

MINUTES

Paraprofessional Licensing Implementation Committee

Meeting Date:	March 22, 2021
Location:	Zoom Call
Chair:	Sr. Judge Kirsten Thompson
Vice Chair:	Sr. Judge Dan Harris
Committee Attendance:	Sue Gerhardt, Linda Odermott, Jon Dennis, Robin Wright, Maxine Tuan
Advisory Group:	Chris Costantino, Kendra Matthews, Danny Lang, Terry Wright, Jason Specht, Madeleine Campbell, Aubrey Baldwin, Crystal Sullivan, Dr. Johnny Lake
Staff present:	Susan Grabe, Matt Shields, Kellie Baumann

ACTION ITEMS

Meeting notes for 3/8 approved with the caveat that any typos or scrivener errors can be corrected without review

The 2/23 Regulation minutes and 3/1 Admission minutes will be approved in the individual Workgroup's Breakout Sessions.

INFORMATION ITEMS

Introduction of New Member

- New Implementation Committee member Maxine Tuan introduced herself to the group and provided a brief background.

Introduction and Welcome

- Judge Thompson let the committee know that Judge Torres will be moving from the Implementation Committee to the Advisory Group due to her busy schedule.
- Judge Thompson provided a brief update from the Supreme Court meeting and a brief discussion of paraprofessional organizations in other states (like Washington, California, Arizona) and Canada

Discussion Points for Full Committee

- Judge Thompson suggested rather than being very restrictive, we would like to provide opportunity for licensed paraprofessional help where it suits the public and consumer protection.
- Linda Odermott was hoping the full committee could discuss the Threshold Experience Requirements, Subject Matter Experience Requirements, and Attorney Certification Letter
 - Judge Harris asked what other states require.

- Linda Odermott said many jurisdictions have a larger hour experience requirement. Washington is almost double what we currently have while Utah has similar proposals. Utah requires specific experience in the subject matter. Other states have been silent on the subject matter experience requirement. It is all across the board when it comes to the hourly requirement.
- Judge Harris addressed the proposed requirement that those applying for the license have actual knowledge in the subject area that they will be working in. The issue that may come from this is that many paralegals may not have knowledge in the landlord tenant and family law areas. His concern is that we would be narrowing the field and shutting people out if we required experience in that field if there is not a natural avenue to get that experience. Perhaps a CLE or class requirement that will give this knowledge and/or requiring them to observe family court or even spend time with a facilitator to gain practical experience.
- Linda Odermott said what we would first like to discuss is the 1,500 hours in substantive work will be sufficient, or if we will require this to be broken up into subject matter requirements. Substantive work is defined as: work that would otherwise be performed as an attorney, it cannot be administrative in nature, and the paralegal uses their credentials in the work on that topic. The 1,500 hours will be verified by an attorney: that they've done the work, the time that they have been doing it, listing the duties performed, and verifying their competency.
- Judge Harris voiced concerns that the two-year limit may be too limiting. He would be in favor of expanding the time frame to meet the 1,500 hours to four or five years. It may be hard to gain substantive work in that amount as opposed to administrative work. Maybe three years could be appropriate.
- Sue Gerhardt asked at what point is someone going to be asking the attorney-supervisor to certify that the paralegal has done this work. Is it after someone has quit or is it before you give notice (but you don't want them to know you are going to do this), or do you pay the attorney for their hours working on the form?
- Linda Odermott said that is a great question. Perhaps that isn't something we can figure out right now. It will be different for every paralegal. The form that the attorneys will be filling out will only be one page long so it may not require many hours to fill out on the attorney's part. Hopefully the attorneys will be willing to fill out the form and it will not be an issue.
- Several members discussed nuances of this problem. Should attorneys have an ethical responsibility to complete such a form? What if the attorney in question is deceased? How does this relate to certified law students? Suggestion to allow some kind of self-certification.
- **RECOMMENDATION** - Linda Odermott said her understanding of the group consensus is to recommend 1,500 hours majority substantive work within a 3-year timeframe. Additionally, we would recommend to include a few duties as examples in the letter rather than the full list we currently have.
- Danny Lang said he would urge the certification letter to be very liberal and general rather than specific.

<ul style="list-style-type: none">• Access to free or low cost CLEs<ul style="list-style-type: none">○ The committee already discussed this topic and does not feel that they need to re-address it.
Discussion Points Tabled for Future Meeting <ul style="list-style-type: none">• Admissions Criteria• Referral Service - Will there be one and how will it impact current ethics rules?
Workgroup Breakout Sessions
Workgroup Status Updates <ul style="list-style-type: none">• Stakeholder Workgroup<ul style="list-style-type: none">○ The Stakeholder Workgroup will continue to create a stakeholder list to provide to the full committee at the April 5th meeting. They are looking at other groups and members of the public.• Admissions & Education Workgroup<ul style="list-style-type: none">○ The workgroup is finishing their draft. They have a few outstanding issues for the full committee to discuss at the next meeting. They are on track to have a final draft at the end of the day on April 5th.• Regulation Workgroup<ul style="list-style-type: none">○ The Workgroup discussed the preferred work product and what that looks like.○ They also talked about some of the scope of licensing issues that were raised in previous discussions including juvenile court proceedings and in contempt issues.
Future meetings: <ul style="list-style-type: none">• April 5, 2021 – 12:00pm – 2:00pm – Full Implementation Committee Meeting• April 19, 2021 – 12:00pm – 2:00pm – Workgroup Breakout Sessions• Kellie will schedule additional meetings every two weeks into July and send calendar invitations to Committee members, Advisory members, and guests.<ul style="list-style-type: none">○ May 3, 2021 – 12:00pm – 2:00pm – Full Implementation Committee Meeting○ May 17, 2021 – 12:00pm – 2:00pm – Workgroup Breakout Sessions○ May 31, 2021 – 12:00pm – 2:00pm – Full Implementation Committee Meeting○ June 7, 2021 – 12:00pm – 2:00pm – Workgroup Breakout Sessions○ June 21, 2021 – 12:00pm – 2:00pm – Full Implementation Committee Meeting○ July 5, 2021 – 12:00pm – 2:00pm – Workgroup Breakout Sessions○ July 19, 2021 – 12:00pm – 2:00pm – Full Implementation Committee Meeting