

Licensed Paralegal Practitioner Committee

Meeting Minutes

December 17, 2019

Scott M. Matheson Courthouse

Judicial Council Room

Administrative Office of the Courts, Suite N31

450 S. State Street

Salt Lake City, Utah 84111

12:00p.m. - 1:30p.m.

Justice Deno Himonas, Presiding

Attendees:

Justice Deno Himonas, Co-Chair

Judge Amber Mettler, Co-Chair

Angela Allen

Monte Sleight

Julie Emery

Heather Farnsworth

Scotti Hill

Steven Johnson

Matthew Page

Elizabeth Wright

Jacqueline Morrison

Staff:

Larissa Lee

Marina Kelaidis, Recording Secretary

Guests:

Ziv Schwartz, Law Clerk, Supreme Court

Clayson Quigley, Court Services Director

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

1. **Welcome, approval of minutes, and introduction of new member, Jacqueline**

Morrison: (Justice Himonas)

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

Steven Johnson moved to approve the November 26, 2019 minutes. Julie Emery seconded the motion, and it passed unanimously.

New committee member, Jackie Morrison introduced herself to the committee and gave a brief overview of her background working at the SJ Quinney College of Law as the Director of Externships.

2. **Action— Determine parameters of data sharing for Anna Carpenter’s research project:** (Anna Carpenter, Clayson Quigley)

Clayson Quigley, Court Services Director, joined the meeting to assist the committee in determining what data parameters will be needed for the research project and field any potential questions regarding creating the data sharing agreement.

Anna Carpenter reported that she is still awaiting approval for the research grant. Professor Carpenter and Mr. Quigley determined that the next best course of action will be for them to connect outside of the meeting to discuss the logistical aspects for the data measures that are available to be included in the research project. Professor Carpenter will report on the data point measures they have identified for the research project at the next committee meeting.

Angela Allen asked Mr. Quigley if he would be able to provide her with some baseline statistics on the number of pro se parties in landlord/tenant, family law, and debt collection case types that she could use for an upcoming interview with Good Things Utah. Steven Johnson also asked Mr. Quigley for the most recent 2019 statistics for these three areas to be used for reference when applying for USDA grants. Mr. Quigley reported that he will be able to provide the most recent statistics to these members of the committee after the first or second week of January.

3. **Discussion—Update from Angela Allen on current casework and projects:** (Angela Allen)

Angela Allen reported that she and Scotti Hill recently met with her fellow LPPs for an informal meeting and they plan to schedule future monthly coffee meet ups with the LPPs. At this informal meeting, the LPPs and Scotti determined that they will begin connecting with court mediators to establish more working relationships and exposure within the courts and legal practitioners. Justice Himonas asked for Ms. Allen to continue to report on the specific elements of support they are receiving from the legal community. Ms. Allen said the LPPs are extremely motivated and eager to continually meet to discuss further developing the LPP program, especially in the rural areas of Utah.

Ms. Allen also reported that she recently participated in a few commercials with three of the four current LPPs on Channel 4 News.

As a follow up from the previous meeting, Justice Himonas reported that he has been working with Randy L. Dryer, Chair of the Court Forms Committee, to create a form for LPPs to use when entering a limited appearance of counsel in accordance with Rule 86 of

the Utah Rules of Civil Procedure. Justice Himonas also reported that another current LPP, Amber Alleman, is now serving as a committee member on the Court Forms Committee.

4. **Discussion – Update from the Bar:** (Elizabeth Wright, Scotti Hill, and Matthew Page)

Elizabeth Wright reported that ALPS is still awaiting approval from the Utah Insurance Commission for the development of a malpractice insurance policy. However, ALPS anticipate that this policy will be approved and ready to launch by January 2020. Angela Allen informed the committee that the single LPP not currently working within a law firm has successfully opened an IOLTA account since the last committee meeting.

Elizabeth Wright reported that she and Julie Emery identified an error in Rules 15-701 and 15-703 in which the rules stated “Certified Registered Paralegal.” Ms. Wright recommended removing “Certified” from this title. Justice Himonas asked Ms. Wright to email this recommendation to Larissa Lee who will present the proposed change to the Supreme Court.

Scotti Hill reported that there are currently five applicants for the LPP exam scheduled for March 31, 2020. Ms. Hill has finalized her initial review of each of their applications and they are all currently on track for approval to take the exam. She will be meeting with the admissions committee on January 6, 2020 to make character and fitness determinations. Ms. Hill anticipates she will be able to notify the applicants by mid-January if they are approved to take the exam.

Ms. Hill also reported that the LPP exam committee has completed the first round of curriculum development meetings for each subject area of the exam. There is an essay teleconference scheduled for mid-January 2020, however after that is completed they will be ready for the March iteration of the LPP exam. Ms. Hill also reported that they now have all of the Subject Matter Experts needed for the upcoming March 2020 exam.

Ms. Hill reported that the exam committee also inquired whether LPPs can serve deposition subpoenas. Elizabeth Wright offered that the proposed Rule 86 changes allow for LPPs to serve all documents that fall within their practice areas.

