

Licensed Paralegal Practitioner Committee
AGENDA

May 18, 2021
12:00 p.m.–1:30 p.m.
Via Zoom

Action —Approval of draft meeting minutes April 20, 2021	Tab 1	Justice Deno Himonas
Discussion —Update from Angela Allen on current casework and projects		Angela Allen
Discussion —Update on evaluation project		Professor Anna Carpenter
Discussion —Update from LPP Innovation Subcommittee		Judge Amber Mettler, Jackie Morrison, Scotti Hill, Carolynn Clark
Action —Review and approve amendments to LPP Rules	Tab 2	Scotti Hill
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		Scotti Hill

[Committee Webpage](#)

2021 Meeting Schedule:

June 15, 2021	August 17, 2021	October 19, 2021	December 21, 2021
July 20, 2021	September 21, 2021	November 16, 2021	

Tab 1

Licensed Paralegal Practitioner Committee

Meeting Minutes DRAFT

April 20, 2021

Zoom Meeting

12:00 p.m. – 1:30 p.m.

Justice Deno Himonas, presiding

Attendees:

Justice Deno Himonas, Co-Chair
Steve Johnson
Matthew Page
Jackie Morrison
Elizabeth Wright
Monte Sleight
Angela Allen

Staff:

Scotti Hill, Utah State Bar
Marina Kelaidis, Recording Secretary

Excused:

Judge Amber Mettler, Co-Chair
Julie Emery
Heather Farnsworth

Guests:

Carolynn Clark, S.J. Quinney College of Law

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 March 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)

Ms. Allen reported the LPPs are communicating well via email and often refer clients to one another as needed. Ms. Allen also reported the LPPs are continuing to struggle with the formatting restrictions of the OCAP forms. Ms. Hill will follow up with Nathaniel Player for an update on his proposal to the Court Forms Committee for addressing these issues. Ms. Hill reminded the Committee that the Court Forms Committee is continuing to expedite LPP forms requests as needed.

Ms. Allen reported the LPPs have been reading through the comments on the proposed changes to Rule 14-802 allowing LPPs to cross the Bar. Justice Himonas encouraged the Committee members as well as the LPPs to submit their comments on the proposed changes to the rule. Ms. Wright reported the comment period will close on May 14, 2021. Ms. Allen also reported the LPPs are working on compiling a referral list of attorneys who are willing to take on cases once the case progresses beyond the abilities of the LPP.

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

Ms. Hill reported Professor Anna Carpenter and Dr. Alyx Mark have ongoing scheduling conflicts with this meeting and are unable to present updates to the Committee. However, they will contact Ms. Hill with updates and were invited to attend the most recent Subcommittee meeting. Ms. Hill reported Professor Carpenter and Dr. Marx are preparing to launch four separate sets of surveys regarding LPPs. The target demographics for these survey sets are lawyers, paralegals, current LPPs, and clients. The Subcommittee was asked to weigh in on the types of questions to include as well as the overall metrics of study. Some of the questions the Subcommittee proposed included: asking paralegals about their career paths, which paralegals may be incentivized to choose the LPP designation, determine relevant characteristics of paralegal applicants, as well as barriers to entry. Ms. Hill reported Professor Carpenter and Dr. Mark would like to extend the invitation to weigh in on these matters to the Committee. They project solidifying the survey questions by early Summer 2021.

Ms. Hill reported the Subcommittee discussed amending the applicable rule to allow LPP candidates to take the licensing exam prior to completing the experience hours. Ms. Hill reported this amendment would conceivably benefit applicants who are not already paralegals. However, a potential negative outcome would be less practical familiarity with the forms portion of the exam. Ms. Hill reported the Subcommittee is overall favorable to this approach and will continue pursuing the idea.

Ms. Hill reported the Subcommittee will be meeting next week to discuss a proposal for making certain legal studies credits applicable for experience hours. Ms. Hill also reported the Subcommittee informed Barbri that they will not be signing a Memorandum of Understanding relating to their proposal.

Justice Himonas reported the Court has approved the Licensed Legal Practitioner name change.

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

Matthew Page reported he has been tracking the data from Licensed Lawyer on searches related to LPPs. Last month there were 3,868 searches in which LPPs appeared. In addition, 1,448 of those searches resulted in clicks to LPP profiles. Mr. Page reported this

data shows a 60% increase over the last couple of months. Mr. Page does not have access to the data on how many of those searches resulted in referrals, however he is working with the provider for Licensed Lawyer to obtain this data. Mr. Page is also working with Justice Himonas to compile some bullet points for a media release on the name change to Licensed Legal Practitioner.

