

Winter -2022

February 3, 2022

Contents

1. Welcome – Changes to the Board
2. Exciting CLE opportunities
3. Licensed Paralegal Practitioner
4. Community Service Opportunities
5. Rule Spotlight
6. Member Spotlight

Paralegal Division of the Utah State Bar

Newsletter

We are excited to provide you with this newsletter to provide current news and happenings in the paralegal community!



We would like to invite members to provide suggestions, comments, and other feedback that they would like to see over the next year from the Paralegal Division. If you have any CLE ideas, or anything you'd like to see more of, please send us an email at utahparalegaldivision@gmail.com.

Contact Us

Paralegal Division of the
Utah State Bar

Utahparalegaldivision@gmail.com

Website

Paralegals.utahbar.org

Welcome

As of January 1, 2022, the Board of Directors added a new Board Member. We would like to introduce you to Kelsi Larsen:

Kelsi Larsen is the Region I Director and is also a member of the CLE Committee.



Kelsi began her legal career as a document clerk at Fabian VanCott prior to graduating from Ensign College. After receiving her degree in paralegal studies, she continued working with Fabian VanCott and accepted a position as a litigation paralegal, focusing on complex litigation and employment law. She completed her Certified Paralegal (CP) accreditation through the National Association of Legal Assistants (NALA) and later, her Advanced Certified Paralegal (ACP) before moving to USANA, where she worked as a Senior Corporate Paralegal. She currently works as the Senior Paralegal at *Pluralsight* and serves on the Paralegal Studies Program Board at Ensign College.

Kelsi Larsen is replacing the position previously held by Rheane Swenson. Thank you Rheane for your friendship and commitment, you will be missed.

Exciting CLE Opportunities

*** CLE Compliance Report Period: July 1, 2021 – June 20, 2022. The CLE requirement is 10 hours of accredited CLE, to include 1 hour of legal ethics and 1 hour of professionalism and civility.**

The CLE Committee for the Paralegal Division has been hard at work to provide meaningful and intriguing CLE opportunities through the year. We hope you have enjoyed the topics presented thus far. We would like to encourage our members to reach out to the Board with any suggestions, comments or recommendations they may have for future CLE's.

We recently provided a Survey Monkey to our members and greatly appreciate everyone who took the time to complete it. Based on the outcome of the survey, we intend to provide future CLE opportunities on the topics suggested, including Cyber Security, Medical Malpractice, Employment matters, and a few others.

Mark your calendar for these upcoming CLE Events:

Spring Convention: The Spring Convention has been moved to a Virtual Event, dates will be spread out on Thursdays March through May, 2022. On March 21, 2022, The Paralegal Division will be sponsoring David Williams, who will be presenting on the topic of “Discrimination Defense and Human Resource Responsibilities.”

Brown Bag CLE – April 20, 2022 – Details to follow. The topic will be related to Cyber-Security. Please watch for emails, our Facebook page or website for updates.

Paralegal Day: Friday, May 20, 2022- Currently scheduled for The Marriott City Center. Possibly virtual or mixed.

The Annual Paralegal Division CLE is scheduled for Friday, June 10, 2022, at the Utah Law & Justice Center, 645 South 200 East, SLC, UT 84111. Registration begins at 7:30 a.m.; Seminar begins at 8:00 a.m. [7.0 CLE Credit Hours (including 1.0 Ethics and 1.0 Professionalism and Civility) (Credit pending)]

Summer Convention will be held in Coronado – San Diego this year, July 6-9, 2022 – details to follow. Reservation information is contained on the Utah State Bar’s website - <https://www.utahbar.org/summerconvention/>



Licensed Paralegal Practitioner

Resolution of common legal problems has become less complicated and more cost effective since the Utah Supreme Court in 2018 allowed licensed paralegal practitioners to practice in specific areas of law without direct involvement or supervision of an attorney.

Rule 14-802 of the Rules Governing the Utah State Bar creates an exception to the authorization to practice law for an LPP. The exception permits an LPP to assist a client only in the practice areas for which the LPP is licensed. The rule limits an LPP's possible practice areas to:

- Specific family law matters, such as temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, or name change;
- Forcible entry and detainer; and
- Debt collection matters in which the dollar amount at issue does not exceed the statutory limit for small claims cases.