Ms. Hill reported that she has received increased interest, including phone calls from potential applicants, in the LPP program following some recent advertisements on KSL. She has created spreadsheets to log interested individual’s contact information and email

templates for responding to specific inquiries received from interested parties in an effort to tailor the responses to the types of questions she has been receiving.

Matthew Page reported that three of the four current LPPs participated in a video shoot last week to create two 30 second videos that will run the first week of January 2020. He is also working on producing two videos – one geared toward the public and the other toward prospective LPP applicants. He anticipates that these videos can be used by Scotti to send out to interested parties as she continues to connect with individuals. Mr. Page also reported that last week a new KSL advertisement was added and Justice Himonas appeared for a radio interview on KSL. In addition, some of the LPPs will be participating in a Good Things Utah appearance on Channel 4 News on January 7, 2020. Mr. Page also reported that the website for the Bar will be posting the contact information for each of the four current LPPs as an additional resource for interested individuals.

5. **Discussion – Update on outreach efforts:** (Julie Emery and Monte Sleight)

Julie Emery reported that she has added several more names to the Listserv of potential LPP applicants. Ms. Emery asked Scotti Hill to add the contacts from her spreadsheets to the Listserv as Ms. Hill now has access to make changes to the Listserv. Steven Johnson asked Ms. Emery to gather the geographical data from the Listserv for each interested individual, so that he may use that data for his research in preparing the USDA grant proposal.

Julie Emery also reported that she has created a summary biography write up for each of the current LPPs. Ms. Emery would like to send out to send these biographies to students in paralegal programs, the paralegal division and Utah Paralegal Association to assist with encouraging more interest in the LPP program. Ms. Emery will work with Matthew Page to create this email push which will include the bios, a link to the website, and the contact information for the current LPPs.

Ms. Emery reported that she has received a lot of communications from paralegal education programs that are interested in ensuring that their graduates are on track to take the LPP exam. Ms. Emery will work with Carrie Boren and Scotti Hill to keep the paralegal education programs up to date on the required credentials and courses to become an LPP.

Lastly, Ms. Emery reported that she has been asked to serve on the Advisory Committee for LDS Business College's Paralegal Advisory Program. Ms. Emery invited the committee to determine if this appointment created any potential conflict with her service

to this committee. Elizabeth Wright suggested that as Chair of the Admissions Committee, Ms. Emery would need to recuse herself from the admissions review of any student applications from LDS Business College. The committee unanimously agreed that recusal in such an event would be proper.

Monte Sleight reported that he has reached out to the program coordinators at LDS Business College and Southern Utah University and has proposed for those institutions to utilize the LPP courses currently offered online through Utah Valley University, rather than creating their own curriculums from scratch. However, he has received some common feedback from these institutions that they are interested in designing their own courses if those courses can be incorporated as for-credit courses into their currently offered paralegal programs.

As a result of this feedback, Mr. Sleight proposed for the committee to review the current entry pathway to becoming an LPP (education, experience, LPP courses, LPP exam, and certification) and determine if there is a more efficient and accessible way for educational institutions to include the LPP courses into their paralegal programs. This would allow for paralegal graduates to have already completed the course work for the LPP exam upon graduation from their paralegal programs. Mr. Sleight proposes for the LPP courses to be included as a 3-hour elective course that would cover all of the material for all three areas of LPP practice (landlord/tenant, family law, and debt collection). Justice Himonas offered that one of the main goals of the LPP committee was to work towards lowering entry barriers for LPP participants and applicants. Justice Himonas encouraged Mr. Sleight to move forward with this proposal and the committee unanimously agreed with this potential course of action. Mr. Sleight will reach out to all of the educational institutions and present the proposal.

Although the LPP courses currently offered through Utah Valley University's online program are open for enrollment, Mr. Sleight reported that the current barrier is getting the word out to potential students of this opportunity. Another entry barrier Mr. Sleight identified was the lack of internet resources in the rural areas of the state, which do not allow for ease of access to online education. Mr. Sleight reiterated the importance of these institutions providing access to these courses from their satellite or distance education offices.

Justice Himonas presented an idea for an alternative to the 1,500 hour experiential requirement by allowing for a Bachelors Degree of Law to be a substitution for most if not all of the experience requirement. He proposed that with this substitution option, the committee may be interested in renaming the LPP to a "Legal Professional", mirroring the adjustments being made to the LPP program in Arizona and before the Arizona

Supreme Court. Justice Himonas informed the committee that Dean Gordon Smith from the BYU J. Reuben Clark Law School is organizing a conference in October 2020 that will include attendees from the Chief Justices from all of the State Supreme Courts as well as all of the Deans from all of the Law Schools in the country to cultivate the discussion for a different model for legal education.

6. Other Business:

Steve Johnson also reported that he is continuing to work with Dean White at Utah State University to encourage the university to proctor the LPP exams at their extension offices as a resource for more rural counties. Mr. Johnson informed the committee that he is also working with Dean White to encourage Utah State University to also offer the LPP curriculums and educational opportunities at their satellite campuses.

7. Adjournment and next meeting:

The meeting adjourned at 12:50 p.m. The next meeting will be held on January 21, 2020 from 12:00 p.m. – 1:30 p.m. in the Judicial Council Room at Matheson Courthouse.