Ms. Hill reported three of the four new test takers passed the March 2021 exam. Those who retook the exam passed all of their sections. The three new LPPs have each opted to take the National Certification exam within one year, so they will not be licensed until that requirement has been met. Once completed, they can file a motion for admission for licensure. Ms. Hill reported the amendment allowing applicants to take the National Certification exam within one year has been utilized by almost all applicants for this exam cycle as well as the next exam cycle in August. Ms. Hill reported the application deadline for the August 2021 iteration of the exam is May 1, 2021. Ms. Hill anticipates there will be six applicants for that exam.

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

Steve Johnson reported he has not received any updates from Professor Stacey McIff, his contact at Snow College. Mr. Johnson will continue to follow up with Ms. McIff to hopefully receive an update.

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

Nothing new to report.

7. Discussion—Old business/new business:

Ms. Hill reported it has been brought to her attention by an LPP that there is not an LPP approved form for issuing subpoenas. This implicates Rule 45 of the Utah Rules of Civil Procedure. Ms. Hill asked the Committee if we should consider pursuing this request. Justice Himonas proposed providing such a form for the LPPs. Ms. Wright reported Rule 46 allows LPPs to issue a subpoena.

Justice Himonas moved to approve the creation of an LPP form for issuing subpoenas. Steve Johnson seconded the motion, and it passed unanimously.

8. Adjournment and next meeting:

The meeting adjourned at 12:30 p.m. The next meeting will be held on May 18, 2021 from 12:00p.m.–1:30p.m. via Zoom.

Tab 2

1 **Rule 15-710. Administration of the licensed paralegal practitioner examination(s).**

2 (a) Licensed Paralegal Practitioner Examination(s). The Licensed Paralegal
3 Practitioner Examination(s) consists of a mandatory multiple-choice multiple-choice
4 ethics section, plus a three-part examination specific to the area(s) of practice selected by
5 the applicant.

6 (b) Areas of practice include (1) temporary separation, divorce, parentage,
7 cohabitant abuse, civil stalking, and custody and support; (2) forcible entry and detainer
8 and unlawful detainer; ~~or~~and; (3) debt collection.

9 (c) Each area of practice examination includes: a multiple-choice section on
10 substantive law, an essay section, and a practical application. ~~specific to the area(s) of~~
11 practice selected by the applicant. ~~Areas of practice include (1) temporary separation,~~
12 divorce, parentage, cohabitant abuse, civil stalking, and custody and support; (2)
13 forcible entry and detainer and unlawful detainer; or; (3) debt collection.

14 (b) All components of the Paralegal Practitioner Examination(s) for an area of
15 practice must be taken in the same examination administration.

16 (c) The Paralegal Practitioner Examination(s) are administered only for the purpose
17 of licensure as a Paralegal Practitioner.

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19 Effective November 1, 2018

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1 **Rule 15-711. Grading and passing the licensed paralegal practitioner examination.**

2 (a) Grading the written component of the Paralegal Practitioner Examination. The
3 written portion of the examination consists of the essay portion and the practical
4 portion. Essay and Practical answers shall be uniformly graded on a scale from zero to
5 100 pointspercent. In order to assure maximum fairness and uniformity in
6 grading, the Board or its designees shall prescribe procedures and standards for
7 grading to be used by all graders.

8 ~~(b) Scoring the written component of the Paralegal Practitioner Examination.~~
9 ~~The essay scores added together constitute the raw written component score. The raw~~
10 ~~written component score is scaled to the multiple choice portion of the examination~~
11 ~~using the standard deviation method.~~

12 (c) Weighting of exam components. Each section of the exam accounts for one-third
13 The multiple choice score is weighted _____%, the essay score is weighted _____%
14 in calculating of the Applicant's total score. Exam sections include the multiple-choice
15 section, the Essay section, and the Practical section.

16 (d) Passing grade. The Applicant's total score for a given examination section is the
17 total averagesum of the scaledaverage multiple choie of the multiple-choice score, the
18 essay score, and the practical section and the scaled written component score. The total
19 score is based on a _____ point scale. A total score of 69.5% or above is
20 required to pass the Paralegal Practitioner Examination.

