

# LPP Steering Committee

## AGENDA

**November 23, 2023**

4:00 p.m.-5:00 p.m.

Via Zoom

<https://us02web.zoom.us/j/89236569981?pwd=REMvdjViNGZtMzIwdXQ4WUljN3NxZz09>

<b>Item 1</b>	<b>Action</b> – Approval of draft meeting minutes October 17, 2023.	<b>TAB 1</b>	Judge Amber Mettler
<b>Item 2</b>	<b>Discussion</b> – Report on Meeting with Judge Mettler and Bar staff Emily Lee and Kirsten Shumway		Judge Amber Mettler
<b>Item 3</b>	<b>Discussion</b> – Report on Internal Roundtable Meeting on LPP Scope with Bar staff, Monte Sleight, and Leslie Staples.		Kirsten Shumway
<b>Item 4</b>	<b>Discussion</b> – Update from the Bar		Matthew Page, Kirsten Shumway
<b>Item 5</b>	<b>Discussion</b> – Update from LPP Innovation Subcommittee. <ul style="list-style-type: none"> <li>▪ Proposed New Rule 15-712. Expungements.</li> <li>▪ Proposed amendments to <a href="#">Rule 14-802</a> to match new Rule 15-712.</li> <li>▪ 402 Reduction (<a href="#">Utah Code § 76-3-402</a>)</li> </ul>	<b>TAB 2</b>  <b>TAB 3</b>	Jackie Morrison, Scotti Hill, Monte Sleight, Melissa Parache, Brooke Byall
<b>Item 6</b>	<b>Discussion</b> – Possible Safe Harbor Rule. <ul style="list-style-type: none"> <li>▪ Informal advice from the Bar or LPP Steering Committee.</li> </ul>		
<b>Item 7</b>	<b>Discussion</b> – Update from the LPPs on current casework and projects		Tonya Wright, Leslie Staples, Brooke Byall, Melissa Parache, Lindsey Brandt
<b>Item 8</b>	<b>Discussion</b> – Update on outreach efforts		Monte Sleight
<b>Item 9</b>	<b>Discussion</b> – Update on rural outreach		
<b>Item 10</b>	<b>Discussion</b> – Old business/new business Supreme Court Committee Rule Changes		Kirsten Shumway

**LPP Steering Committee**  
**Minutes**  
**October 17, 2023**

**Attendees:**

Judge Amber Mettler (Chair)  
Monte Sleight  
Jacqueline (Jackie) Morrison  
Leslie Staples  
Matthew Page  
Tonya Wright  
John Seegrist (Secretary)  
Melissa Parache  
Anastasia Boyko  
Brooke Byall

**Bar Staff:**

Emily Lee, Admissions Deputy Counsel (guest)  
MariBeth LeHoux, General Counsel (guest)  
Kirsten Shumway, LPP Administrator

**Excused:**

Steve Johnson (End of Term)  
Scotti Hill  
Julie Emery (End of Term)

LPP Chair Judge Amber Mettler calls the meeting to order.

1. **Action** - Approval of draft meeting minutes for September 19, 2023,
  - a. Leslie Staples motioned to approve the minutes, Tonya Wright seconded, and the motion carried.
2. **Announcements**
  - a. Reminder that because this Committee is a Supreme Court Committee, certain members cannot vote. This includes ex officio members, the secretary, and emeritus members.
  - b. Arizona Paralegal Summit/Conference: Discussion that there may be a fee waived for members of the LPP Steering committee
3. **Announcement** – Two Members of the LPP Steering Committee Are Leaving - Ending Term
  - a. Steve Johnson
  - b. Julie Emery
4. **Action** - Recommendations for new LPP Steering committee members
  - a. Lindsey Brandt
    - i. Nominated by Brooke Byall seconded by Tonya Wright.
    - ii. Approved by committee.
    - iii. Offer to be extended by Kirsten Shumway.

