

**Licensed Paralegal Practitioner  
Steering Committee**

Approved Minutes for December 19, 2023,  
[This meeting was conducted electronically viaZoom](#)

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Committee Members	Present	Excused	Guest/Staff
Judge Amber Mettler (Chair)	X		Kirsten Shumway
Anastasia Boyko	X		
Brooke Byall	X		
Emily Lee	X		
Jacqueline (Jackie) Morrison	X		
John Seegrist (Secretary)	X		
Leslie Staples	X		
Lindsey Brandt	X		
Matthew Page	X		
Melissa Parache			
Monte Sleight		X	
Scotti Hill	X		
Tonya Wright		X	

**Introduction**

The meeting started at 4:02 pm with a welcome from the Chair, Judge Amber Mettler; and a quorum was formed.

**Approval of the Minutes**

Approval of draft meeting minutes for November 21, 2023, was delayed until the January meeting to allow for review of updates.

**Update on Memo to the Court**

The final draft of the memo to the court from Emily’s team is ready for Judge Mettler to put the draft together in the next two weeks.

**Discussion - Update from the Bar**

Matt Page questioned the LPP on the emails received through a licensed lawyer. Should these emails be directed to the LPPs instead of directing them to the licensed lawyer site? We should consider referring them to someone who does unbundled services. The LPP Facebook page, managed by Tonya Wright, shows LPPs taking new clients. This list could be used for directing the referrals. Matt will look at the list and direct the emails to them. The LPP email listserv from the bar can also be used to send direct emails.

Kirsten has created a new Zoom link for the committee meeting for 2024 and will send it out with the January agenda.

Michelle Oldroyd from the Bar is holding a spot at the spring convention for LPPs. This spot can be used for education on the role of the LPP or for CLE., with the small number of LPPs that could attend the convention, the spot could be better used for a speaker on the role of the LPPs. The focus should be on Commissioners and Judges and how they should interact with and treat the LPPs. Kirsten Shumway will coordinate the speaker and may consider a panel of speakers from this committee. The Bar will waive the convention fee for the panelist. Those interested can send their names to Kirsten. The convention will be from March 14th to 16th in Saint George.

### **Discussion on the Scope of Practice for LPPs.**

The Bar's Ethics Counsel has asked a question on LPPs drafting stipulated settlement agreements.

If the LPP is working for a mediator and gives the case to the LPP, can the LPP file the documents for one of the parties? Lindsey Brandt confirmed that they could if they would sign a conflict-of-interest document. Only one of the parties would be the client, and the LPP will file the document for the client. the mediator. The committee agrees that this situation is acceptable.

### **Discussion on updates from the LPP Innovation Subcommittee.**

- Proposed New Rule 15- 712. Expungements.
- Proposed amendments to Rule 14-802 to match new Rule 15-712.
- Proposed amendments to Rule 15-701 to match new Rule 15-712.

Jackie Morrison discussed the evictions and criminal expungement Rule 15 712 that would allow LPPs to practice without an additional exam. She proposed an exemption for those with the landlord-tenant license. 15-701 specialized training for LPPs to provide this service. Question on clarification: Is there one training course for each area or one for all? The wording should be changed to "any" from "each" so there will be only one training for all subject areas.

Judge Mettler is in support of the wording change. The committee discussed an exception for those already licensed. but decided this would not be an appropriate carve-out and this has been removed.

Considering this training, should questions on the topic be added to the exam? The changes to the exam would be costly and more straightforward to keep as a CLE course.

Removing the language every three years will be a one-time training of one or two CLE hours. Melissa Parache supports the idea that the CLE can evolve with the needs of the LPPs. Scotti Hill questions if this should be a goal. Consideration should be given to reviewing the training with Jake Smith, who did the criminal expungement training. Access to justice has also created a CLE on expungements.

