

LPP Steering Committee Meeting

Minutes

April 16, 2024

4:00 p.m.–5:00 p.m.

Via Zoom

Attendance

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

Item 1 Welcome and recognition of a quorum Emily Lee

Item 2 Action: Approve proposed minutes from February 20, 2024, Motion by Brooke Byall Second by Leslie Staples

Item 3 Action: Formalize Monte Sleightt as co-chair of the committee. Monte Will received training as Judge Mettler transitioned out. The Supreme Court will make the actual appointment. No motion is required from this committee. However, the committee offered their support.

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 will provide an update on planning for the June conference with the Supreme Court.

Expectations from the Supreme Court

The court wants us to identify areas the LPP program can expand into. They have also asked for a review of what other states have done and are doing that has been successful. They would like to learn from what is working that we can incorporate into our program.

Expanding LPP Capabilities

Small Claims Court Representation: Allow LPPs to represent clients in small claims court proceedings, providing affordable legal assistance for individuals with limited means.

Expungement Assistance: Expand the role of LPPs to assist individuals with the expungement process, helping them clear their criminal records and access employment and housing opportunities. We need CLE training and requirements specific to the LPPs. Kirsten Shumway has a copy of the current CLE for expungements.

Rural Outreach and Access to Justice: Develop initiatives to extend LPP services to rural areas, where legal resources may be scarce,

Increased Involvement in Court Proceedings: There seems to be a shift in some courts regarding LPPs gaining more recognition and responsibilities within court proceedings. One example was Judge Shaughnessy quoting the LPP rules in response to an objection to an LPP (Lindsey Brandt) speaking in court and allowing her to proceed.

The court may ask the LPP to speak for the client to facilitate the case and the proceedings in court. Monte Sleight wants the LPPs to be able to ask to speak for the client. They should have the ability to talk as officers of the court. The court should allow the LPPs to advocate for the clients in any court. The sandbox enables this for paralegals but limits this for

the LPPs. The court is already comfortable with the work under the third-year law school rule, temporary licenses, and paralegals under the sandbox; allowing the LPPs to do the same is a natural extension.

LPPs and Commissioners: Expanding LPPs' roles to include appearances in front of commissioners without restrictions, especially in family law cases, could significantly improve access to justice. However, to effectively implement this expansion, the rules, particularly regarding forms and procedures, need to be updated. The lack of special forms is limiting; however, moving the forms to a different format can open the options.

Allowing LPPs to conduct informal trials, where rules of evidence are waived, could streamline proceedings and reduce barriers for clients.

However, to ensure fair representation, concerns about opposing counsel creating obstacles for clients, such as through excessive costs or exploitation of discovery rules, or objecting to the commissioner's recommendation forcing the case in front of the judge to limit the LPP, need to be addressed.

LPPs' ability to issue subpoenas is beneficial, but the requirement that an attorney enforce them may present practical challenges.

Emily Lee and Monte Sleight support the special expansion in the commissioner's courts. That would not exclude any capabilities in other courts.

Draft Proposal: Lindsey drafted a proposed rule to improve what the LPPs can do in front of a commissioner and will provide a copy to Emily Lee. Emily can share Lindsey's proposal with this committee.

Landlord-tenant and debt Collection limits: In landlord-tenant cases, the proceeding may shift from a landlord-tenant case to a debt collection case. If the amount in question goes

over the small claims limit, the LPP may no longer be allowed to represent the client. This harms the client and adds additional expenses when they bring an attorney to handle the debt collection.

LPP Attorney Transitions: LPPs, especially independent LPPs, are concerned that cases will escalate to a level where attorney involvement becomes necessary. Preparing for a smooth transition is essential for maintaining client trust and ensuring effective representation.

Lindsey Brandt's approach of having an attorney involved in pleadings provides a practical solution. This allows for a near-seamless handoff if a case reaches a point where an attorney is required. It also reassures clients that their legal needs will be addressed regardless of the complexity of their case.

Independent LPPs who hesitate to take on cases due to fear of exceeding their capabilities must have a plan to support them. This could include access to mentorship programs or collaborative arrangements with attorneys for potential case escalations.