- b. Possible new Committee member: Peter Vanderhooft who is an LPP
    - i. Resume to be requested for committee review.
- 5. Discussion - What is the Current Charge of the LPP Steering Committee?**
- a. Now that we are a few years into the LPP Program, what should this Committee be working on? How do does the Committee grow and expand? How does the LPP Program Expand?
  - b. This Committee alone is not enough to support the LPP Program. Committee members are volunteers, and the Committee has no resources to move forward.
  - c. The Committee needs guidance from the court. We should start on a memo to the Court asking for clarification on what this Committee should focus on, what needs to happen for the program to grow, and who is responsible for which part.
  - d. We should also consider what skill sets are needed for the work the Committee needs to do going forward.
- 6. Discussion - Should there be other subcommittees?**
- a. The Innovation Subcommittee historically has focused on coming up with creative ways to move the program forward, but these days it has become more of a rules subcommittee.
  - b. The Committee discussed possible new subcommittees including Education, Program Maintenance, Developing, Improving, and Educating new LPPs.
- 7. Discussion - Defining the scope of the LPP Steering Committee and sub-committees.**
- a. Matthew Page said that when the Committee was first created, it was given the task to expand the scope of the LPP license and had direction to move forward with that. He agrees that the Committee should ask the Supreme Court to define the scope of the LPP Steering Committee.
  - b. Monte Sleight responded that originally there were more subcommittees, and everyone was on at least one committee. The subcommittees came together to talk about what they were working on. The Innovation Subcommittee would move back to focusing on new ways to move the program forward.
  - c. Judge Mettler asked, how does the Committee come up with changes and implement them? This can be done by rule changes.
  - d. Monte Sleight responded that this is where the entanglements are because it is all interrelated. We do not want to put too great a burden on the Bar. The Committee needs to work with the Bar to find practical solutions. We cannot foresee all of the complications, but maybe we create the rules and then figure out how to implement them. The Bar has been great to work with.
  - e. Emily Lee said The Committee is well within its charge to make changes and help the Bar understand how to help move things forward. The Bar does not have endless resources but could ask the Court for more. The Bar would identify the mandate, the rules, and what the Bar needs to make it happen. The Court can then decide.

- f. Judge Mettler stated that the Committee has become somewhat stagnant because of how enormous this task is. We have talked about expanding the scope of the LPP license to new areas, but we get tied up in the implementation piece and end up doing nothing.
- g. Emily Lee said that the Bar could ask the Court for more resources. We could go to the court with a well-reasoned plan and the rule, and then we can conference with them regarding what to do.
- h. Judge Mettler responded that we should include what is needed to implement a new rule. For example, if we change the rule to permit some adoptions, there is not currently a training course for it. However, this might incentivize one of the colleges or other organizations to create something.

**8. Discussion - LPP training vs exams**

- a. What areas can we allow training instead of another exam? Expungement training developed for the attorneys exists and could be used for the LPPs.
- b. Monte Sleight stated that the Court and the Bar have been good about getting the resources needed to move the LPP Program forward. Test experts came in to teach Committee members how to write questions. We can go to the Court regarding the proposed Rule 15-712 regarding expungement and say, this is what we need. We would need video training on expungement and keep it up to date. UVU came forward and created their LPP classes. If we continue to make the changes, it incentivizes us and our partners.
- c. The test must be practical and use test experts for the exam questions.
- d. Would the colleges have an interest in writing courses if they generated tuition?
- e. Melissa Parache stated that the Committee needs an incentive to encourage people to apply for the LPP license. Some people hesitate because of the scope of the LPP license, if it will be around in a few years, etc. We need to clarify these so that we can move forward with adding new rules.
- f. Monte Sleight responded that if we can bring in more LPPs, then the annual dues will add up, and there will be funding for the LPP Program from that source. This is what the Bar does for attorneys. One way to get more LPPs is expanding the practice areas of the LPP license which will allow them to help their clients in more areas.

**9. Discussion - Other LPP programs in the region**

- a. Matt Page said that he met with some of the other jurisdictions with limited licenses. Arizona and Colorado are struggling with the same issues we have. He recommended there is a lot to be learned from reviewing their programs and sharing what we have learned.

**10. Discussion – Other Resources including Possible Access to Justice Grants**

- a. Matt Page said that Colorado has created some great courses. It would be nice if we could somehow use them. There might be other resources out there that we are

not looking at.

- b. Melissa Parache asked if there are any Access To Justice Grants.
- c. Matt Page responded that most of those grants are on research but not training. It is hard to find money for training.
- d. Where can we access grant writers?