Rule 14-802 also enumerates permissible actions for LPPs within the practice areas. Under this rule, an LPP may:

- Enter into a contractual relationship with a natural person (LPPs cannot represent corporations);
- Interview a client to determine the client's needs and goals;
- Assist a client with completing approved forms and obtaining documents to support those forms;
- Review documents of another party and explain those documents to a client;
- Inform, counsel, assist and advocate for a client in a mediated negotiation;
- Complete a settlement agreement, sign the form and serve the written settlement agreement;
- Communicate with another party or the party's representative regarding the relevant forms and matters; and
- Explain to a client the court's order and how it affects the client's rights and obligations.

This is an exciting new chapter for the Paralegal Profession. A licensed paralegal practitioner is a mid-level legal provider that is a step up for a paralegal and a step down from a fully practicing attorney. A licensed paralegal practitioner (LPP) can do many of the things traditionally accomplished by attorneys while charging lower fees. The court created the LPP program

to improve access to justice for Utah residents. Supreme Court approved a rule allowing licensed paralegal practitioners to handle specific legal processes without the supervision of any attorney.

Currently, classes are offered exclusively at Utah Valley University in Orem. Coursework can be completed in one semester; however, in order to qualify to take the license exam(s), paralegal practitioners must work with a law firm for at least 1500 hours in the three years prior to applying for certification and sitting the LPP exam. For more information regarding classes at UVU, see: <https://www.uvu.edu>. Additional information regarding the Licensed Paralegal Practitioner Program, please also see <https://www.utahbar.org/licensed-paralegal-practitioner/> or contact lpp@utahbar.org or (801) 746-5201 for answers to any specific questions you may have.

Community Service Opportunities

As many of us are unfortunately becoming part of the growing numbers of individuals affected with the Coronavirus, we have all – in one way or another – probably experienced the long lines at the Covid testing centers across the state and have seen first-hand the burden this is placing on the individuals in the front line who are conducting the tests. As a way to acknowledge and thank these individuals, the Board has decided to reach out with gift cards to provide to these workers. We are in the process of determining the proper channels to make sure these donations reach the desired workers. We hope to share our participation in this event with you, so please keep an eye on our Facebook page and website for updates.

In the fall, we participated in a “Wills for Heroes” Event in conjunction with the Young Lawyers Division that was held in Kaysville, Utah. This event was a success, and we’d like to thank all of those who volunteered to make the event possible. Watch your email box for future opportunities to participate in this exciting event.

If you have any recommendations for other Community Service Opportunities that you’d like to see us become involved in, please feel free to reach out.

Rule Spotlight

For many paralegals, one of our day-to-day responsibilities include the collection of medical records. We feel it would be helpful for everyone to be aware of recent changes to **UCA 78B-5-618 – Patient access to medical records – Third party access to medical record.**

This rule specifies, *“a health care provider who provides a copy of a patient’s records to a patient’s attorney, legal representative, or other third party authorized to receive records: (a) shall provide the copy within 30 days after receipt of notice; and may charge a reasonable fee for paper or electronic copies, but may not exceed the following rates: (i) \$30 per request for locating a patient’s records; (ii) reproduction charges may not exceed 50 cents per page for the first 40 pages and 32 cents per page for each additional page; (iii) the cost of postage when the requester has requested the copy be mailed; (iv) if requested, the health care provider will certify the record as a duplicate of the original for a fee of \$20; and (v) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.* These same provisions also extend to a third party service contracted by the health care provider to provide the records.

Please keep in mind that this rule also requires that the *“health care provider or the health care provider’s contract third party service shall deliver the medical records in the electronic medium customarily used by the health care provider or in a universally readable image such as PDF if the authorized party requests that the records be delivered in an electronic medium and the original medical record is readily producible in an electronic medium. For electronic record requests made on or after July 1, 2021, a health care provider or it’s contracted third party may not charge a fee for the electronic copy that exceeds \$150 regardless of the number of pages and regardless of whether the original medical records are stored in electronic format.”* Incorporating a request for electronic records into your subpoena could help you reduce overall costs and overhead for your clients.

