

Licensed Paralegal Practitioner Committee

Meeting Minutes
September 15, 2020
Zoom Meeting
12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

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

Excused:

Heather Farnsworth

Staff:

Scotti Hill, Utah State Bar
Marina Kelaidis, Recording Secretary

Guests:

Carolynn Clark, S.J. Quinney College of Law
Dr. Alyx Mark, Wesleyan University

1. Action—Welcome and approval of the draft meeting minutes: (Justice Himonas)

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

Julie Emery moved to approve the August 18, 2020 minutes. Elizabeth Wright seconded the motion, and it passed unanimously.

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

Ms. Allen reported they had a meeting last week with the three other LPPs. At the meeting they introduced the proposed amendments to Rule 15-703 and received a lot of push back from the LPPs regarding changes to the National Certification requirement. Ms. Allen also reported that two of the four LPPs are currently at case capacity.

Ms. Allen recently collaborated with a local micro influencer for advertising, but she has not received much engagement so far. She will be trying some other advertising options such as targeted ads on Facebook. Ms. Allen reported that she will be meeting with the Davis County Clerk of Court later this week and they will be discussing any issues the court may be having with pro se filings, as well as the OCAP forms, and how she can help.

3. Discussion—Update from LPP Innovation Subcommittee & Rule 15-703 progress:
(Judge Mettler, Jackie Morrison, Scotti Hill,Carolynn Clark)

Carolynn Clark gave a brief overview of the proposed changes to Rule 15-703. As the rule is currently written, all LPP applicants, with the exception of J.D. recipients, must take the National Certification exam. Monte Sleight reported the proposal stemmed from the Subcommittee’s goal to remove as many barriers for entry as safely as possible. The Subcommittee’s opinion is that the educational components proposed in the rule satisfy the general legal knowledge requirement that the National Certification tests for.

Ms. Allen supported the Subcommittee’s proposal and reported the pushback from the other LPPs was largely a concern of making sure the new LPP graduates are adequately qualified for licensure. Julie Emery reminded the Committee that the original purpose of including the National Certification requirement was to have a way to show a baseline competency of legal knowledge. However, the Subcommittee has discerned that there are other educational requirements that satisfy a baseline competency and can be used to expand the pathways to becoming an LPP. Elizabeth Wright added that the 1500 hours of law-related experience required in the rule, provides a baseline for practical education that supports applicants to be adequately qualified for the LPP exam.

Jackie Morrison asked the committee to discuss if the concerns regarding the wavier of the National Certification exam are related to the perceptions of what the exam represents, the test subjects and rigor of the exam itself, or a combination of both. Ms. Allen reported the other LPPs expressed concerns regarding a combination of both. The other three LPPs expressed the importance of the exam curriculum and that the National Certification may help the LPPs to be taken more seriously in the legal community.

Ms. Emery suggested the rule needs to be amended to define an “Accredited School” or an “Accredited Program.” Mr. Sleight reminded the committee that the original Education Subcommittee found that accredited online paralegal programs, such as Southern Utah University’s program, are not ABA accredited, but do provide adequate legal education that is accessible to all Utahns due to its online nature. The Education Subcommittee decided that ABA accreditation is not required to meet the LPP education requirement(s). The Committee agreed to amend section (a)(4)(D) by removing “Bachelor’s Degree in any field from an Accredited School, plus a Paralegal Certificate or 15 hours of paralegal studies from an Accredited Program;”.

Judge Amber Mettler moved to approve the proposed changes to Rule 15-703. Angela Allen seconded the motion, and it passed unanimously.

Scotti Hill reported the Innovation Subcommittee will discuss the 1500 hours experience requirement at their next meeting as well as alternative practical experience categories that can be accepted. Justice Himonas encouraged the committee to continue thinking about the hour requirement, the areas of practice, and how that may affect the education requirement, as well as the ability to enter appearances.

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

Dr. Alyx Mark reported she is stepping in for Professor Carpenter as she has a conflict for Fall Semester and cannot attend the LPP Committee meetings. Dr. Mark and Professor Carpenter have been conducting interviews and they will be working with the Bar in the Fall to measure the Bar's perception of the LPP program. Additionally, they will be reviewing the original foundational documents of the LPP program and researching the institutional design of the LPP program in Utah. They foresee this project to be a 5-10-year research commitment, possibly longer.

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

Ms. Hill reported we have nine new LPPs who have passed the August iteration of the LPP exam in at least one practice area. Those who did not pass all sections of the exam are reapplying to retake those exam areas. Justice Himonas requested for Ms. Hill to arrange a swearing in ceremony for the new LPPs. Ms. Hill also reported that the testing process went very well and she had a lot of support from the Bar. The applicants took the exam electronically for the first time, they were all socially distanced, and they had a tech support person on site. Ms. Hill reported the essay and practical sections in Debt Collection had the lowest scores overall and we can use this data to determine where there are pitfalls in the education.

Ms. Wright reported she is continuing to work on the Rules of Professional Conduct and she is working with Nancy Sylvester to prepare the combined rules to go before the Supreme Court.

Mr. Page reported they discovered a rogue LPP page on Facebook, owned by a person unaffiliated with this Committee. They have reached out to the author of the Facebook page because she was posting incorrect information about the LPP program. They are working with her to curate accurate information for her Facebook page. Mr. Page also reported they are working on a press release for the new LPP graduates and hopes to include a quote from the Chief Justice. He will also include data on where the new LPPs are geographically located throughout Utah.

6. Discussion—Update on rural outreach: (Steve Johnson)

Mr. Johnson reported he is continuing to communicate with Snow College and their Business Department to arrange a time for members of the Committee to travel to the college and speak on the LPP program. Mr. Johnson reported Snow College has a large rural population and this may be a great opportunity to reach those students. Monte Sleight volunteered to participate in the presentation at Snow College and suggested also attending SUU on the same trip. Angela Allen also volunteered to participate.

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

Justice Himonas reported he has met with Judge Mettler and Ms. Allen to prepare their presentation for the upcoming Annual Judicial Conference. Ms. Emery reported she has been communicating with a group of paralegal professionals who are interested in sitting for the LPP exam.

8. Discussion—Old business/new business: (all)

Justice Himonas reported he has been working with Leah Wilson from California, as they are working on creating an LPP program. Ms. Wilson has asked Justice Himonas if California can have access to Utah's LPP exam and curriculum. The Committee agreed not to disseminate these materials, but to share with California the educational aims this Committee has developed for the LPP program.

9. Adjournment and next meeting:

The meeting adjourned at 1:15 p.m. The next meeting will be held on October 20, 2020 from 12:00p.m.–1:30p.m. via Zoom.