#### **11. Discussion - Role of the LPP Steering Committee**

- a. Amber Mettler said that there probably is not a need for new Committee members and proposes the committee narrow its role to writing the rules. Further implementation such as course development and testing will need to be handled elsewhere. This Committee is taking on too much and as a consequence has not been able to move forward.
- b. Emily Lee responded that the Bar will figure out how to do all of this; if it cannot be done, then the Bar will let the Committee know. What the Committee is going through right now is how this process is supposed to work. The Committee does not have to take the burden of the entire LPP program.
- c. Judge Mettler stated that new rules might be inspirational and create new areas that are not fully developed.
- d. Emily Lee responded that if a rule is aspirational, it will invite questions and help move things forward.
- e. Jackie Morrison commented that if this Committee becomes focused on LPP rules, could we have a Bar committee that works on innovation? Or perhaps under the auspices of the Bar who then sends things to the Steering Committee
- f. Emily Lee responded that would probably be fine. Currently for attorneys, the Bar has a main Admissions Committee but also has a Test Committee, Character and Fitness Committee, and Test Accommodation Committees. The other Committees send their recommendations to the Admissions Committee. We could do something similar for the LPP Program with the Court's permission.
- g. Judge Mettler stated the Committee has been bogged down with the issues. A few members of this Committee will have a roundtable with Emily Lee and Elizabeth Wright who is the Executive Director for the Bar. They will discuss several of these issues and update the Committee.
- h. Leslie Staples suggested a pause in adding LPPs to the committee while we look at the scope and skills needed for the committee to function. She also suggested adding a court commissioner to the Committee.
- i. Judge Mettler agreed that it would be helpful to add a court commissioner and also mentioned that we need a co-chair for this Committee. Judge Mettler has thought about contacting Commissioner Sagers.
- j. The Committee agrees that it would be a good idea to add a commissioner as an assistant chair for the committee. Someone like Commissioner Joanna Sager or Marla Snow. Judge Mettler will reach out to Commissioner Sagers.

## **12. Update from the Bar**

- a. The Bar is still working on ways to provide OCAP documents to LPPs once OCAP goes away. Tonya Wright will meet with the Bar's IT head, David Clark, about this.
- b. Tonya Wright states that she gets a lot of calls from people asking about the LPP license. A consistent theme is that they would like to see more practice areas. It is essential to the growth of the program that it expands. Often the people she talks to do not realize they may only use court forms, and not being able to do discovery is an issue. Maybe the Court could create a discovery form with the top five areas that are most commonly seen in discovery such as verifying employment, education, if the person has been looking for a job, etc.
- c. Melissa Parache commented that she is only taking on uncontested cases because she cannot even ask for basic things which makes it more stressful. LPPs restriction on discovery is a burden.
- d. Monte Sleight responded that the Court was concerned about allowing LPPs to draft documents. Discovery can be very complicated.
- e. Melissa Parache advised that sometimes she will take on a Divorce that ends up being contested because the opposing lawyer knows she cannot ask for formal discovery.
- f. Judge Mettler responds that it would be nice to have a standard form, but how do you respond? What is privileged? What is appropriate? Discovery is very complicated, and it would be hard to narrow it down. And what about depositions?
- g. There is a need to define what can be done without opening a new area of liability.

## **13. Update from the Innovation Subcommittee**

- a. The Subcommittee is working on proposed new Rule 15-712. Practice areas not requiring testing. Right now, the only one on there is expungements. The Committee will be meeting again in a couple of weeks to continue working on it.

## **14. Item 6: Discussion—Previous Rule 15-703: Eligibility based on bachelor's degree plus paralegal certificate.**

- a. Did not discuss

## **15. Item 7: Discussion—Update from the LPPs on current casework and projects**

- a. Did not discuss

## **16. Item 8: Discussion—Update on rural outreach**

- a. Did not discuss

## **17. Item 9: Discussion—Update on outreach efforts**

- a. Did not discuss

## **18. Item 10: Discussion—Old business/new business Supreme Court Committee Rule Changes**

a. Did not discuss

**19. Adjourn**

**20. Next meeting:** November 21, 2023

## TAB 2

1 **Rule 15-712. Practice areas not requiring testing.**

2 (a) **Practice areas requiring education but not a licensing exam.** A person licensed  
3 under Rule 14-802(c) as a Licensed Paralegal Practitioner may provide the following  
4 services in accordance with paragraph (b) of this rule without being required to pass a  
5 corresponding licensing examination:

6 (1) Criminal expungements and may file any approved form necessary for the  
7 expungement of the criminal conviction; and

8 (2) Eviction expungements and may file any approved form necessary for the  
9 expungement of the eviction conviction.

