

AGENDA
Licensed Paralegal Practitioner Committee

November 26, 2019
 12:00 p.m.–1:30 p.m.
 Scott M. Matheson Courthouse
 Council Room
 450 S. State Street
 Salt Lake City, Utah 84111

Welcome and introduction of new member, Scotti Hill Action —Approval of draft meeting minutes November 5, 2019	Tab 1	Justice Deno Himonas
Discussion —Update from Angela Allen on current casework and projects		Angela Allen
Action —Utah Rules of Civil Procedure Rule 86 amendments re service on party	Tab 2	Larissa Lee & Elizabeth Wright
Discussion —Update from the Bar		Elizabeth Wright, Carrie Boren, Matthew Page
Discussion —Update on outreach efforts (survey, Iowa inns of court)		Julie Emery, Monte Sleight
Discussion —Update on evaluation project (and available court reports)		Anna Carpenter (Guest), Larissa Lee

Committee Webpage: <https://www.utcourts.gov/utc/limited-legal/>

Upcoming Meeting Schedule:

December 17, 2019
 January 21, 2020
 February 18, 2020
 March 17, 2020
 April 21, 2020
 May 19, 2020
 June 16, 2020
 July 21, 2020
 August 18, 2020
 September 15, 2020
 October 20, 2020
 November 17, 2020
 December 15, 2020

Tab 1

**Licensed Paralegal Practitioner
Committee
Meeting Minutes DRAFT**

**November 5, 2019
Court of Appeals Conference Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111
12:00 p.m. – 1:30 p.m.**

Justice Deno Himonas, Presiding

Attendees:

Justice Deno Himonas, Co-Chair
Carrie Boren
Elizabeth Wright
Monte Sleight
Matthew Page
Ashley Mendoza
Angela Allen

Excused:

Judge Amber Mettler, Co-Chair
Steve Johnson
Heather Farnsworth
Julie Emery

Staff:

Larissa Lee
Marina Kelaidis, Recording Secretary

Guests:

Anna Carpenter, Director of Clinical Programs
at SJ Quinney College of Law

1. Welcome and approval of minutes: (Justice Himonas)

Justice Deno Himonas welcomed everyone to the meeting and asked for approval of the minutes.

Elizabeth Wright moved to approve the October 17, 2019 minutes. Monte Sleight seconded the motion, and it passed unanimously.

2. Action—Utah Rules of Civil Procedure 86: (Justice Himonas and Larissa Lee)

Larissa Lee gave a brief overview of URCP 86 (effective November 1, 2019). Ms. Lee presented two potential issues with the rule: (1) Rule 86(c) requires a party to serve both the opposing LPP and the opposing party and does not account for when an attorney also represents the opposing party; and (2) the Court's e-filing system's Notice of Electronic Filing does not currently have the capability to include the party's name as a person who

must be served by traditional means. Fixing the second issue by updating the software would cost time and money and would require making the change in all cases, even where an LPP is not involved.

The committee recommended amending the rule to require an LPP who has entered an appearance to serve and inform their client of all filing made in the court, even if they are beyond the scope of the LPP's representation. Elizabeth Wright and Larissa Lee will draft the proposed language to be circulated to the committee at the next meeting.

3. **Discussion—Update from the Bar:** (Elizabeth Wright, Carrie Boren, and Matthew Page)

Elizabeth Wright reported that ALPS is developing a malpractice insurance policy for LPPs in Utah that will be modeled on their LLLT policy in Washington. Ms. Wright further reported that only one LPP currently needs an IOLTA account (the others work for law firms), and she has connected this LPP with a bank to get the IOLTA account opened.

Carrie Boren reported that the marketing efforts are proving to be successful as she continues to see increased interest in the LPP program. She has all of the data for tracking interest in the program and will work on creating a database for tracking those who are interested. Ms. Boren also reported that there are currently six applicants registered for the upcoming March exam.

