

**Licensed Paralegal Practitioner**

**Steering Committee**

Approved Minutes for November 21, 2023

[This meeting was conducted electronically via Zoom](#)

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<b>Committee members</b>	<b>Present</b>	<b>Excused</b>	<b>Bar Staff</b>
Judge Amber Mettler (Chair)	X		Kirsten Shumway
Scotti Hill	X		
Matthew Page	X		
Leslie Staples	X		
Tonya Wright	X		
John Seegrist (Secretary)	X		
Brooke Byall	X		
Lindsey Brandt	X		
Jackie Morrison		X	
Monte Sleight		X	
Melissa Parache		X	
Anastasia Boyko		X	

**Introduction**

The meeting started on time with a welcome from the Chair Judge Amber Mettler after a quorum was formed and new members and guests were introduced.

**Item 1: Approval of the Minutes**

Judge Mettler requested approval of the amended October 2023 minutes. The motion to approve was made by Tonya Wright and seconded by Leslie Staples. The Minutes were unanimously approved.

**Item 2: Report on Meeting with Judge Mettler and Bar staff Emily Lee and Kirsten Shumway**

Judge Mettler and Kirsten Shumway reported on a Zoom meeting they had with Emily Lee on October 31, 2023. They discussed the current status of the LPP Steering Committee which is in transition. They discussed how to continue growing the program, which is small given the amount of work needed to support the LPP program. They discussed the Committee's purpose and determined that it needed to be updated. They have decided to create a memo on the Committee's history and challenges that can be used in a planned meeting with the Utah Supreme Court in January. The goal of this meeting is to report to the court where the LPP Program is and to request guidance from the court on how to move forward with the LPP Program.

After their report, the Committee discussed its current situation. Judge Mettler noted that the Committee has been trading water, but that might be fine given this is still new. The Committee is currently approved for fifteen (15) members but is currently only staffed at thirteen (13). They discussed the future of this Committee and whether other committees were necessary to handle the workload of the LPP Program. The Committee will hold off adding new members until we hear back from the Court on how they would like us to proceed. The Committee will have a more detailed decision on the future of this program once the Court gives guidance.

The Committee's current role is to continue developing the LPP program including rule making and come up with creative ways to innovate the program. The bar will then work to support those changes. There is a general feeling that the committee has had to “carry all the water” and has become overwhelmed with the responsibility. Scotti Hill agrees that the Committee has been carrying the weight but feels some things can be done, and we need clarity on who will do them. She noted that we have identified some very tangible needs, and it is exciting to see those and look for ways to empower members. The Committee noted that COVID-19 also affected the Committee’s ability to move forward and discussed how to regain the lost momentum. The Committee needs guidance from the Court on what changes are necessary to move forward.

Expungements are a natural expansion for the LPPs role. There is general support for this recommendation from the committee, but the Committee still needs to discuss the required CLE. The Committee discussed its own role in drafting the rules for this expansion. The Bar will then execute the plan and develop the training course required to add this service.

### **Item 3: Discussion—Report on Internal Roundtable Meeting on LPP Scope with Bar staff, Monte Sleight, and Leslie Staples.**

Kirsten Shumway reported on a roundtable meeting that she and Emily Lee (Admissions Deputy Counsel at the Bar) held with Committee members Monte Sleight and Leslie Staples, and Elizabeth Wright (Executive Director of the Bar). They discussed limits on the LPP license. They agreed that certain areas of law that are quite complex and are outside the scope of the LPP license. This includes complex discovery and interrogatories, motion for summary judgment, adoption, and uninhabitable dwelling.

They discussed the scope of the LPP license. The committee discussed the meaning of Rule 14-802(c)(1)(C) and (F). Under paragraph (C), what does it mean for a document to be consistent with the relevant portions of the Judicial Council-approved forms? The committee agreed that it was the substance of the document that mattered over the formatting. The formatting of many approved forms causes problems when LPPs try to efile them. The committee also agreed that the documents referred to in paragraph (F) referred to ancillary and factual documents such as a military affidavit.

The Committee then further discussed the scope of the LPP license. Tonya Write asked what an LPP should do if a judge or commissioner asks them a question that is beyond the scope of their license. Kirsten reported that this was discussed in the roundtable meeting as well. LPPs need to help education judges and commissioners on the limits of their license. Before going into court, they need to prepare their client so they know the LPP’s role in court. The LPP should have a script of how to handle questions from the bench that are beyond the scope of the LPP’s license including letting the judge or commissioner know that the question is outside of the scope. The LPP should offer a solution such as “The answer is found in this pleading on this page,” “We can take a recess, and I can talk to my client out in the hall.” If the judge or commissioner continues and orders the LPP to answer, the LPP must follow a court order.

