

Licensed Paralegal Practitioner Committee

AGENDA

November 15, 2022
4:00 p.m.–5:00 p.m.
Via Zoom

Action —Approval of draft meeting minutes October 18, 2022	Tab 1	Judge Amber Mettler
Discussion —Update from the LPPs on current casework and projects		Tonya Wright, Meredith Farrell, Leslie Staples, Susan Morandy
Discussion —Update from LPP Innovation Subcommittee		Scotti Hill, Jackie Morrison, Carolynn Clark, Tonya Wright
Discussion —Update from the Bar		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 – Review of comments from 14-802 rule change	Tab 2	Scotti Hill

[Committee Webpage](#)

2022 Meeting Schedule:

December 20, 2022

TAB 1

Licensed Paralegal Practitioner Steering Committee

Meeting Minutes

October 18, 2022

Zoom Meeting

4:00 p.m. – 5:00 p.m.

Attendees:

Judge Amber Mettler, Chair

Susan Morandy

Steve Johnson

Monte Sleight

Jacqueline Morrison

Tonya Wright

Carolyn Clark

Leslie Staples

Julie Emery

Ashton Ruff

Matthew Page

Anna Carpenter

Alyx Mack

Staff: Scotti Hill, Utah State Bar

Chairperson Judge Amber Mettler called the meeting to order at 4:02 p.m.

1. Action—Welcome and approval of the draft meeting minutes: (A.J. Torres)

Judge Mettler welcomed everyone to the meeting and asked for approval of the minutes.

Steve Johnson asked for one change to the minutes and Leslie Staples had a correction. Steve Johnson moved to approve the September minutes. Seconded by Leslie Staples. Minutes approved.

2. White Paper Presentation – Ashton Ruff, Anna Carpenter, Alyx Mack

Ashton Ruff, Anna Carpenter, Alyx Mack gave the committee a presentation on their “Utah’s License Paralegal Practitioner Program: Preliminary Findings and Feedback from Utah’s First LPPs”. This paper was emailed to members of this committee for review prior to the meeting. Anna Carpenter and Alyx Mack conducted the interviews and Ashton Ruff complied the information. The authors asked for input or corrections from the committee to be sent to them by the end of business day on October 21st. The committee discussed various issues and gave the presenters comments to consider.

Discussion regarding ISLE – a nonprofit think tank that is holding a seminar on November 9-10th in Colorado Springs. Scotti Hill will be attending and will report back to this committee at our next meeting and will forward event details to committee members.

3. LPPs on current casework and projects.

All LPPs in attendance acknowledged they were still very busy. Tonya Wright and Susan Morandy are not receiving all emails from this committee. Judge Mettler will email A.J. Torres and ask him to update the committee's email lists. The LPPs have created a referral list as a google drive document for other LPPs to network with.

4. Discussion—Update from LPP Innovation Subcommittee. (A.J. Torres)

Tonya Wright advised that the Innovation Subcommittee will have its first meeting on October 25th and will update this committee at our next meeting.

5. Discussion—Update from Bar. (Matthew Page)

Matt discussed marketing for LPPs and asked if any of the LPPs had clients that would be willing to do a testimonial video.

Steve Johnson advised that the Utah Supreme Court approved Utah Rules of Evidence Rule 504 regarding attorney – client privilege and that the changes would be effective November 1st.

Scotti Hill advised that there was an Admission Ceremony today and that two new LPPs were sworn in.

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

Steve Johnson advised that he is going to do a Career Fair at Juab High School on November 9th and asked for any LPP volunteers to attend with him. Susan Morandy would check her work schedule and let Steve know if she can attend.

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

Monte Sleight advised that he was working on going to SLCC, doing career fairs and promoting to high schools and other paralegal programs. He advised that some high school students may reach out to LPPs.

8. Discussion - Other Business:

Tonya Wright advised that she was informed by other LPPs that the Modest Means program was not accepting LPPs as Modest Mean providers. Matthew Page would be attending the Modest Means meeting October 19th and would bring this issue up at that meeting. Scotti Hill will follow up if needed as well.

Julie Emery advised that a firm applied to the sandbox to have their paralegals be able to give legal advice was approved. Julie would like more information and will check with Sue Christman to see if she can provide a report to this committee.

Judge Mettler advised that Sue Christman and John Lund did a presentation on applications to the sandbox and that there were over 80 entities that applied, 45 were authorized, and 20 already providing services. Only 6 complaints had been received, and there was very little negative feedback. Utah Innovation office (sandbox) has reports available on their website and there is lots of interesting information.

Discussion on possibly having LPPs submit ideas to the Sandbox maybe one possibility for LPPs to be able to do expungements, etc.

9. Adjournment and next meeting:

The meeting adjourned at 4:52 p.m. The next meeting will be held on November 15, 2022, at 4:00 p.m. - 5:00 p.m. via Zoom.

TAB 2

Peter Vanderhooft

September 23, 2022 at 8:47 pm

I am a Licensed Paralegal Practitioner and it is very difficult to utilize the Court forms under the current rule. It is difficult if not impossible to represent clients adequately due to the fact that certain forms (such as Statement of Discovery Issues; Discovery Requests; and Discovery Responses) are non-existent. Very few clients I have encountered have cases that can be resolved within the confines of the Court forms, and clients of LPPs are at a disadvantage if they have to rely on the structure of the forms as the forms do not include citations to case law and the Rules of Civil Procedure that are necessary in order to support those documents. Additionally, cost savings in drafting materials for clients are lost by having to use the interview option in OCAP as responses are required in order to get the form generated, but not all of the questions are applicable to every client.