10 (b) **Education in lieu of passing a licensing exam.** In lieu of passing a licensing  
11 examination to provide the services listed above, the Licensed Paralegal Practitioner  
12 must attend a continuing legal education course specifically approved by the Utah State  
13 Bar for the training of Licensed Paralegal Practitioners for each service listed above. The  
14 Licensed Paralegal Practitioner must attend this continuing legal education course at  
15 least once every three years.

16 (c) **Exception to continuing legal education requirement.** A person licensed as a  
17 Licensed Paralegal Practitioner in forcible entry and detainer under Rule 14-802(c)(1)(B)  
18 may provide services for eviction expungements as described in paragraph (a)(2) of this  
19 rule without first completing a continuing legal education training course in eviction  
20 expungements.



# TAB 3

1 **Rule 14-802. Authorization to practice law.**

2 (a) **Application.** Except as set forth in paragraphs (c) and (d), only a persons who ~~are-is~~  
3 an active, and licensed attorney member of the Bar ~~members and~~ in good standing may  
4 engage in the practice of law in Utah.

5 (b) **Definitions.** For purposes of this rule:

6 (1) "Practice of law" means representing the interests of another person by  
7 informing, counseling, advising, assisting, advocating for, or drafting documents  
8 for that person through applying the law and associated legal principles to that  
9 person's facts and circumstances.

10 (2) "Law" means the collective body of declarations by governmental authorities  
11 that establish a person's rights, duties, constraints, and freedoms and includes:

12 (A) constitutional provisions, treaties, statutes, ordinances, rules,  
13 regulations, and similarly enacted declarations; and

14 (B) decisions, orders, and deliberations of adjudicative, legislative, and  
15 executive bodies of government that have authority to interpret, prescribe,  
16 and determine a person's rights, duties, constraints, and freedoms.

17 (3) "Person" includes the plural as well as the singular and legal entities as well  
18 as natural persons.

19 (c) **Licensed Paralegal Practitioners.** A person may be licensed to engage in the limited  
20 practice of law as a Licensed Paralegal Practitioner in the area or areas of one or more  
21 limited areas of law.

22 (1) A person may be licensed as a Licensed Paralegal Practitioner by examination  
23 in one or more of the following limited areas:

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24 (~~A1~~) temporary separation, divorce, parentage, cohabitant abuse, civil  
25 stalking, custody and support, name or gender change, and petitions to  
26 recognize a relationship as a marriage;

27 (~~B2~~) forcible entry and detainer and eviction expungement; ~~and or~~

28 (~~C3~~) debt collection matters in which the dollar amount in issue does not  
29 exceed the statutory limit for small claims cases.

30 (2) A person who is already licensed as a Licensed Paralegal Practitioner may  
31 also provide services as specified in Rule 15-712 and in accordance with that rule.

32 (~~34~~) Within a practice area or areas in which a Licensed Paralegal Practitioner is  
33 licensed, a Licensed Paralegal Practitioner who is in good standing may  
34 represent the interests of a natural person ~~who is not represented by a lawyer~~  
35 ~~unaffiliated with the Licensed Paralegal Practitioner~~ by:

36 (A) establishing a contractual relationship with the client;

37 (B) interviewing the client to understand the client's objectives and  
38 obtaining facts relevant to achieving that objective;

39 (C) completing forms approved by the Judicial Council or preparing  
40 documents that are consistent with the relevant portions of the Judicial  
41 Council-approved forms;

42 (D) informing, counseling, advising, and assisting in determining which  
43 form to use and giving advice on how to complete the form;

44 (E) signing, filing, and completing service of the form;

45 (F) obtaining, explaining, preparing, and filing any document needed to  
46 support the form;

