

Licensed Paralegal Practitioner Committee

AGENDA

April 21, 2020
12:00 p.m.–1:30 p.m.
Webex

Action —Approval of draft meeting minutes: Tab 1: February 18, 2020 Tab 2: April 3, 2020 phone call	Justice Deno Himonas
Discussion —Update from Angela Allen on current casework and projects	Angela Allen
Discussion —Update from LPP Innovation Subcommittee	Judge Amber Mettler, Jackie Morrison, Scotti Hill, Anna Carpenter
Discussion —Update on evaluation project	Justice Himonas, for Anna Carpenter
Discussion —Update from the Bar	Elizabeth Wright, Scotti Hill, Matthew Page
Discussion —Update on rural outreach	Steve Johnson
Discussion —Update on outreach efforts	Julie Emery, Monte Sleight
Discussion —Old business/new business	

[Committee Webpage](#)

2020 Meeting Schedule:

May 19, 2020	September 15, 2020
June 16, 2020	October 20, 2020
July 21, 2020	November 17, 2020
August 18, 2020	December 15, 2020

Tab 1

Licensed Paralegal Practitioner Committee

Meeting Minutes DRAFT

February 18, 2020

Scott M. Matheson Courthouse

Judicial Council Room

Administrative Office of the Courts, Suite N31

450 S State Street

Salt Lake City, UT 84111

12:00 p.m.–1:30 p.m.

Attendees:

Justice Deno Himonas, Co-Chair

Judge Amber Mettler, Co-Chair

Larissa Lee

Steven Johnson

Scotti Hill

Jackie Morrison

Angela Allen

Monte Sleight

Matthew Page

Julie Emery

Excused:

Elizabeth Wright

Heather Farnsworth

Guests:

Commissioner Joanna Sagers, Third District Court

Ziv Schwartz, Law Clerk, Supreme Court

Staff:

Marina Kelaidis, Recording Secretary

1. **Welcome and approval of January 21, 2020 minutes:** (Justice Deno Himonas)

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

Steven Johnson moved to approve the January 21, 2020 minutes. Judge Amber Mettler seconded the motion and it passed unanimously.

2. **Discussion—Update from Angela Allen on current case work and projects:** (Angela Allen)

Angela Allen reported on some recent casework representing a client in a family law matter. Ms. Allen and her client have achieved some successful results in the matter and the story was featured in a recent Deseret News article. Overall, the level of cooperation Ms. Allen has received from opposing counsel has either been very positive or none at all. Ms. Allen reported that in this particular family law matter, opposing counsel would

not speak or cooperate with her directly throughout the duration of the case. Instead, opposing counsel funneled all communication to Ms. Allen indirectly through his paralegal despite her efforts to contact counsel directly.

Monte Sleight asked Ms. Allen what her procedure is for notifying opposing counsel that she is an LPP representing her client rather than an attorney or a paralegal. Ms. Allen reported that for every initial contact with opposing counsel she begins the email or conversation identifying the party as her client as opposed to her firm's client. Ms. Allen also will include links to the Bar Journal's articles on LPPs for more information.

Ms. Allen has reached out to the Weber County Bar President to inquire about attending a luncheon to assist with outreach and exposure efforts of the LPPs. She has also connected with two prospective LPP applicants from Salt Lake Community College and launched her own business website and Facebook page.

3. **Discussion—LPP participation in the courtroom:** (Commissioner Joanna Sagers)

Commissioner Sagers reported that she has partnered with Scotti Hill and the Bar to have the LPPs participate on the weekly pro se calendar in the Third District Court, Salt Lake. Last month, three of the four current LPPs donated pro bono time on Commissioner Sagers' pro se calendar. The LPPs can participate in mediations, law and motion hearings, pretrial hearings, and possibly informal trials. Commissioner Sagers reminded the committee that the LPPs would not be able to verbally participate in an informal trial, but they can assist clients in navigating the process. If an LPP is able to negotiate a settlement, attorneys from Legal Aid Society who also volunteer their time, would be able to read the settlement onto the record on behalf of the LPP. Commissioner Sagers invited the LPPs to continue attending as the pro bono services offer a great training opportunity for the LPPs and meaningfully support the court.

Monte Sleight asked Commissioner Sagers if other districts have pro se calendar programs for the LPPs to participate in outside of Salt Lake City. Commissioner Sagers reported that she will connect with the commissioners in the First and Second Districts to get more information for the LPPs to participate in those programs as well.

Commissioner Sagers asked Angela Allen if the LPPs would also be willing to participate in a CLE for family law. Ms. Allen responded that she and the other three LPPs would be very interested in participating in any upcoming CLEs. Monte Sleight suggested for the CLE to have a moderator from the court present to assist the LPPs with any questions or potential push back from attendees. Justice Himonas reported that inviting an attorney to be the moderator rather than a judge has been more successful in past LPP-centered forums. Commissioner Sagers will organize a CLE through the Family Law section.

4. **Action—Rule 15-707 proposed certification amendment:** (Scotti Hill)

Scotti Hill presented the proposed language for Rule 15-707(b)(2), which would allow LPP applicants to apply and take the LPP exam without first completing the national certification, so long as the applicant completes the certification within one year of passing the LPP exam. Minor wording changes were made to (b)(2).