Matthew Page reported that the bus billboards for the LPP program are up and running and will continue through November. The television streaming package is still running and is reaching about 90,000 people per month. Mr. Page also reported that Angela Allen's law firm has created a marketing piece on their website about the LPP program, which he has shared on the Bar's website. Mr. Page proposed having Angela Allen draft an article for the Bar Journal, introducing herself and shedding more light on the work she does as an LPP. Mr. Page reported that four billboards will be up soon that will be rotating throughout the state

Mr. Page would like to increase marketing efforts to spread awareness about LPP program costs, role of an LPP, etc., especially in the more rural districts. This could be done through the Bar Journal, Newsletter, and word of mouth. In addition, Mr. Page would like to produce a 15-20 minute video that introduces the program and provide an in depth overview of the program that can be used for more outreach. Ashley Mendoza and Steve Johnson will identify potential community sources for grant funding for continued marketing efforts, in particular rural area grant opportunities.

4. **Discussion—Continuing education:** (Monte Sleight)

Monte Sleight reported on the current marketing efforts at Utah Valley University, and outreach to Salt Lake Community College, Southern Utah University, and Utah State University. Mr. Sleight is working on the possibility of Utah Valley University licensing its educational coursework to other Utah Universities. Ashley Mendoza and Anna Carpenter will look into possible opportunities with the University of Utah and connect with Jacqui Morrison.

5. **Discussion— Evaluation project:** (Anna Carpenter)

Anna Carpenter reported that she is currently focusing on securing funding for her research, including securing finances to bring Dr. Marc, her research partner, to Utah to conduct interviews and to pay for qualitative and data analysis tools.

6. **Other business:**

Carrie Boren and Monte Sleight discussed the need to create a larger question bank for the exam, which effort is currently in progress.

Justice Himonas questioned whether the requirements and practice areas established for LPPs make sense or are too onerous. Justice Himonas would like to review the educational requirements/costs with Julie Emery, Elizabeth Warren, and Carrie Boren to see whether any changes need to be made to make for a more successful LPP program in Utah.

7. **Adjournment and next meeting:**

The meeting adjourned at 12:50 p.m. The next meeting will be held on November 26, 2019 from 12:00 p.m.–1:30 p.m. in the Judicial Council Room at Matheson Courthouse.

Tab 2

1 **Rule 86. Licensed ~~p~~Paralegal ~~p~~Practitioners.**

2 (a) **Application of the Rules of Civil Procedure to licensed paralegal practitioners.** To the
3 extent consistent with their limited license, licensed paralegal practitioners must be treated in the
4 same manner as attorneys for purposes of interpreting and implementing these rules. If a rule
5 permits or requires an attorney to sign or file a document, a licensed paralegal practitioner may
6 do so only if there is an applicable court-approved form available and the practice is consistent
7 with the scope of the licensed paralegal practitioner's license.

8 (b) **Terms “attorney” and “counsel.”** Throughout these rules, where the terms “attorney,”
9 “lawyer,” and “counsel” are used, they refer to legal professionals. Legal professionals include
10 licensed paralegal practitioners in the practice areas for which licensed paralegal practitioners are
11 authorized to practice. Those practice areas are set forth in [Utah Special Practice Rule 14-802](#)
12 unless specifically carved out in this rule.

13 ~~(c) **Papers served under Rule 5.** If a party is represented by a licensed paralegal practitioner, a~~
14 ~~paper served under [Rule 5](#) must be served upon both the party and the licensed paralegal~~
15 ~~practitioner.~~

16 ~~(c)~~ **Disclosures under Rules 26, 26.1, and 26.3.** Licensed paralegal practitioners are permitted
17 to prepare and serve initial, supplemental, and pretrial disclosures under [Rules 26, 26.1,](#) and
18 [26.3.](#)

19 ~~(d)~~ **Licensed paralegal [practitioner](#) fees.** Where these rules refer to attorney fees, they also
20 mean licensed paralegal practitioner fees. Under [Rule 73](#), licensed paralegal practitioners may
21 recover fees with a supporting affidavit. Rule 73(f)(1)-(3) does not apply to licensed paralegal
22 practitioners.

23 ~~(e) **Obligation to inform clients.** A licensed paralegal practitioner who has entered an~~
24 ~~appearance is obligated to inform the client of any papers filed, regardless of whether the paper~~
25 ~~falls within the scope of the licensed paralegal practitioner's representation.~~

26 (f) **Limited appearance.** Under [Rule 75](#), a licensed paralegal practitioner whose agreement with
27 a party is limited to the preparation, but not the filing, of a pleading or other paper is not required
28 to enter an appearance.