

Licensed Paralegal Practitioner Committee

Meeting Minutes

January 19, 2021

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
Matthew Page
Steve Johnson
Elizabeth Wright
Monte Sleight
Angela Allen

Excused:

Julie Emery
Heather Farnsworth
Jackie Morrison

Guests:

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

Staff:

Scotti Hill, Utah State Bar
Marina Kelaidis, Recording Secretary

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

Scotti Hill welcomed everyone to the meeting and asked for approval of the minutes.

Steve Johnson moved to approve the December 15, 2020 minutes. Justice Himonas seconded the motion, and it passed unanimously.

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

Ms. Allen reported that as of 2021, she will be switching solely to coaching pro se clients through the O-CAP system. Ms. Allen also reported she was recently contacted by some previous colleagues inquiring about the LPP program and to see if it may be a good fit for some of their paralegals. Her former colleagues also voiced a concern that LPPs cannot represent businesses in small claims court proceedings. Justice Himonas asked the Innovation Subcommittee to add this item for discussion at their next meeting. Elizabeth Wright will work with Ms. Hill to draft the proposed rule changes.

Ms. Allen also reported the National Certification Exam requires a recertification exam every 5 years and asked the Committee how this requirement will affect the LPPs who

have taken the exam and/or are required to take the exam in accordance with Rule 15-703. Justice Himonas proposed that recertification may be an unnecessary barrier for the LPPs, given the experiential hours component and continuing education requirements already in place. Ms. Wright agreed with Justice Himonas and added that there is no method in place for tracking the recertification efforts of the LPPs. However, the Bar does have a method for tracking the LPPs CLE hours.

Justice Himonas reported he recently followed up with the Court's IT department on the reported issues with the O-CAP forms and hopes to provide an email update this week.

3. Discussion—Update from LPP Innovation Subcommittee: (Judge Mettler, Jackie Morrison, Scotti Hill,Carolynn Clark)

Ms. Hill reported the next step with Barbri will be to schedule a meeting to discuss the proposal.

Judge Mettler reported the Subcommittee has tabled discussion on the expansion of the practice areas while the Committee was working on the education requirements, testing, and curriculum discussions. Now that the Standing Committee will be formed, they can begin working on the expansion of the program.

Monte Sleight asked the Committee to discuss what appearance abilities the LPP will have once the practice areas are expanded. Justice Himonas proposed for the LPP to be able to appear in such a capacity that would allow for outright advocacy for their clients. Ms. Allen suggested Guardianship matters may be a ripe area for LPP advocacy. Judge Mettler recommended that a discussion on the expansion of practice areas will require careful thought and evaluation of the LPP curriculum and experience requirements to ensure the LPPs are prepared for the expansion of practice areas. Justice Himonas suggested a pilot program may be appropriate.

Mr. Sleight also asked the Committee to discuss if we are ready to propose to the Supreme Court the ability of the LPP to cross the bar and sit at the counsel table in an advisory capacity. Ms. Allen suggested the Committee would need to clearly define the parameters for an LPP to serve in such a role in court. Steve Johnson suggested there may be some statutory adjustments needed in order for an LPP to participate in this capacity. Judge Mettler opined that currently, she views this issue as up to the individual judges' as to whether an LPP can sit at the counsel table. However, further discussion is needed in regard to the rule. Justice Himonas asked the Subcommittee to prepare a proposed rule change incorporating the ability of the LPP to participate in an advisory capacity at the counsel table during court proceedings.

Ms. Hill reported she and Mr. Sleight were contacted by a family law mediator, whose mediation experience would not qualify under the current rule. The subcommittee will also be reviewing and discussing expanding the experience requirements in the rule.

4. Discussion—Update on separate standing committee for LPP specialized curriculum: (Justice Himonas)

Ms. Hill reported the Supreme Court approved the proposal for a separate Standing Committee to oversee the LPP specialized curriculum. Ms. Hill asked the Committee to nominate some individuals to serve on the new standing committee. Justice Himonas nominated Monty Sleight, Carolynn Clark, Jackie Morrison, Elizabeth Wright and Scotti Hill. All nominations were accepted, with the exception of Jackie Morrison who was not present at the meeting. Justice Himonas asked these five individuals to work together to compile the remaining nominations.

Mr. Sleight voiced a concern of a potential conflict of interest if he were to serve on this standing committee, given that he works at an institution which may provide such a curriculum. Justice Himonas suggested this will be a common conflict of interest among individuals with the expertise desired for this Standing Committee. Justice Himonas recommended that Mr. Sleight and other individuals with this conflict recuse themselves from voting on the curriculum for their own institutions, or at a minimum, give notice to the standing committee. Justice Himonas also recommended that a new set of rules will need to be established for this new Supreme Court Standing Committee.

5. Discussion—Renaming the LPP: (Justice Himonas)

Ms. Wright proposed having “licensed” in the title was important and useful, to which most of the Committee agreed. Justice Himonas suggested organizing a small focus group to weigh in on some of the title options. Matthew Page responded that he can meet with a few advertising executives to gather some data. Ms. Allen and Ms. Wright will assist.

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

Dr. Alyx Mark joined the meeting and provided an update on the evaluation project she is conducting with Professor Anna Carpenter. Dr. Mark reported they have begun mapping out the scope and shape of the research product as a result of their initial data collection efforts. They would also like to incorporate the views of paralegals who are interested, not interested, or unaware of the LPP program into their first round of write-ups. Dr. Mark reported they are hoping to connect with Laura Pennock, President of the Board of Directors for the Utah Paralegal Association, to get a sense of how the paralegal community in Utah is thinking about the LPP program. Dr. Mark asked the Committee to contact her if there are any questions they may have for the paralegal community, as she can incorporate those questions into their research and prepare a written report.

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

Ms. Wright reported the comment period for the combined lawyer and LPP Rules of Professional Conduct closed on January 17th. Ms. Wright reported there were only 2 comments received, and the comments centered on wording suggestions.

Mr. Page reported they have created a framework for LPP marketing that is available to the new LPPs. This framework primarily focuses on social media marketing and other methods that are either low or no-cost. Mr. Page also reported there continues to be a lot of national interest in the LPP program, so it is imperative that the Committee agree on the renaming of the LPP as soon as possible.

Ms. Hill reported they are currently preparing for the March 2021 iteration of the LPP exam. In addition, she is receiving a lot of inquiries about the LPP program, and will wait to see if this increased interest will translate into more applicants for the August 2021 exam. Ms. Hill reported the deadline for applications is April 1, 2021 and she will circle back with this Committee to report the number of applications received. Ms. Hill also reported she has been communicating with members of the LPP program in Colorado and will be participating in their next meeting.

Justice Himonas reported the New York Task Force on Legal Innovation has published their report. The primary recommendation in the report was to pursue the licensing of social workers to provide legal advice, essentially taking the LPP one step further. Justice Himonas reported he and Ms. Clark will be meeting with the Dean of the Law School and the School of Social Work in this regard in a couple of weeks.

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

Mr. Johnson reported he, Ms. Hill, Ms. Allen, and Mr. Sleight participated in a Zoom meeting with a representative from Snow College. This representative will be communicating with some of the professors to gather interest in having some of the Committee members present the LPP program to their classes at Snow College.

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

Nothing new to report.

10. Discussion—Old business/new business:

Nothing new to report.

The meeting adjourned at 1:00 p.m. The next meeting will be held on February 16, 2021 from 12:00p.m.–1:30p.m. via Zoom.