Some expungements after July 1, 2022, are automatic after three years or if it is in the agreement. Anything before this requires a petition. The exam does not currently have expungement questions on it. A condition of the expungement is that the other party must be made whole. The order of restitution may already include this in it.

For now, it is recommended that we write the rule with only the CLE required.

The Bar records all CLE courses, and the CLE training provides a certificate. Judge Mettler is not in support of requiring the certificate to be displayed.

The remaining changes to 15-701 provide a definition to support 15-712. Do we need to add the definition of CLE in 15-701? Judge Mettler recommended that the definition stand on its own. Remove the CLE definition and use “continuing legal education course designed by the bar” for LPPs. Remove MCLE and CLE. 14-802c will keep the list of LPP work and will be referenced in other rules.

The committee was asked if they had any last questions or concerns

**Action:** The committee has reviewed the changes and approved them. Lindsey Brandt motioned for approval, and Melissa Parache seconded the motion. The motion was approved unanimously.

This recommendation will be sent to the court in January, and the Bar general counsel will prepare a memo to go with the rule change.

### **Discussion on adding language to Rule 15- 802(c) allowing LPPs to recite facts in court.**

The issue the LPPs have in court is needing to know if or when they can. The Judge may ignore the rule and ask to hear from the LPP. Family law is a significant issue, with inconsistencies between courts asking the LPPs to talk. LPPs prepare scripts for the clients beforehand, but the clients need to stick to the scripts.

Opposing attorneys may manipulate the clients, who may need help understanding the questions they are asked. This situation has the potential to blow up quickly with little time to address. This hurts the case and the court's time.

The LPP is helping the clients, but they are forcing them to speak, which can hurt the client's case. The court can be frustrated and will just ask the “paralegals to talk.

Scheduling track management conferences is a rule 100A motion. What should the clients do? Clients may not go to these. The LPP will sometimes ask opposing counsel to present the agreements for the LPP because they cannot present the agreement. Currently, the LPPs can only do this if the court orders it.

The situation must be brought in line with access to justice to avoid hurting the pro se clients. Lindsey Brandt and Mellisa Parache report that the 3rd district allows LPPs to talk in court but not to argue. Document preparation and settlement agreements must be read into the record. This reading is allowed in the 3rd but not in the 4th district.

Brooke Byall reports that LPPs can already give facts and settlements to the court and participate in scheduling conferences. This report needs to be verified.

It recommended that this be stressed repeatedly at all conventions. Matt Page will help to make sure we take advantage of all opportunities.

Melissa Parache reported that the rule has mostly stayed the same but clarifies what is currently allowed. 14-802 does define facts and emotional support. Emily Lee says the change is substantial, even if it reflects what is happening. Lindsey Brandt clarified that the LPP does more than emotional support. LPPs have been sent out to schedule conferences outside the client's best interest. Emily Lee says LPPS can answer questions of

the court and opposing counsel.

A proposal was made to send this question to the sub-committee and for them to come back with a recommendation. Emily Lee supports this topic by going to the sub-committee. Judge Mettler says we need more clarity in the scope of practice and to follow the rule language process. It is better to take your time with wording changes.

**Action:** This topic will go to the sub-committee for review.

## **Adjournment**

### **The Following discussion items were not addressed in this meeting.**

Discussion – Making Utah’s LPP Core Competency document available to the public on the LPP website.

Discussion—Safe Harbor Rule.

Discussion—Update from the LPPs on current casework and projects

Discussion—Update on rural outreach

Discussion—Update on outreach efforts

Discussion—Old business/new business Supreme Court Committee Rule Changes

### **Licensed Paralegal Practitioner Steering Committee Meeting Times for 2024 (Third Tuesday at 4 pm):**

- January 16, 2024
- February 20, 2024
- March 19, 2024
- April 16, 2024
- May 21, 2024
- June 18, 2024
- July 16, 2024
- August 20, 2024
- September 17, 2024
- October 15, 2024
- November 19, 2024
- December 17, 2024