This rule also provides relief for clients who are considered an indigent individual where all fees shall be waived. In order to qualify, the health care provider or the *“health care provider’s contracted third party service may require the indigent individual or the indigent individual’s authorized representative to provide proof that the individual is an indigent individual by executing an affidavit.”* Please note *“the indigent individual*

who receives copies of medical record at no charge under this Subsection (10) is limited to one copy for each date of service for each health care provider, or the health care provider's contracted third party service, in each calendar year."

To read this rule in its entirety, please go to:

<https://le.utah.gov/xcode/title78b/chapter5/78b-5-s618.html>

Member Spotlight

The purpose of this quarterly newsletter spotlight is to honor a Utah paralegal who, over a long and distinguished career, through their ethical and personal conduct, enthusiasm, and fortitude, rendered extraordinary contributions and service to the paralegal profession.

The Paralegal Division is pleased to announce that the Member Spotlight for this Quarter is:

BONNIE HAMP

Bonnie Hamp is a staple in the legal community as a paralegal, mentor, and a friend. Bonnie retired last July 2021, after 42 years of working as a paralegal in several different practice areas, including personal injury, insurance defense, family law, bankruptcy, real estate, public policy, and civil litigation. During her tenure, Bonnie worked as a Senior Paralegal for various corporate and national law firms in the Salt Lake area, handling all aspects of civil and commercial litigation. Prior to her recent retirement, Bonnie was employed as a paralegal with the Salt



Lake City Attorney's Office. According to one of Bonnie's former supervisors at the City Attorney's Office, the one quality that truly makes Bonnie special is her attitude. Working with stressed out trial lawyers never unsettled her. Her thoughtful and caring demeanor brought organization and compassion to the office. Additional colleagues stated that they had never met anyone as kind, thoughtful and gracious as Bonnie. She genuinely cared about the people she worked with and wanted to help in any way she could. This was evident in the fact that Bonnie was a mentor to several of her colleagues.

A paralegal that worked with Bonnie in the past wanted to share that Bonnie's expertise is greatly missed now that Bonnie has retired but missing her personality and being around her infectious laugh is what they miss the most. Bonnie acknowledged that while she enjoyed working for various law firms throughout her profession, she felt especially blessed to have spent the last five years of her paralegal career at the Salt Lake City Attorney's office. Bonnie felt that the knowledge that she gained there was invaluable.

Bonnie served ten years on the Unauthorized Practice of Law Committee for the Utah State Bar; Bonnie was a member of the Board of Directors and Executive Committee for the Paralegal Division of the Utah State Bar; and NALA Liaison for the Utah Paralegal Association. Bonnie received an Advanced Paralegal Certificate from the University of California and is a Certified Paralegal through the National Association of Legal Assistants (NALA). In 2012, Bonnie was honored with the Distinguished Paralegal of the Year Award.

Since July 2021, Bonnie and her husband are enjoying the fruits of retirement. They are currently building a home in Saint George, Utah and hope to move in sometime next month. Once they are settled into their new home, they plan on volunteering to give back to their community.

Bonnie has enjoyed an extensive and illustrious career as a paralegal, and has received many accolades from supervisors, colleagues, and contemporaries alike, but it is Bonnie herself that feels that the legal vocation provided her an amazing and rewarding career. Throughout her tenure, Bonnie watched as the paralegal profession evolved to what it is today. Bonnie stated that it has been a privilege working in this profession and having the opportunity to work with some of the most amazing attorneys, paralegals, legal assistants, and staff. It was an incredible journey and I'm so proud to have been a part of it.

If you know of anyone that you would like to elect to be in the Member Spotlight section of this newsletter, please send us an email at utahparalegaldivision@gmail.com.

A myriad of opportunities awaits you as a member of the Paralegal Division. If you are interested in participating on a committee or perhaps assisting on a specific project, please submit a committee volunteer form or contact a member of the Board of Directors. We welcome and encourage your participation.