Additionally, the Court forms are cumbersome to use and are visually unappealing. The use of checkboxes is a major detriment as it can be unclear what information is relevant on the form and it is much cleaner to delete out information from the form than is unnecessary than it is to leave blank information in a form. The forms were prepared in a legacy version of Word and the formatting of the documents makes them unusable for filing orders as orders must be filed in the .RTF format and many of the forms include drawing objects that must be removed in order for the documents to be filed.

Alex Leeman

September 26, 2022 at 10:14 am

The proposed redline isn't very clear to me. "Contain essentially the same information" makes it sound like they can restate what the form says in their own words or format, but can't really customize anything. My recommendation would be to stick with the court forms, but add an "Other" section to the forms that allows an LPP to customize certain things, or create an "Addendum" form (similar to the standardized Real Estate Purchase Contract in Utah) where an LPP can add or modify things in the standard court form without going too far.

The original intent in confining LPP's to court forms was to ensure they stayed within a limited scope of services and didn't venture into complicated matters more appropriate for a licensed attorney to handle. I disagree with any modification to the rules that would weaken this limitation.

By the way, I recognize that it is beyond the scope of this committee, but the court's standardized forms need to be updated badly.

Matt Robar

September 26, 2022 at 10:45 am

It is difficult to understand why the Utah Bar and the Utah Supreme Court want to continue weakening the practice of law with these kinds of programs (paralegal practice and Sandbox). The excuse that they are trying to better serve the public and increase access to justice does not pass muster. Allowing paralegals to perform actual legal work without the proper training will cause low-income consumers to get poor advice and service that will cost them more as a whole.

There are already so many bad lawyers out there that cause problems for their clients I don't see any reason for expanding the field to invite untrained and unqualified people into the practice.

I have no issues with paralegals reformatting the absolutely embarrassing forms provided by the courts but allowing other modifications could lead to serious legal problems. There are numerous websites out there that sell legal forms causing those same problems without repercussions. Its almost as if the Utah Bar and the Supreme Court are more concerned about inclusion, diversity, and forced acceptance of less qualified practitioners than they are about actually protecting the public from legal concerns.

Peter Vanderhooff
[September 27, 2022 at 12:04 pm](#)

Mr. Robar, it is inaccurate to state that LPPs lack proper training. The Bar has set out very stringent standards for who is eligible to become an LPP and I would argue that most paralegals are more familiar with the Rules of Civil Procedure and the application of law than any newly minted attorney free out of law school. See UCJA Rule 15-703.

As to your comment regarding that the LPP and Sandbox programs do not “pass muster”, I would refer you to the Utah Bar Journal article from 2017 “Measuring the Legal Services Market in Utah” that explicitly states why the LPP program and Sandbox are necessary due to pricing and service gaps in our legal market.

BROOKE BYALL
[September 26, 2022 at 11:30 am](#)

I am a Licensed Paralegal Practitioner and the current rule requiring LPPs to utilize the Court forms makes it very difficult to represent clients to our fullest potential. The use of court forms are hindering LPPs from efficiently representing their clients. The forms do not accurately reflect the representation LPPs are able to provide to their clients.

Additionally, the Court forms are visually unappealing and make LPPs look unprofessional. The use of the forms does not allow LPPs to delete information that is irrelevant to a client's case. They are forced to leave answers blank, which makes the pleadings look sloppy. Allowing LPPs to modify Court forms will give them the flexibility they need to represent clients accurately.

R. Clayton Huntsman
[September 26, 2022 at 1:25 pm](#)

Why did I work so hard to qualify for law school, then endure the discipline of three years of professorial bullying, and then decades of practice, most of it destructive to health and family, so that someone with a GED can replace me? The Supremes seem to go out of their way to screw over the ordinary lawyer—one damn thing after another. I f#\$%ing quit!

Peter Vanderhooff
[September 27, 2022 at 11:55 am](#)

Mr. Huntsman, the intent of the LPP practice is not to replace lawyers but to expand access to justice to individuals who cannot otherwise afford lawyers. The data suggests

that the clients LPPs represent are not the same clients that attorneys and that the alternative is for the client to represent themselves. Unless you represent family law clients for less than \$150 an hour, no one is coming for your job or otherwise diverting clients away from attorneys.

My experience as an LPP has also been that a number of attorneys who I have referred my clients to have reported bad experiences due to a lack of communication. Additionally, I have noted that opposing counsel in many of my cases seems completely unaware or indifferent to the Rules of Civil Procedure and the recent changes as they apply to family law or statutes.

Jenny Arganbright
October 3, 2022 at 2:00 pm

Clay,

I have worked for over 8 years on many cases with you (and some against your clients) as a paralegal. Now, I am the only LPP in our area. Feel free to send the cases you decline to me. The LPP program is specifically designed for those cases you decline.

Angela
October 3, 2022 at 1:38 pm

I am also an LPP. I agree with the other LPPs. Having to use OCAP and go through the entire interview process just to get a proposed Stipulation, or another single document is very time consuming. I've also had many issues with certain information not showing up on my document when I use OCAP. If we are able to have access to all the forms and be able to edit them without having to use OCAP, that would save me so much time and money for my clients.