

Licensed Paralegal Practitioner Committee

Meeting Minutes

March 16, 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

Julie Emery

Elizabeth Wright

Monte Sleight

Guests:

Carolynn Clark, S.J. Quinney College of Law

Staff:

Scotti Hill, Utah State Bar

Marina Kelaidis, Recording Secretary

Excused:

Steve Johnson

Angela Allen

Jackie Morrison

Heather Farnsworth

1. Action—Welcome and approval of the draft meeting minutes: (Judge Mettler)

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

Elizabeth Wright moved to approve the February 16, 2021 minutes. Scotti Hill seconded the motion, and it passed unanimously.

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

This matter was postponed and will be discussed at the next meeting.

3. Discussion—Creation of LLP designation: (Scotti Hill, Elizabeth Wright)

Ms. Wright reported she will be seeking the Court's approval on the program's name change from Licensed Paralegal Practitioner to Licensed Legal Practitioner at the Supreme Court's Conference on Thursday. If the name change is approved, Ms. Wright reported she will begin drafting the appropriate rule changes among the Rules of Professional Conduct, Bar rules, IOLTA rules, etc. to effectuate the new name.

Scotti Hill asked the Committee to discuss if there may be some potential confusion with the name change and the potential addition of other regulated titles associated with the Licensed Legal Practitioner, from a marketing perspective. Mr. Page reported if the name change and other regulated titles are approved, they will market the program primarily as a “Licensed Legal Practitioner” and use the subcategories as a regulatory tool. For example, the existing LPPs will still be able to market themselves as Licensed Paralegal Practitioners, as that will be an approved subcategory, if approved by the Supreme Court.

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

Judge Mettler reported the Subcommittee met with two representatives from Barbri to review their proposal. Judge Mettler discussed a few potential advantages to this proposal, such as: Barbri would have the ability to improve the curriculum, improve the delivery of the curriculum, and continuously maintain the curriculum to meet program standards.

Monte Sleight reported the Subcommittee discussed the experience hours requirement at their last meeting and they are working on finding an equitable balance. Mr. Sleight proposed incorporating a rule change that would allow for some experience hour credits to be earned by completing legal studies related academic courses. This rule change would need to define the type of legal studies courses that are accepted so that the Bar can easily determine the number of experience hours earned by an applicant when reviewing transcripts. For example, one 3 credit hour approved legal studies course would qualify for x hours of experience. Julie Emery asked the Committee if an applicant takes a family law course, if that course would count towards the 500 hours of family law experience, or the 1500 general law-related experience hours requirement only. Carolynn Clark asked the Committee to discuss when the course assessment would occur and by what body. Mr. Sleight proposed for area-specific courses to be accepted towards the experience hours requirement for the specialty in such a circumstance. In addition, Mr. Sleight proposed for the application form to include a section for the applicant to allocate their academic course hours earned among the specialties if appropriate. Mr. Sleight also proposed for the Committee to accept legal studies related courses from accredited or ABA approved programs, so that the Bar does not have to review and approve each individual course.

Mr. Sleight asked the Committee to discuss including an option or some flexibility in the rule to allow for LPP applicants to take the exam and then have one year to gain experience in the field before obtaining licensure, rather than requiring all experience hours prior to testing. Ms. Hill suggested this option would likely encourage more individuals to take the LPP exam, as the existing experience hours requirement has been a large barrier for some. Justice Himonas asked the Subcommittee to discuss this further at their next meeting.

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

Justice Himonas reported he received an update from Professor Carpenter indicating that they are moving forward with data collection and analysis and won't have anything ready for public consumption until December 2021.

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

Ms. Wright reported she will be presenting three LPP matters to the Supreme Court on Thursday, March 18, 2021: the program name change, the propose amendments to Rule 14-802 to allow LPPs to sit at the counsel table in court to advise their clients, and the nominations for the LPP specialized curriculum committee. Justice Himonas asked the Committee if they would prefer for the curriculum committee to be a separate ad hoc committee, or a subcommittee of the LPP Committee. Justice Himonas reported he will be meeting with Nick Stiles, Appellate Court Administrator, to propose transitioning this Committee to a formal Standing Committee of the Supreme Court. Once formalized, the LPP Committee would be able to form a subcommittee committed to curriculum review and analysis. The Committee agreed that a subcommittee is preferred.

Mr. Page reported he has prepared the framework for a press release on the renaming of the program, which he will email to the Committee members for review. Mr. Page is holding the press release until the Supreme Court has reviewed and approved the name change. Mr. Page also reported he recently met with the staff of the Bar's Modest Means Lawyer Referral Program to discuss how the LPPs may assist with their caseloads. Mr. Page reported the Modest Means Program may be a great opportunity for the LPPs to obtain more clients and that those opportunities will only expand once the LPPs are able to cross the bar. Justice Himonas asked Ms. Wright to include this information in her presentation to the Supreme Court.

Justice Himonas reported there will be a debt collection proposal coming into the Regulatory Reform Sandbox that will include training non-lawyers to participate in the court's debt collection calendars, specifically for medical debt collection cases.

Ms. Hill reported there are six applicants that will be taking the March 2021 exam. Of the six applicants, two have taken the exam before and will be retaking the sections they previously did not pass. Ms. Hill also reported she has completed an analysis of the exam passage rates, and the results are overall very positive. Ms. Hill reported these results indicate that the Bar's partnership with the test development company is working well and the applicant pool is strong. In addition, the admissions committee will be meeting in mid-May to review applications for the August 2021 exam.

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

This matter was postponed and will be discussed at the next meeting.

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

Ms. Emery reported they will be able to start school presentations this summer and she will be including some of the working LPPs in the presentations. In addition, Ms. Emery proposed using the email lists we have for the paralegal division of the Bar and Utah Paralegal Association to push the upcoming exam dates and ongoing marketing of the program to those groups. Ms. Emery will work with Mr. Page on this outreach effort.

9. Discussion—Old business/new business:

Nothing new to report.

10. Adjournment and next meeting:

The meeting adjourned at 12:55 p.m. The next meeting will be held on April 20, 2021 from 12:00p.m.–1:30p.m. via Zoom.