Steven Johnson moved to approve the proposed certification amendment subject to the recommended changes. Julie Emery seconded the motion and it passed unanimously.

5. **Discussion—Update on expanding LPP program:** (Judge Amber Mettler, Jackie Morrison, Scotti Hill)

Jackie Morrison reported that the subcommittee is called “LPP Innovation Subcommittee” and the members are Judge Amber Mettler, Jackie Morrison, and Scotti Hill. The subcommittee will also consult with Anna Carpenter. Ms. Morrison read the mission statement of the subcommittee and presented their four specific areas of focus. Their mission statement is to meet and create recommendations for expanding the LPP program and to report those recommendations to the committee for consideration and implementation.

The four areas of focus are:

1. Examining the existing pathways into the profession
2. Expanding potential practice areas
3. Education models and expanding education and training opportunities
4. New models beyond the LPP (examining how other states/jurisdictions are expanding in these areas)

Justice Himonas asked the subcommittee if they will be examining ways to expand the representation abilities of the LPP within their practice areas to include court appearances, participate in informal trials, etc. Judge Amber Mettler reported that the 2nd and 4th area of focus can include examining other methods and models in which states such as Washington and Arizona are expanding in this way. Justice Himonas reminded the subcommittee that it will also be vital to address any rule changes throughout the process that will be necessary to implement the proposed changes. Justice Himonas reported that he will be one of the evaluators of the Washington model and will therefore be able to assist in reporting on some of their developments. Judge Mettler reported that

one of Professor Carpenter's students will be assisting by conducting a widespread literature review and analysis of practice expansion ideas outside of Utah.

The next subcommittee meeting is scheduled for April 6, 2020 at 3:30 p.m.

6. **Discussion—Update on evaluation project:** (Justice Himonas)

Justice Himonas reported that the research and evaluation project is moving forward and Professor Carpenter and her partner have begun scheduling interviews with the LPP committee members.

7. **Discussion—Update from the Bar:** (Elizabeth Wright, Scotti Hill, Matthew Page)

Scotti Hill reported that ALPS has approved a professional liability policy for LPPs. Ms. Hill also reported that the curriculum and development meetings have concluded for the upcoming March iteration of the LPP exam. Ms. Hill recently attended a conference in Austin, TX as Bar associate general counsel and was able to network with associates from many other states to share information on Utah's LPP program.

Matthew Page reported that the American Bar Association passed a resolution asking states to begin addressing regulatory reform which will be used in upcoming publications. Mr. Page presented two scripts that will be used for the upcoming production of some 4-5-minute videos. Mr. Page asked the committee to review the scripts and provide feedback. Mr. Page reported that the television advertisements are currently running and will continue to run until the Spring. The LPP billboard advertisements are up and located south of Utah County.

8. **Discussion—Update on outreach efforts:** (Monte Sleight, Julie Emery)

Julie Emery reported that she recently sent out a listserv email that included a short write up on each of the four current LPPs to encourage more interest in the LPP program. She also used these write ups to create a Bar Journal article that will be published in the next Bar Journal publication. Ms. Emery also sent out emails to paralegals through the Utah Paralegal Association and the Paralegal Division of the Utah State Bar. These emails included links to sign up for the Bar's listserv that Matthew Page will use to increase outreach and provide information on how to apply to become an LPP. Monte Sleight reported that he also distributed Ms. Emery's email to his students at Salt Lake Community College.

Mr. Sleight reported that he has a conference scheduled with the coordinator at Southern Utah University's paralegal program to discuss the possibility of bringing some of the current LPPs into the classroom at SUU for a presentation. Mr. Sleight will also be discussing opportunities for implementing the LPP educational component into the existing paralegal program. Mr. Sleight is working on scheduling a meeting with the paralegal program coordinator at LDS Business College to conduct a similar meeting. Mr. Sleight reported that he has received some concerns from educational institutions about enrollment numbers and curriculum development and ownership due to Utah Valley University currently owning the only LPP curriculum in Utah. However, UVU has recently discontinued its paralegal program and Mr. Sleight anticipates that UVU may consider selling or licensing their curriculum out to other institutions or the Bar. Matthew Page and Scotti Hill will present this information to the Bar.

Justice Himonas reported that he participated in a podcast taping this morning that focused on the LPP program in Utah.

9. Other business:

Steven Johnson reported that he is continuing to try to solidify a workable contact at Utah State University for utilizing their career testing centers at their extension offices for LPP applicants in the rural areas. Mr. Johnson reported that there are currently two applicants from Logan, UT and he is working to develop this partnership before the March exam.

10. Adjournment and next meeting:

The meeting adjourned at 12:45 p.m. The next meeting will be held on March 17, 2020 from 12:00 p.m.–1:30 p.m. in the Judicial Council Room at Matheson Courthouse.