47 (G) reviewing documents of another party and explaining them;

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48 (H) informing, counseling, assisting, negotiating, and advocating for a  
49 client for purposes of settlement;

50 (I) filling in, signing, filing, and completing service of a written settlement  
51 agreement form in conformity with the negotiated agreement;

52 (J) communicating with another party or the party's representative  
53 regarding the relevant form and matters reasonably related thereto; ~~and~~

54 (K) explaining a court order that affects the client's rights and obligations;  
55 ~~and-~~

56 (L) standing or sitting with the client during a proceeding to provide  
57 emotional support, answering factual questions as needed that are  
58 addressed to the client by the court or opposing counsel, taking notes, and  
59 assisting the client to understand the proceeding and relevant orders.

60 (d) **Exceptions and Exclusions.** Whether or not it constitutes the practice of law, the  
61 following activity by a nonlawyer, who is not otherwise claiming to be a lawyer or to be  
62 able to practice law, is permitted:

63 (1) Making legal forms available to the general public, whether by sale or  
64 otherwise, or publishing legal self-help information by print or electronic media.

65 (2) Providing general legal information, opinions, or recommendations about  
66 possible legal rights, remedies, defenses, procedures, options, or strategies, but  
67 not specific advice related to another person's facts or circumstances.

68 (3) Providing clerical assistance to another to complete a form provided by a  
69 municipal, state, or federal court located in Utah when no fee is charged to do so.

70 (4) When expressly permitted by the court after having found it clearly to be in  
71 the best interests of the child or ward, assisting one's minor child or ward in a  
72 juvenile court proceeding.

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- 73 (5) Representing a party in small claims court as permitted by Rule of Small  
74 Claims Procedure 13.
- 75 (6) Representing without compensation a natural person or representing a legal  
76 entity as an employee representative of that entity in an arbitration proceeding,  
77 where the amount in controversy does not exceed the jurisdictional limit of the  
78 small claims court set by the Utah Legislature.
- 79 (7) Representing a party in any mediation proceeding.
- 80 (8) Acting as a representative before administrative tribunals or agencies as  
81 authorized by tribunal or agency rule or practice.
- 82 (9) Serving in a neutral capacity as a mediator, arbitrator, or conciliator.
- 83 (10) Participating in labor negotiations, arbitrations, or conciliations arising  
84 under collective bargaining rights or agreements or as otherwise allowed by law.
- 85 (11) Lobbying governmental bodies as an agent or representative of others.
- 86 (12) Advising or preparing documents for others in the following described  
87 circumstances and by the following described persons:
- 88 (A) A real estate agent or broker licensed in Utah may complete state-  
89 approved forms including sales and associated contracts directly related  
90 to the sale of real estate and personal property for their customers.
- 91 (B) An abstractor or title insurance agent licensed in Utah may issue real  
92 estate title opinions and title reports and prepare deeds for customers.
- 93 (C) Financial institutions and securities brokers and dealers licensed in  
94 Utah may inform customers with respect to their options for titles of  
95 securities, bank accounts, annuities, and other investments.
- 96 (D) Insurance companies and agents licensed in Utah may recommend  
97 coverage, inform customers with respect to their options for titling of

98 ownership of insurance and annuity contracts, the naming of beneficiaries,  
99 and the adjustment of claims under the company's insurance coverage  
100 outside of litigation.

101 (E) Health care providers may provide clerical assistance to patients in  
102 completing and executing durable powers of attorney for health care and  
103 natural death declarations when no fee is charged to do so.

104 (F) Certified Public Accountants, enrolled IRS agents, public accountants,  
105 public bookkeepers, and tax preparers may prepare tax returns.

106 (13) Representing an Indian tribe that has formally intervened in a proceeding  
107 subject to the Indian Child Welfare Act of 1978, 25 U.S.C. sections 1901-63. Before  
108 a nonlawyer may represent a tribe, the tribe must designate the nonlawyer  
109 representative by filing a written authorization. If the tribe changes its  
110 designated representative or if the representative withdraws, the tribe must file a  
111 written substitution of representation or withdrawal.

112 (14) Providing legal services under Utah Supreme Court Standing Order No. 15.