

**LICENSED PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
Thursday, July 11, 2019
12:00 p.m. to 1:30 p.m.
Judicial Council Room
Matheson Courthouse**

Present

Justice Deno Himonas, Chair
Julie Emery
Rob Rice
Monte Sleight
Elizabeth Wright
Judge Kate Appleby
John Baldwin
Carrie Boren
Steve Johnson
Sue Crismon
Steve Urquhart
Matthew Page
Heather Farnsworth (by phone)
Daniel O'Bannon

Excused

Dixie Jackson
Jim Jardine
Scott Jensen
Dr. Thomas Clarke
Terry Conaway
Dean Benson Dastrup
Jacqueline Esty Morrison
Dean Robert Adler
Adam Caldwell
Judge Royal Hansen
Commissioner Kim M. Luhn
Ellen Maycock
Gayla Sorenson

Staff

Nancy Sylvester

Guests

1. Welcome, Minutes Review, and Updates.

Justice Himonas welcomed the committee to the meeting and asked for approval of the minutes. The minutes were unanimously approved.

Justice Himonas updated the committee on the passing away of member James Deans. Committee members expressed their condolences. Justice Himonas then explained that Washington State had recently reported that it is about is about \$2 million in the red on their LLLT program. John Baldwin did not anticipate this happening in Utah because of how its budgeting worked.

2. Update on LPP Admissions.

Carrie Boren provided an update on the LPP exam. She said six people are ready to take the exam, but one of the six doesn't meet the education requirements yet. The person doesn't have a paralegal certificate but does have a four-year degree. Ms. Boren expressed concern about substituting the NALA certification for the paralegal certificate but said the Admissions Committee will deal with how the rules are applied in the normal course. Justice Himonas noted that he wants to make it easier, not harder, to become an LPP.

Regarding the other five exam-takers in terms of demographics, most are at a firm. Ms. Boren then reported on projections for next spring. She said she anticipates that there will be about fifteen to twenty people ready to take the exam who are currently enrolled in the classes. Julie Emery will attend the classes to help these people get prepared. Ms. Boren said there were a lot of inquiries after Monte Sleight's appearance on TV to promote the program.

3. Reconstituting the Structure of the LPP Committee.

Justice Himonas reported that he would like to reconstitute the committee after the first round of admissions. He anticipates there will be seven core committee members as the committee moves from implementation to actual management and expansion of the program. Expansion will include identifying other potential practice areas. Justice Himonas identified Ms. Boren, Mr. Sleight, Ms. Emery, Matt Page, Heather Farnsworth, and someone from the federal bar (the recommendation is Judge Peed; Justice Himonas will reach out to Judge Shelby). Justice Himonas requested a motion to reconstitute.

Motion: *Judge Appleby moved to reconstitute the committee and Steve Johnson seconded the motion. The motion passed unanimously.*

4. Forms Needed.

The committee discussed the need for forms, including the Notice of Appearance of LPP. The form would also need to include contact information for the client. Steve Johnson asked who was going to send along the committee's requests for forms. Nancy Sylvester volunteered to shepherd along the requests to the Forms Committee since Cathy Dupont acted as liaison previously. The committee then discussed whether Green Filing and other electronic filing service providers had been made aware of LPP's. Elizabeth Wright volunteered to get in touch with Tybera and others.

5. Advertising Efforts.

Mr. Sleight updated the committee on the recent television appearance he made to promote LPP's. Matthew Page said that 28,000 have viewed the television appearance video on Facebook and several have already called to inquire about the program. He also said that bus advertising is up and that the Bar is producing two fifteen-second spots that will go on HULU and other streaming services. The difference between the two is targeting public members who will use the services of LPP's versus attracting students to

become LPP's. The committee discussed next steps, which will include asking someone like Christine Durham to talk about the program for free to the media (Justice Himonas will talk to her) and then targeting the program to rural areas. Regarding rural areas, Mr. Page gave the example of a person now making \$12/hour being able to spend just a year studying and then have a great career ahead of them as an LPP. He noted that there are not a lot of attorneys in those areas, so they would be able to fill a need that already exists and be able to better provide for their family. The committee then discussed having a sitting Supreme Court justice talk about the program, such as Chief Justice Durrant.

Mr. Page discussed the need for sustainability in outreach and advertising. He said that to make outreach work long-term, there is a need for ongoing funding. The Bar has footed a pretty big bill so far, and it has built a momentum that shouldn't be lost. He noted that there are a lot of great access to justice programs in Utah, but the legal profession and the Bar have done a crummy job of telling people about them.

Ms. Crismon noted that the Judicial Council's Standing Committee on Resources for Self-represented Parties had also recently identified this need. Its Outreach Subcommittee has been training minority groups and leaders within those groups about the access to justice resources available around the state.

6. Rules of Civil Procedure.

The committee noted that it probably would have been helpful to have had someone from the Advisory Committee on the Rules of Civil Procedure working with the LPP Committee all along. That committee is now working to tie up some loose ends as the time for new admittees to start practicing approaches.

Ms. Sylvester raised several questions on behalf of the Civil Rules Committee, such as whether the term "counsel" means LPP's in the rules. The committee responded that, where appropriate, yes it did.

The committee then discussed whether an LPP could argue in court that their pleading did not violate Rule 11. If the LPP couldn't, this was a tool that could be used by the other side. The committee's consensus was that if an LPP became the subject of an order to show cause, they could appear and argue it.

The committee proposed the following change to Rule 1 of the Utah Rules of Civil Procedure: "The terms attorney and counsel refer to legal professionals, which include attorneys and licensed paralegal practitioners, in the practice areas for which licensed paralegal practitioners are authorized to practice. Those practice areas are set forth in Rule 14-802 unless specifically carved out in these rules."

Ms. Sylvester said the Civil Rules Committee will take up the LPP rules in August and then bring them shortly thereafter to the Supreme Court with a recommendation of expedited adoption.

7. Next Meeting: August 15, 2019

The meeting was adjourned at 1:30 P.M.