21 (e) Paralegal Practitioner Examination results are final. Examination answers will
22 not be reread, reevaluated or regraded by the Bar or its designees.

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24 Effective November 1, 2018
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1 **Rule 15-713. Ethics exam.**

2 (a) An Applicant must receive a passing score on the Ethics Exam prior to licensure
3 as a LPP. A scaled score of ~~69.5~~ 69.5 percent or above is passing.

4 (b) Administration of the (Ethics Exam).

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6 Effective November 1, 2018

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1 **Rule 15-701. Definitions.**

2 As used in this article:

3 (a) “**ABA**” means the American Bar Association.

4 (b) “**Accredited Program**” means a course of instruction in paralegal studies
5 from a program officially recognized as meeting the standards and requirements
6 of a regional or national accrediting organization that is approved by the U.S.
7 Department of Education, or a paralegal school or paralegal studies program that
8 has been fully or provisionally approved by the ABA Standing Committee on
9 Paralegals.

10 (c) “**Accredited School**” means a school officially recognized as meeting the
11 standards and requirements of a regional or national accrediting organization
12 that is approved by the U.S. Department of Education.

13 (d) “**Applicant**” means each person requesting licensure as a Licensed Paralegal
14 Practitioner.

15 (e) “**Approved Law School**” means a law school which is fully or provisionally
16 approved by the ABA pursuant to its Standards and Rules of Procedure for
17 Approval of Law Schools. To qualify as approved, the law school must have
18 been fully or provisionally approved at the time of the Applicant’s graduation, or
19 at the time of the Applicant’s enrollment, provided the Applicant graduated
20 within a typical and reasonable time.

21 (f) “**Associate Degree**” means an undergraduate academic degree conferred by a
22 college upon completion of the curriculum required for an associate degree.

23 (g) “**Bachelor’s Degree**” means an academic degree conferred by a college or
24 university upon completion of the undergraduate curriculum.

25 (h) “**Bar**” means the Utah State Bar, including its employees, committees and the
26 Board.

27 (i) “**Board**” means the Board of Bar Commissioners.

28 (j) “**Complete Application**” means an application that includes all fees and
29 necessary application forms, along with any required supporting documentation,
30 character references, a criminal background check, a photo, an official certificate
31 of graduation and if applicable, a test accommodation request with supporting
32 medical documentation.

33 (k) “**Confidential Information**” is defined in Rule 15-720(a).

1 (l) “**Disbarred Lawyer**” means an individual who was once a licensed lawyer
2 and is no longer permitted to practice law.

3 (m) “**Executive Director**” means the executive director of the Utah State Bar
4 or designee.

5 (n) “**First Professional Degree**” means a degree that prepares the holder for
6 admission to the practice of law (e.g. juris doctorate) by emphasizing
7 competency skills along with theory and analysis. An advanced, focused, or
8 honorary degree in law is not recognized as a First Professional Degree (e.g.
9 master of laws or doctor of laws).

10 (o) “**Full-time**” means providing legal services as a paralegal for no fewer than
11 80 hours per month.

12 (p) “**General Counsel**” means the General Counsel of the Utah State Bar
13 or designee.

14 (q) “Licensed Legal Professional” refers to the category of licensed professionals
15 authorized by the Supreme Court to provide legal services, including Licensed
16 Paralegal Practitioners. See 14-802.

17 (~~re~~) “**Licensed Paralegal Practitioner**” means a person licensed by the Utah
18 Supreme Court to provide limited legal representation in the areas of (1)
19 temporary separation, divorce, parentage, cohabitant abuse, civil stalking, and
20 custody and support; (2) forcible entry and detainer and unlawful detainer; or (3)
21 debt collection matters in which the dollar amount in issue does not exceed the
22 statutory limit for small claims cases.

23 (~~se~~) “**LPP**” means Licensed Paralegal Practitioner.

24 (~~ts~~) “**LPP Administrator**” means the Bar employee in charge of LPP licensure
25 or designee.

26 (~~ut~~) “**LPP Admissions Committee**” means those Utah State Bar members or
27 others appointed by the Board or president of the Bar who are charged with
28 recommending standards and procedures for licensure of LPPs, with
29 implementation of this article, reviewing requests for test accommodations, and
30 assessing the qualifications of applicants.

31 (~~va~~) “**NALA**” means the National Association of Legal Assistants.

32 (~~wv~~) “**NALS**” means The Association for Legal Professionals.