Lindsey Brandt commented that family law is unique, and each court handles it differently. There are courts where she is given more opportunities to help her client. She mentioned it would be nice to have some kind of training for LPPs on how to deal with tactical things attorneys do in court. Judge Mettler noted that the Committee has not discussed the idea of LPPs receiving training in this area. Scotti Hill likes the idea of training as well. She also states that the solution should be rule based rather than seeking advisory opinions. This would help assuage doubt on the part of the LPPs.

The presence of the LPP in the court is needed to ensure the process moves forward. An example was given of an individual in a multi-hour hearing where the client went through the motions only to leave and

finally settle in frustration. If the LPPs are not in court with the clients, the clients sometimes do not know what to do.

An LPP commented that sometimes attorneys know what LPPs cannot do and use that to their tactical advantage. Judge Mettler pointed out that this happens even with attorneys, not just LPPs. Judge Mettler and Scotti support expanding the real-time experience available for the LPPs. Training should include time in court to learn the processes and the skills needed to support the clients. Rule 14-802 scope does not provide enough direction to support the LPPs. The rule needs to better clarify the scope of the license. The LPP needs to prepare the client in advance for what they may be allowed to do. It would be helpful if the client has a script of what is essential in their case.

Judge Mettler agreed with Scotti that the scope of the LPP license needs to be in the rules, and the Committee should move away from using Advisory Committee notes. The more the Committee can put into the rule itself, the better.

A question was raised about the difference between an LPP working alone or working in a firm with an attorney. How does this impact the restriction on using the court's forms? If an attorney is involved with the LPP, does it change what can be used? What should be done with the discovery and the current limitations on LPPs? What do you do if a case moves to a point that you need to drop and move your client to an attorney? Clients will need help understanding when a case needs to go to an attorney. This transition may be more difficult for the stand-alone LPP and may cost the client more because the attorney needs time to get caught up.

While these questions cannot be answered right now, it is good that the questions are arising. It helps the Committee find ways to improve the program.

#### **Item 4: Discussion – Update from the Bar**

Matthew Page would like to see more CLEs on the LPP Program, and more Commissioners and Judges present at conventions where training is provided. Judge Mettler stated one problem is not getting the schedule out in time for the courts to clear their schedules to attend the conventions. Matthew reported that the Bar president chooses the dates. Usually the Spring Convention is the second week of March.

Matthew Page stated the Fall Forum and Spring and Summer Conventions need more sessions to explain the LPP program, what LPPs can do in court, and the scope of the license. He recommends that we hit this hard in the Spring Conference. There needs to be clarity across the board.

#### **Item 5: Update from the LPP Innovation Subcommittee**

Jackie Morrison, Scotti Hill, Monte Sleight, Melissa Parache, and Brooke Byall have spent more time refining the proposed New Rule 15-712 on Expungements, and Proposed amendments to Rule 14-802(c) and definitions in Rule 15-701. Kirsten Shumway stated that the Subcommittee felt the proposed rules were refined enough that the entire Committee should discuss them.

The Committee discussed the special CLE that would be required for LPPs who would like to provide expungement services. The LPP would complete the CLE in lieu of passing an additional exam. The Committee discussed the word “practice” in proposed Rule 15-712. Expungements are a service rather than a practice area. Judge Mettler proposed to delete the words “practice area” and replace it with “service.”

The CLE training should be very basic, and we would only require the CLE every three years unless they have taken the test for the unlawful detainer within three years. Judge Mettler stated the training would be

mandatory for LPP. Scotti Hill asked that we table the rest of this discussion until Monte Sleight is present.

Judge Mettler proposed adjourning the meeting since the hour was nearly up. The December meeting will be held on December 19th, at 4:00 p.m.

Adjourned.

**Next meeting is December 19, 2023**

**402 Reduction (Utah Code § 76-3-402)**

Did not discuss.

**ITEM 6: Discussion—Possible Safe Harbor Rule: Informal advice from the Bar or LPP Steering Committee.**

Did not discuss.

**ITEM 7: Discussion—Update from the LPPs on current casework and projects**

Did not discuss.

**ITEM 8: Discussion—Update on outreach efforts**

Did not discuss.

**ITEM 9: Discussion—Update on rural outreach**

Did not discuss.

**ITEM 10: Discussion—Old business/new business Supreme Court Committee Rule Changes**

Did not discuss.

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