

LPP Steering Committee Meeting

AGENDA

April 16, 2024

4:00 p.m.–5:00 p.m.

Via Zoom

<https://us02web.zoom.us/j/83083038539?pwd=UHBkbERZMHU2NmXvOXlZMDBIbFFuUT09>

Attendance

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

Agenda

Item 1	Welcome and recognition of a quorum		Judge Amber Mettler
Item 2	Action: Approve proposed minutes from February 20, 2024	Tab 1	Judge Amber Mettler
Item 3	Action: Formalize Monte Sleight as co-chair of the committee.		Judge Amber Mettler, Emily Lee
Item 4	Discussion: Planning for the Court Conference in June. Identify specific areas to focus on Determine the progress in each area. Make assignments by area.		Emily Lee
Item 5	Report: Updates from the bar		Emily Lee, Matt Page
Item 6	Report: Update on rural outreach		Matt Page, John Seegrist
Item 7	Report: Update from LPPs		

TAB 1

**LPP Steering Committee Meeting
Minutes (Proposed)**

for
February 20, 2024
4:00 p.m.–5:00 p.m.
Via Zoom

<https://us02web.zoom.us/j/83083038539?pwd=UHBkbERZMHU2NmxxvOXlZMDBIbFFuUT09>

Attendance

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

Introduction

The meeting started at 4:08 with a welcome and call to order from Kirsten Shumway and a recognition of a quorum.

Item 1 Approval of Minutes

Action: On January 16, 2024, the minutes were presented with no changes. Matt Page moved for approval, and Brooke Byall seconded. The minute was approved.

Item 2 Report on Court Conference:

Report: We are still gathering the information requested by the court to meet with them

again in June.

Discussion:

Emily Lee, Kirsten Shumway, and Judge Mettler have requested more information to compare the Utah LPP program to other states, including how document preparation in Arizona compares. This will be useful in the June presentation to the court. As a result of the presentation, there may be some changes in the roles of the steering and admissions committees.

Brooke Byall is drafting a letter on what she has seen in the LPP practice and where she feels it should go. She has reviewed programs from other states to see what we could learn from them to improve our program. Kirsten Shumway feels the letter might be helpful and has asked for a copy when it is complete. Matt Page has also done a fair amount of research and will provide her with what he has. Her focus is on the scope of practice included in other states and the impact it might have in Utah. We generally need more detailed research to summarize what is available and what other states are doing to grow their programs. Other states are receiving many more applications than Utah. Arizona has 58 applicants, and Colorado has 77 applicants compared to Utah's four applicants for the spring testing. What they are doing to market the program and set a clear expectation of how the LPP license will benefit the individuals, the communities, and the firms needs to be defined.

Lindsey Brandt says the LPP program is being compared and sometimes confused with the sandbox program. There is a concern that it is seen as a competing program. Due to her position on a sandbox committee, she has a good insight into what the sandbox programs are doing. Tonya Wright worries that the sandbox could hurt the LPP program. Some attorneys still need to take or pass the bar and work in firms through the sandbox programs. Because of some firms' pay structures, working as a paralegal may be better financially than working as an LPP.

Melissa Parache raised a concern about malpractice insurance being available to LPPs.

Kirsten Shumway asked for more information on what carriers would not cover them. The insurance offered through the bar covers LPPs.

Tonya Wright is concerned that paralegals operating under the sandbox may be able to do more than an LPP. Scotti Hill reported that the program through Pearson Butler gives more latitude, but only while working for that firm. LPP have more economic mobility.

Lindsey Brandt works with a program that trains social workers to do protective orders for domestic violence. Susan Griffith has championed this program. Tonya Wright questions the flexibility they have and what they can do. The training is firmly based on scripts for them to follow. They have question-and-answer sheets that are easy to train on. Kirsten Shumway asked about considering other protective orders not currently allowed for LPPs. Matt Page expressed a concern that overlapping areas, including restraining orders, could be much more difficult. Lindsey Brandt reported that attorneys supervise the program through Timpanogus Legal. However, some sandbox programs are specifically AI-driven and not supervised by attorneys. Software programs can expand what paralegals can do.

Regarding LPPs working independently, Lindsey Brandt would only recommend working with an arrangement with an attorney who can offer support or step in when the case moves beyond the LPP's limits or capabilities.

Matt Page questions whether the sandbox programs decrease the risks experienced by the LPPs and hurt the desire to pursue this path. LPPs can drive a lot of business and provide an excellent service to the community. Their monthly billings can reach a significant level each month.

The sandbox program and the LPPs working in large firms do not help our issues in rural areas. The sandbox program does not lower costs; it manages the workload differently. Firms still charge clients \$200 to \$250 with limited oversight. It may be suitable for business, but it is doing

little to improve access to justice. Is there reporting that shows this type of impact? (Link to reporting shared but not reviewed in the meeting)

<https://utahinnovationoffice.org/2024/02/06/december-2023-activity-report/>)

Two new types of protective orders do not fall within the scope of the LPP as they are not included in the rule. Workplace violence protective orders and sexual violence protective orders both have court-approved forms and could be considered in the scope of the LPPs.

Monte Sleight says the hope was to have more independent LPPs that could provide access to justice. Kirsten Shumway says it is a big problem that people must learn who the LPPs are, what they can do, and how to create a solid operating model. Matt Page has recommended promoting the LPP program more. There is a monthly US jurisdiction meeting in Texas that is moving to allow LPPs a limited license but is trying to avoid making another license like an attorney. Our involvement could be beneficial.

The sandbox is working on a family law exam. Commissioner Sager is leading the effort. Monte Sleight would like clarification on who would be allowed to take the exam and what it will qualify them to do. The sandbox focuses more on the rules of civil procedure than the LPP exam. Monte is concerned that the right people are being used to writing the exams. The first attempt at the LPP exam saw most of the test takers fail. Once the money was invested in a professional test writer, the exam began measuring what it was intended to measure. The court wants the bar or the committee to refrain from writing the questions or having insight into the exams when they are taken as independent oversight is critical.

Adjournment 5:08

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