. The committee agreed to remove the phrase relating to name changes.

3. DEBT COLLECTION SETTLEMENT AGREEMENT: (Carrie Boren)

Carrie Boren said there were issues with the debt collection test questions. They would like the Forms Committee to create a settlement agreement. Ms. Dupont noted the ODR program has created settlement forms that may be of use in this role. Sue Crismon noted divorce cases have settlement agreements in the form of the decree of divorce and the findings, fact, and conclusions of law form. Mr. Johnson said rule 14-802 states a settlement agreement must be completed. Ms. Dupont will discuss this with the Forms Committee. Ms. Crismon said the Bar provides attorneys with debt collection forms.

4. LPP PRESENTATION TO THE UTAH STATE BAR: (Julie Emery)

Julie Emery said the presentation at the Bar's Summer Convention was successful. Part of the presentation was role-play between LPP's and clients. In attendance was Chief Justice Durrant, judges, paralegals, and family law attorneys. Ms. Dupont said they learned the importance of respect, especially in the public, of the role of LPP's and attorneys. Ms. Emery commented that for future presentations on the LPP profession, the hypotheticals used in the training would focus on different reasons a person might use an LPP, rather than just the cost difference between an LPP and an attorney.

There was discussion related to how attorneys could best utilize the services of LPP's. Mr. Rice said there were interactive discussions with attorneys. Ms. Emery noted Jones, Waldo is considering creating an LPP section at their law firm. Monte Sleight thought including federal judges into this process might help to further the LPP's role, such as with social security cases. Judge Toomey confirmed LPP's would be allowed to work on pro bono cases.

5. MEMORANDUM OF UNDERSTANDING (MOU) WITH UTAH VALLEY UNIVERSITY: (Carrie Boren and Elizabeth Wright)

Ms. Boren said there is a delay with Ergo Metrix because the contact person resigned. The MOU has been signed by the Bar and Utah Valley University. Mr. Sleight said Salt Lake Community College is working on the curriculum; however, they would like to see the test questions prior to finalizing the curriculum. They believe they are still on schedule for January 2019.

6. PREPARATION OF RULES: (Cathy Dupont)

Ms. Dupont shared a list of all of the rules (new and revised) that were related to the LPP program. The next step is for the Supreme Court issue an order with an effective date of November 1, 2018. Ms. Dupont noted rule 15-703 needed to be sent out for public comment. The comment period expires in September. Rule 14-403 needed to be revised to allow LPPs to be members of the Board of Mandatory Continuing Legal Education. The rule will go before the

Supreme Court soon and be effective November 1, 2018. Rule 14-101 inadvertently did not go out for public comment with the other rules. Ms. Dupont believes the Supreme Court will not require this rule to be published because the amendments are conforming amendments from other published rules.

There are a set of rules in the 700 section of the LPP Rules that have blank sections in them where testing dates need to be filled in. Ms. Dupont said the committee could propose dates for the rules. Elizabeth Wright will revise these rules.

7. OTHER BUSINESS

Commissioner Kim Luhn said they have proposed changes in the rules of evidence. This will be addressed at the next executive meeting.

Ms. Dupont said Kim Allard presented on the OCAP forms. Ms. Allard will program a line for "preparers" on forms. Mr. Johnson noted there are several rules of professional conduct that need to be amended to include LPP's. They will prepare the rule amendments for a future meeting. Judge Toomey said some procedural rules would need to be amended as well.

Jacqueline Esty Morrison noted Dean Adler apologized for his absence. Dean Adler said the College of Law will host the Access to Justice next spring (approximately March 10-17, 2019). Dean Adler invited the LPP program to attend. Justice Himonas said this would be a great idea and would like to add the Online Dispute Resolution program, the court forms offered through OCAP, and the Self Help Center.

Ms. Dupont next discussed 2019 meeting dates. Justice Himonas proposed meeting every other month for both the steering committee and executive committee. Judge Toomey said the committee can cancel the meeting if need be.

8. ADJOURN

The meeting adjourned at 12:57 p.m.