

Licensed Paralegal Practitioner Program

2018 Utah State Bar Summer Convention
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Program Overview

- ▶ Will provide limited legal help to clients who may not be able to afford an attorney or would otherwise be reluctant to hire an attorney.
- ▶ Will only practice in three distinct areas: Family Law, Landlord/Tenant Law, and Collections Law.
- ▶ Will be able to retain clients separately from an attorney.
- ▶ Will be able provide limited legal advice to clients.
- ▶ Will be able to advertise directly to public, in accordance with the Utah State Bar's advertising rules.
- ▶ Will be governed by ethics rules similar to those governing attorneys.

Educational Requirements

- ▶ Law degree from ABA approved law school. Utah Supreme Court Rules of Professional Practice, Rule 15-703(a)(4)(A).
- ▶ Associate degree in paralegal studies from an accredited school. Rule 15-703(a)(4)(B)
- ▶ Bachelor's degree in paralegal studies from an accredited school. Rule 15-703(a)(4)(C)
- ▶ Bachelor's degree in any field from accredited school plus a Paralegal Certificate or 15 credit hours of paralegal studies from an accredited school. Rule 15-703(a)(4)(D)
- ▶ If applicant has not obtained a law degree, they must take: three credit hours in professional ethics for LPPs; a specialized course of instruction approved by the Bar for each area in which they seek to be licensed; and must have obtained certification by the National Association of Legal Assistants, the National Association of Legal Professionals, or the National Federation of Paralegal Associations. Rule 15-703(b)(1)-(3)

Limited Time Waiver

“Grandfathering Provision”

- ▶ Bar may grant waiver of minimum educational requirements for three years from the date the Bar initially begins to accept LPP applications for licensure. Rule 15-705(a).
- ▶ Applicant must show, within two years from the waiver request, that they:
 - ▶ Have filed the Application for a Limited Time Waiver and paid prescribed fees. Rule 15-705(a)(1)
 - ▶ Are at least 21 years old. Rule 15-705(a)(2)
 - ▶ Have completed seven years of full-time substantive law related experience within the 10 years preceding the application, including experience in the practice area in which they seek licensure. Rule 15-705(a)(3)
 - ▶ 500 hours of substantive law-related experience in temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name change.
 - ▶ 100 hours of substantive law-related experience in forcible entry and detainer or debt collection.
 - ▶ Proof of substantive law related experience will be certified by supervising attorney, meeting requirements in Rule 15-705(a)(3)(A)-(C)
- ▶ Proof that applicant has successfully passed the LPP Ethics Examination and the LPP Examinations for the practice areas in which the applicant will be licensed. Rule 15-705(a)(4) and (a)(5)

Experience Requirements

- ▶ Applicants who have obtained a law degree are exempt from experience requirement.
- ▶ If no law degree, applicant must have 1500 total hours of substantive law-related experience within the last three years. 15-703(a)(5)
 - ▶ For licensure in family law, must have 500 hours of substantive law-related experience in temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name change
 - ▶ For licensure in other areas, must have 100 hours of substantive law-related experience in forcible entry and detainer or debt collection.
- ▶ In all practice areas, applicants must have gained experience must have been gained under the supervision of a licensed Utah attorney or LPP.
 - ▶ Full or part-time job
 - ▶ Paid or unpaid internship
 - ▶ Volunteer or pro bono work

Experience Requirements-Continued

- ▶ “Substantive Law-Related Experience” means the provision of legal services as a paralegal, paralegal student, or law student including, but not limited to, drafting pleadings, legal documents or correspondence, completing forms, preparing reports or charts, legal research, and interviewing clients or witnesses. Substantive law-related experience for landlord-tenant and debt collection includes, but is not limited to, the provision of legal services in the areas of bankruptcy, real estate, mortgage and/or banking law. Rule 15-701(bb)
 - ▶ Substantive law-related experience **does not include** routine clerical or administrative duties.

Testing and Admissions

- ▶ To be licensed, all LPPs must pass the LPP Ethics Exam and an exam for the specific area in which they will be practicing. Rule 15-703(a)(6)-(7)
- ▶ The Bar is developing a test for each area and will have one full exam in each area ready by September 2018.
- ▶ The Bar will oversee the admission of LPPs and will regulate licensing.
 - ▶ LPPs will be required to complete 24 hours of Continuing Legal Education per two-year reporting period. Rule 15-404.
- ▶ Each applicant must be of good moral character. Rule 15-708
 - ▶ The Bar will perform character and fitness examinations for each applicant before they are admitted, similar to investigation for applicants taking the Bar Exam.
- ▶ LPPs will be governed by Standards of Professionalism and Civility and Rules of Professional Conduct.
 - ▶ Rules are based on those that apply to attorneys.

Current Projected Timeline

- ▶ NOVEMBER 1, 2018 - Final rules to be approved and enacted by the Utah Supreme Court
- ▶ JANUARY, 2019 - First classes available through UVU
- ▶ SPRING 2019 - Applications accepted
- ▶ SPRING 2019 - Exams offered (through testing centers)
