

## **Minutes of the Committee on Resources for Self-represented Parties**

September 11, 2015

### **Members Present**

Judge Marsha Thomas, Carol Frank (remotely), Jessica Van Buren, Leti Bentley, Sue Crismon, Carl Hernandez, Judge Douglas Thomas, Jaclyn Howell-Powers, Mary Jane Ciccarello, Susan Griffith, Barbara Procarione, Shaunda McNeill

### **Members Excused**

Eric Mittlestadt  
Lisa Collins  
Virginia Sudbury  
Judge Ryan Evershed  
Chris Martinez

### **Staff**

Nancy Sylvester

### **Guests**

#### **(1) Welcome and approval of minutes.**

Judge Marsha Thomas welcomed everyone and introduced Shaunda McNeill, the committee's new bar representative. Judge M. Thomas then asked everyone to introduce themselves to Shaunda. She then asked for a motion to approve the minutes. A motion was made and seconded. The June 2015 minutes were approved as written.

#### **(2) Announcements**

At the last meeting, Judge Thomas intended to focus on the Strategic Plan, but time ran out so she met one on one with the subcommittees to focus on the goal. She then explained that some of this committee's priorities were overlapping with the AAA Committee and the LLLT Committee. She said she had a meeting with Dan Becker and he said this energy toward self-represented parties was a good thing. The AAA Committee is an implementation arm and the LLLT committee is a recommendation committee. Communication will be key between the committees and Judge M. Thomas will have a meeting with Rob Rice (AAA) to discuss things. This committee is both a recommendation and implementation committee. Mr. Becker said anything that is implemented should be able to be implemented statewide. Speaking to Leti's program in Moab, we want to look to that with a statewide eye. Today will be a planning meeting.

#### **(3) Update on and adoption of Strategic Plan**

Judge M. Thomas discussed the Strategic Plan and the reason it was on hold, which dealt with the juvenile court statistics and Judge Hornak's concerns. Judge Hornak was encouraged by what the Self

Help Center was doing and Judge Thomas said we should just keep an eye toward juvenile priorities as we work on the Strategic Plan. The only change to the Plan now is adding Shaunda. Ms. Crismon brought up the lawyer directory as a potential change. She said we needed to bring back something temporary while they are working on a permanent fix.

Sue made a motion to accept the strategic plan with the amendments Nancy made and the updated stats by Mary Jane Ciccarello. Ms. Van Buren seconded and the motion passed unanimously.

#### **(4) Strategic Plan Planning Session of Priorities**

Judge Marsha Thomas reminded the committee that one thing to remember is our committee duties. There are 5 things we're supposed to do under Utah Code of Judicial Administration Rule 3-115:

(2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;(2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;(2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;(2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and(2)(E) develop an action plan for the management of cases involving self-represented parties.

##### **(a) Law Student Practice Rule**

Prof. Carl Hernandez and Jaclyn presented on the Rules Subcommittee's project: revising Rule 14-807, the Law Student and Law Graduate Legal Assistance Rule. Instead of having one of the most restrictive rules in the nation, this would be more in line with what other states are doing. The name would be changed to the "law student practice rule" instead of the third year practice rule. Another change would be to allow second year students to participate. The next change would be expanding the time after graduating for graduates to participate (1<sup>st</sup> or 2<sup>nd</sup> regularly scheduled exam). They pulled language from California and Arizona. There are a significant number of graduates who come from those two states. They had a question for Elizabeth Wright on paragraph (g) of the rule.

##### **(b) Continue Support for the Self-Help Center/Law Library Updates**

Judge M. Thomas then turned to Ms. Ciccarello. She said they have over 100 contacts per day now. This has increased. They are dealing in English and Spanish and also other languages, including Farsi, Mandarin, Chinese, and Vietnamese. She estimates that for every call they get, they miss 3 calls. They need more full-time attorneys. She is the only one that is full-time.

##### **(c) Continuing to Develop Forms**

Judge M. Thomas mentioned a meeting with the Board of District Court Judges that did not go as well as thought. Ms. Van Buren said she was a bit discouraged by the meeting and it felt like they had taken a step back. She and Mary Jane have been doing this for 8 years. Now they have to ask for permission to do a set of forms. They recognized the need to clarify the process and educate the judges.

**(d) Virtual Services**

Susan Griffith discussed virtual services. The clinics are up and going, but the challenge is getting clients to know about it. Ms. Crismon said she would get more clients connected with the clinics. Both Barbara and Carol said they are working with TLC and Shaunda said she'd connect with the YLD to provide lawyers.

**(e) Court Navigator Program**

Mary Jane expressed that the LLLT committee was not confident in the ability to engage JusticeCorps because of federal funding constraints. Anything they do needs to be in English and Spanish. The LLLT committee has discussed doing an ongoing series of classes to target people helping others to fill out forms. Could they certify like the mediation department? Other questions include listing it on the courts' website and, do we want it institutionalized? Part of this is identifying staff people in local courts interested in being the local court navigator. Mary Jane submitted a draft report from the LLLT Committee. There is a deadline of having it done before October 1. If they could get the SHC attorneys full time, on Fridays they could have classes on doing forms. Ms. Griffith suggested doing e-Modules.

Ms. Ciccarello will email the task force recommendations.

**(5) Other Business/Future Meetings**

The next committee meeting will be December 11, 2015.

The meeting adjourned at 1:42 p.m.