33 (~~xw~~) “**NFPA**” means the National Federation of Paralegal Associations.

1 (~~yx~~) **“National Certification”** means Certified Paralegal (CP or CLA) credential
2 from the National Association of Legal Assistants (NALA); the Professional
3 Paralegal (PP) credential from the National Association of Legal Professionals
4 (NALS); or the Registered Paralegal (RP) credential from the National Federation
5 of Paralegal Associations (NFPA).

6 (~~zy~~) **“OPC”** means the Office of Professional Conduct.

7 (~~aa~~) **“Paralegal”** means a person qualified through education, training, or work
8 experience, who is employed or retained by a lawyer, law office, governmental
9 agency, or the entity in the capacity or function which involves the performance,
10 under the ultimate direction and supervision of an attorney, of specifically
11 delegated substantive legal work, which work, for the most part, requires a
12 sufficient knowledge of legal concepts that absent such assistance, the attorney
13 would perform.

14 (~~baa~~) **“Paralegal Certificate”** means verification that an individual has
15 successfully completed a paralegal studies program from an Accredited Program
16 that includes at least 15 credit hours of paralegal studies. The certificate must be
17 offered, taught, and granted by an Accredited Program.

18 (~~ccb~~) **“Paralegal Studies”** and **“Paralegal Studies Degree”** mean course work
19 that prepares a holder to work as a paralegal.

20 (~~dde~~) **“Privileged Information”** in this article includes: information subject to
21 the attorney-client privilege, attorney work product, test materials and
22 applications of examinees; correspondence and written decisions of the Board
23 and LPP Admissions Committee, and the identity of individuals participating in
24 the drafting, reviewing, grading and scoring of the LPP Licensure Examination.

25 (~~eed~~) **“Reapplication for Licensure”** means that for two years after the filing of
26 an original application, an Applicant may reapply by completing a Reapplication
27 for Licensure form updating any information that has changed since the prior
28 application was filed and submitting a new criminal background check.

29 (~~ffe~~) **“Substantive Law-Related Experience”** means the provision of legal
30 services as a Paralegal, paralegal student or law student including, but not
31 limited to, drafting pleadings, legal documents or correspondence, completing
32 forms, preparing reports or charts, legal research, and interviewing clients or
33 witnesses. Substantive Law-Related Experience does not include routine clerical
34 or administrative duties. Substantive Law-Related Experience for licensure in
35 landlord-tenant and debt collection includes, but is not limited to, the provision

1 of legal services as a Paralegal supervised by a licensed attorney, paralegal
2 student or law student in the areas of bankruptcy, real estate, mortgage and/or
3 banking law.

4 (~~ggff~~) “**Supreme Court**” means the Utah Supreme Court.

5 (~~hhgg~~) “**Unapproved Law School**” means a law school that is not fully or
6 provisionally approved by the ABA.

7 (~~iihh~~) “**Updated Application**” means that an Applicant is required to amend and
8 update the Applicant’s application on an ongoing basis and correct any
9 information that has changed since the application was filed.

10 *Effective December 15, 2020*

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1 **Rule 15-705. Limited time waiver. REPEALED**

2 ~~(a) Limited Time Waiver. For the limited time of three years from the date the~~
3 ~~Bar initially begins to accept LPP applications for licensure, the Bar may grant a waiver~~
4 ~~of the minimum educational requirements set forth in Rule 15-703 if, within two years~~
5 ~~from the time the waiver request is submitted, an applicant has established by clear and~~
6 ~~convincing evidence that the applicant:~~

7 ~~(a)(1) has paid the prescribed fees and filed the required Application for a Limited~~
8 ~~Time Waiver;~~

9 ~~(a)(2) is at least 21 years old;~~

10 ~~(a)(3) has completed 7 years of Full-time Substantive Law-Related Experience as a~~
11 ~~Paralegal within the 10 years preceding the application for the waiver, including~~
12 ~~experience for the practice area in which the Applicant seeks licensure, including~~
13 ~~500 hours of Substantive Law-Related Experience in temporary separation, divorce,~~
14 ~~parentage, cohabitant abuse, civil stalking, and custody and support if the Applicant is~~
15 ~~to be licensed in that area, or 100 hours of Substantive Law-Related Experience in~~
16 ~~forcible entry and detainer and unlawful detainer or debt collection if the Applicant is~~
17 ~~to be licensed in those areas. Proof of 7 years of Full-time Substantive Law-~~
18 ~~Related Experience and the required number of hours in the practice area in which the A~~
19 ~~pplicant seeks licensure shall be certified by the supervising lawyer(s) and shall include~~
20 ~~the following:~~