Addressing these concerns and ensuring that LPPs have the necessary support and resources increased their ability to serve their clients.

Developing new LPPs: Develop and promote LPPs as a viable career path, particularly focusing on initiatives in Arizona and Colorado that attract more LPPs than we are seeing in Utah. Dedicated courses in high schools and colleges can increase interest in the field. We need to identify this as a career path earlier.

Monte Sleightt's role as a professor at SLCC and chairman of the committee presents an excellent opportunity to enhance the programs and support others who may want to pursue a career as an LPP.

Organizations like the Institute for the Advancement of the American Legal System (IAALS) can provide valuable insights and support for our work. (The committee was provided with a link to their site.)

It's essential to continue advocating for the importance of LPPs and providing accessible pathways for individuals interested in pursuing this career. We can make the LPP program look more attractive and provide more access to justice.

Education Supporting the LPP: Expanding the roles of LPPs in court proceedings would require training in areas of legal practice. This training should include:

Rules of Evidence and Civil Procedure: LPPs must understand the rules of evidence and the procedures in civil cases.

Basic Legal Research Skills: LPPs should have fundamental legal research skills to help them support their arguments and clients.

Practice in Rule 101 Motions: Understanding the rules and procedures for Rule 101 motions is essential, as these motions can significantly impact a case's outcome.

Drafting and Arguing: LPPs should have the skills to confidently draft and argue motions.

It is concerning that some LPPs may not feel adequately prepared to handle confrontations with unprofessional opposing attorneys who disparage them, potentially undermining their effectiveness in advocating for their clients.

Providing LPPs with knowledge and practical skills will enhance their ability to advocate for their clients effectively and competently in court proceedings.

Classes offered through the colleges are a good resource for the LPPs to develop their skills.

One challenge is that the LPP program requires degrees, not specific classes, to qualify. Can we consider LPP requirements based on the training included in the program rather than just the degree?

It was suggested that this committee look to legal aid to offer more mentorship to develop the LPPs' skills.

Emily Lee would like to see more CLEs for the LPPs and the attorneys they work with.

Comparisons between the sandbox programs and the LPP program: Lindsey Brandt reported that the justices are worried about the overlap between the sandbox and LPP programs. They want to strengthen the LPP program while eliminating redundancy in the two programs' capabilities.

The trial programs within sandbox initiatives have expanded rapidly. While LPP programs may not have developed as rapidly as sandbox initiatives, they offer independent practice opportunities within their authorized areas. The LPP program is not a test program, and we can not afford to get it wrong. We can learn from the sandbox program and hopefully avoid errors.

Action: Monte Sleightt has requested a comprehensive list of requirements for the sandbox. Emily Lee will assemble the list for his review and share it with this committee. Currently, the requirements for the sandbox focus on the supervising attorneys' requirements and not on the paralegals' requirements. This is being applied in large firms only where the structure makes sense.

The Sandbox program is recognized for its potential for rapid growth. Still, it's essential to carefully assess the impact of these experiments before integrating them into the LPP

program. This approach aims to avoid backlash and ensure that any changes to LPP abilities are well-informed and beneficial.

The Sandbox program aims to expand access to justice by allowing individuals, such as social workers, to be supervised by any licensed bar appointee, including LPPs. This program appears to offer a flexible approach.

Summary: Monte Sleight said we need concrete suggestions to present to the court. We must use what works in the sandbox and expand it to the LPPs. Learning from the success in Colorado and Arizona. Are there limits to our program that the other states do not have? There is a need for consistent guidelines regarding the abilities and permissions granted to LPPs. How can we leverage the lessons learned from the sandbox? What more can we do to support the LPPs with legal knowledge and skills, including rules of evidence, civil procedure, legal research, mentorship programs, and defining the scope of authority and responsibilities of LPPs in providing legal assistance?

Please share your thoughts with Monte Sleight, Emily Lee, and Judge Mettler.

An early draft of the report will be sent to the court before the next meeting.

Emily Lee will send the Colorado summary to the group in the next few days.

Adjournment 5:03

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