Tab 2

Licensed Paralegal Practitioner Committee

Meeting Minutes DRAFT

April 3, 2020

Webex Meeting

12:00 p.m.–1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair
Judge Amber Mettler, Co-Chair
Larissa Lee
Steven Johnson
Scotti Hill
Jackie Morrison
Angela Allen
Monte Sleight
Matthew Page
Julie Emery
Elizabeth Wright
Heather Farnsworth

Guests:

Amber Alleman, LPP

Staff:

Marina Kelaidis, Recording Secretary

1. Welcome: (Justice Himonas)

Justice Himonas welcomed everyone to the meeting and announced that the approval of the February 18, 2020 minutes will be voted on at the next committee meeting.

2. Discussion—Incivility toward LPPs: (Angela Allen, Julie Emery)

Angela Allen reported that the four LPPs met with Scotti Hill and Julie Emery yesterday to discuss strategies for proactively engaging in outreach with opposing counsel. At the beginning of a new case, the LPP will send a “welcome” email to opposing counsel notifying them of the LPP program, the role/practice abilities of the LPP, and links to the rules. As a whole, the LPPs are unsure if the incivility they are receiving from opposing counsel is unique to LPPs or if these attorneys treat new attorneys this way as well. Ms. Emery pointed out that the LPPs are protecting their clients, who would otherwise likely be pro se, from this behavior. To assist the LPPs in engaging with opposing counsel, Ms. Emery is working with Carrie Boren to incorporate the LPPs into the New Lawyer Training Program at the Bar. Justice Himonas reported that the Supreme Court will

discuss positive working relationships with the LPPs at their upcoming speaking engagements and the Chief Justice will issue a Bar-wide notice if the incivility toward LPPs increases. Justice Himonas asked the LPPs to continue to report such behavior to the committee.

Justice Himonas reported that Rule 8.4 of the Rules of Professional Conduct will allow the LPPs to submit a Bar complaint for continuous uncivil behavior. Steve Johnson suggested this would be a good opportunity to have a training seminar(s) at the Bar focused on the impact of the changes to Rule 8.4, once adopted. Justice Himonas reported that the LPPs can also contact the Supreme Court's Professionalism and Civility Counseling Board for assistance. Christopher Von Maack is the Chair of this Board.. Elizabeth Wright recommended reaching out to the CLE department at the Bar, particularly the Family Law division, to inquire about including Professionalism and Civility and the treatment of LPPs in their programming.

Amber Alleman reported a few instances in her recent cases where she was able to prepare a statement of discovery issues, but could not appear in court to assist the client in a discovery hearing due to the constraints of the LPP practice areas. In these situations, opposing counsel used the LPP's practice constraint as an opportunity to push around the LPP and/or the LPP's client. Angela Allen reported that attorneys from the three LPPs' law firms are willing to enter an appearance if the case is scheduled for a hearing to help combat this issue and better assist the client. Ms. Allen suggested for the LPPs to partner with pro bono services and/or the mentor program to enter limited appearances if their cases go to court. As a short-term resolution, Ms. Alleman suggested for the LPPs to be able to appear by phone if the hearing is scheduled for a teleconference. Judge Mettler will contact Commissioner Sagers to see if the 3rd District's Early Case Resolution pilot program would allow for the LPPs to participate in telephone conferences with their clients. Judge Mettler will determine if the LPPs' participation in the pilot program will require a rule change and report back to the committee. In the interim, Judge Mettler suggested that the clients can ask the presiding judge if the LPP can sit with them at counsel's table during a hearing—with the intent that the client will be speaking for themselves.

Julie Emery reported that at last month's LPP meeting, the LPPs set a goal to increase their outreach on social media. Because of this increased outreach, the LPPs saw a large surge in the amount of contacts made and one of the LPPs is now at capacity and cannot take on any new cases at this time. Ms. Alleman reported that she also saw an increase in contacts after the article in the Deseret News was published.

Ms. Emery reported on some of the effects of the COVID-19 pandemic quarantine efforts on increased cases of domestic violence and disputes in Utah. Ms. Emery and the LPPs have discussed creating a repository of information and resources on the Bar's LPP website as a public service to those in domestic distress. This repository would compile all of the existing resources in Utah into one place that can be accessed by anyone in distress. Justice Himonas agreed that this is a critical issue that should also be supported

by the Bar and the courts. Ms. Wright offered that the repository can be linked on the Bar's website, social media pages, and other Utah organizations. Matthew Page reported the Bar's pro bono department has set up a virtual legal clinic with a page that includes a variety of these resources as well as a link to the LPP page on Licensed Lawyer. In addition, there will be an article published on KSL next week with information and resources on family law matters. Angela Allen reported she recently met with Safe Harbor, an organization that assists clients with protective orders in Davis County, and their resources can also be linked to in the repository. Additionally, the LPPs can work with Safe Harbor to assist clients in family law matters in Davis County.

Justice Himonas reported that the Supreme Court's Task Force on Regulatory Reform would like to include a list of low-cost or no-cost services for COVID-19 related legal services on their website. Justice Himonas asked the LPPs and the committee to think about ways the LPPs could assist with COVID-19 related legal help and what rule changes would be necessary to provide such services.

3. Adjournment and next meeting:

The meeting adjourned at 12:30 p.m. The next meeting will be held on April 21, 2020 from 12:00–1:30 p.m. via Webex.