21 ~~(a)(3)(A) the name and Bar number of the supervising lawyer(s) or~~
22 ~~supervising Licensed Paralegal Practitioner(s);~~

23 ~~(a)(3)(B)~~
24 ~~certification by the lawyer or Licensed Paralegal Practitioner that the work experience~~
25 ~~meets the definition of Substantive Law-Related Experience in the practice area~~
26 ~~in which Applicant will be licensed as defined in Rule 15-701; and~~

27 ~~(a)(3)(C) the dates of the applicant's employment by or service with the~~
28 ~~lawyer(s) or Licensed Paralegal Practitioner(s);~~

29 ~~(a)(4) has successfully passed the Licensed Paralegal Practitioner Ethics~~
30 ~~Examination approved by the Board;~~

31 ~~(a)(5) has successfully passed the Licensed Paralegal Practitioner Examination(s) for~~
32 ~~the practice area(s) in which the Applicant will be licensed;~~

33 ~~(a)(6) is of good moral character and satisfies the requirements of Rule 15-708; and~~

34 ~~(a)(7) has a proven record of ethical, civil and professional behavior.~~

35
36 ~~Effective November 1, 2018~~

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1 **Rule 15-703. Qualifications for Licensure as a Licensed Paralegal Practitioner.**

2 (a) Requirements of Licensed Paralegal Practitioner Applicants. The burden of proof is
3 on the Applicant to establish by clear and convincing evidence that she or he:

4 (1) has paid the prescribed application fees;

5 ~~(2) has either been granted a Limited time Waiver under rule 15-705 or has~~
6 ~~timely filed the required Complete application for a Licensed Paralegal~~
7 ~~Practitioner Applicant in accordance with Rule 15-707;~~

8 ~~(3)~~(2) Is at least 21 years old;

9 ~~(4)~~(3) has either;

10 (A) graduated with a First Professional Degree in law from an Approved Law
11 School; or

12 (B) graduated with an Associate's Degree in paralegal studies from an
13 Accredited School or Accredited Program; or

14 (C) graduated with a Bachelor's Degree in paralegal studies from an
15 Accredited School or Accredited Program; or

16 (D) graduated with a Master's Degree in legal studies or equivalent that is
17 offered through and Approved Law School; or

18 (E) obtained either the Certified Paralegal (CP or CLA) credential from the
19 National Association of Legal Assistants (NALA); the Professional
20 Paralegal (PP) credential from the National Association of Legal
21 Professionals (NALS); or the Registered Paralegal (RP) credential from the
22 National Federation of Paralegal Associations (NFPA).

23 ~~(5)~~(4) If the applicant does not have a First Professional Degree from an
24 Approved Law School, the applicant must have 1500 hours of Substantive
25 Law-Related Experience within the last 3 years, including 500 hours of
26 substantive Law-Related Experience in temporary separation, divorce,
27 parentage, cohabitant abuse, civil stalking, custody and support, and name
28 change if the Applicant is to be licensed in that area, or 100 hours of
29 Substantive Law-Related Experience in forcible entry and detainer or debt
30 collection if the Applicant is to be licensed in those areas.

31 ~~(6)~~(5) has successfully passed the Licensed Paralegal Practitioner Examination;

32 ~~(7)~~(6) has successfully passed the Licensed Paralegal Practitioner Examination(s)
33 for the practice area(s) in which the applicant seeks licensure;

34 ~~(8)~~(7) is of good moral character and satisfies the requirements of rule 15-708;

35 ~~(9)~~(8) has a proven record of ethical, civil and professional behavior; and

36 ~~(10)~~(9) complies with the provisions of Rule 15-716 concerning licensing and
37 enrollment fees.

1 (b) If the Applicant has not graduated with a First Professional Degree in law from an
2 approved Law school, the Applicant must:

3 (1) have taken a specialized course of instruction approved by the Board in
4 professional ethics for Licensed Paralegal Practitioners; and

5 (2) have taken a specialized course of instruction approved by the Board in each
6 specialty area in which the Applicant seeks to be licenses.

7 (c) An Individual who has been disbarred or suspended in any jurisdiction may not
8 apply for licensure as a Paralegal Practitioner.

9
10 Effective December 7, 2020.

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