

**STANDING COMMITTEE ON
RESOURCES FOR SELF-REPRESENTED PARTIES
Meeting Minutes**

**August 10, 2007
Matheson Courthouse
Salt Lake City, Utah**

Members Present: Hon. John L. Baxter, Chair; Fred Anderson; Prof. James H. Backman; Pat Bartholomew; Mary Jane Ciccarello; Chris James; Jay Kessler; Stewart Ralphs; Prof. Linda Smith; Jessica Van Buren.

Members Excused: Joe Derring; Hon. Christine S. Decker; Rep. Neil Hansen; Hon. Rodney Page; Hon. James Shumate; V. Lowry Snow; James Upton.

Guests Present: Virginia Sudbury, Esq; Robert Sudbury.

Staff Present: Marianne O'Brien; Mary Boudreau; Tim Shea; Carolyn Carpenter

WELCOME AND REVIEW OF 7/13//07 MEETING MINUTES

Judge Baxter welcomed all present. A motion by Stewart Ralphs to approve the minutes of 7/13/07 as prepared were seconded and approved unanimously.

Judge Baxter introduced Marianne O'Brien who will replace Mary Boudreau. Ms. O'Brien stated she has lived in Utah the past four years and has worked in the state law library for most of that time. Prior to her move to Utah, Ms. O'Brien participated in many volunteer activities in Massachusetts and worked as a staff attorney for the Massachusetts state government. Before that she worked for the American Bar Association and Chicago Legal Services.

Judge Baxter welcomed Virginia Sudbury, an attorney who recently left her work at the Disability Law Center in Utah to open her own unbundled family law practice, and Robert Sudbury, a paralegal who will be working as a facilitator in the new office.

The committee members introduced themselves to Ms. O'Brien and the Sudburys.

SUBCOMMITTEE REPORTS

Report on Attorney Pilot Program – Mary Boudreau reported since she has been working in the self-help center she has been studying domestic law, creating resources, doing training in the pilot districts, collecting lists of some systemic problems, and attending to a few tasks left over from her previous position in the AOC. The Self-help Services Center will be opened with domestic relations law, followed by domestic violence law, and then the items of most use to self-reps will be determined and added in sequence. Ms. Boudreau asked the group to give her input on any learning sources on family law that they may have.

Ms. Boudreau indicated that in addition to reading she has been observing self-reps in commissioner's courtrooms. She has sat in the family law self-help clinic and in the family law clinic that meets twice a month with attorneys. Ms. Boudreau has been creating resources for the public and some for her own use. She obtained a divorce flow chart to help explain the divorce process and took it to the Second District court clerks. They expressed an interest in having access to that, as did Commissioners.

Mr. Boudreau indicated she went to three Second District courts and will be going to the Ogden court next week to provide training for clerks. The clerks are very supportive of the self-help center project. Ms. Boudreau demonstrated for clerks what is available on the court's website currently. They did not know about many of the things available on the website, including the list of free legal clinics. Ms. Boudreau noted she will be going to Eighth District next week to meet with the clerks. There will be a briefing for judges at their bench meeting on September 11.

Ms. Boudreau said she began collecting lists and sometimes addressing, systemic problems involving self-reps. She sat with and asked questions of clerks at the Family Law Clinic and in Third District. They pointed out many snags. One example is that in OCAP directions, there is a certain type of acceptance of service form consent and waiver. Self-reps do not understand they should not use that process unless they agree to all the terms in the petition. There was a problem in letting them know not to use the service by mail unless they are sure the mailing certificate will be signed. Problems like this make it so people are continually coming to the courts for help. Ms. Boudreau reported she described what clerks told her about this issue to Kim Allard and copied Stewart Ralphs. Ms. Allard went into the OCAP forms and information, excerpted the instructions, sent it to Ms. Boudreau and asked for suggestions. Mr. Ralphs made suggestions in language on the service part. Ms. Allard then asked if she did certain things on the other problems if those would work. They did. This all took about an hour. If there is a change and it is helpful, it saves hundreds of hours for clerks and self-reps.

Ms. Boudreau expressed that every time she goes out to a district she sees or hears something that is a systemic issue. She said she cannot take care of them all, but thinks it will be useful if quick and effective ways to answer some of the problems can be developed. Clerks are able to pinpoint problems very well.

Linda Smith noted that although Ms. Boudreau did not conceive of having to work with systemic issues, it may be important to ascertain what some of the systemic problems are by surveying those who may know and soliciting those people to help solve the systemic problems. Ms. Boudreau should not be the one to solve them all. She expressed it is also important that those providing unbundled services be informed of everything that could be conveyed. How do the different stages fit together?

Ms. Boudreau asked the group if, when Richard Zorza comes to speak on September 27th, they would like to arrange to have lunch and visit with him. He will be addressing the judges around 1:30 and will be addressing the University of Utah Law School from 5:30 to 7:00 p.m. The group expressed an interest in meeting with him for lunch and conversation.

Ms. Boudreau reported that the committee's suggestion that a Fifth District judge and an attorney speak to attorneys and judges at a CLE lunch is being followed up on by Judge Shumate.

Ms. Van Buren pointed out the guidelines for operation of the Utah State Courts' Self-Help Center, provided in today's materials, borrowed heavily from California. She said it is a framework that can be added to, and solicited feedback from the committee on the guidelines as they review it. Ms. Van Buren noted that the start time for the Self-Help Center is sometime in September.

Mr. Shea asked that the call management system be tested before the Self-Help Center begins to make sure it is going to measure all that it is supposed to measure. Ms. Boudreau's work cannot be diverted by problems that will occur.

REPORT FROM THE CHAIR

Judge Baxter reported he has received a letter of resignation from Lowry Snow. His obligations as President of the Bar have become too great. The Bar Commission will make a recommendation at their next meeting to fill this position.

REVIEW OF STRATEGIC PLAN

Judge Baxter indicated there will be another Judicial Council budget session at the end of this month. He will be unable to attend but Tim Shea and Judge Page will attend.

Judge Baxter noted the month-to-month work of the committee needs to be reviewed. The committee needs to decide whether it should continue to meet every month. Currently, the subcommittees are working on their individual projects and reporting back to this committee.

Jim Backman noted that the subcommittees are being relied on more at this point than the committee as a whole.

Judge Baxter reviewed the summary of the committee's strategic plan with the group, to help the committee determine what has been accomplished and to identify where the committee should go next. He noted those recommendations on the summary list that do not have subcommittees to address them are 2, 5, 9, 11, and 12.

Ms. Smith expressed there are just two things the committee is not currently focusing on:

1. Some mechanism to evaluate what has been done or is being done needs to be developed - a collection of data and how the committee is going to test improvements over time.
2. Assisting in the development of programs that will better serve the needs of people who need access to justice. That is where this committee is a small cog in a big wheel of the Access to Justice or other staff programs. That might involve having more community groups know how to educate the public. It might involve creating new institutions or getting more state funding for existing institutions.

Mr. Shea indicated regarding the first one, that is why the call management system is so important. There are some things that only the pilot project lawyer will be able to evaluate. There should be some subjective measures beyond the volume that is collected.

Judge Baxter asked if the committee should consider some sort of objective tool so the kinds of the things the attorney is doing is consistently recorded.

Ms. Boudreau stated there are forms from other states that the pilot program subcommittee have seen. Ms. Van Buren added Alaska is using an evaluation tool from California. They are in the process of upgrading it and it will be ready any month now. Utah can use it when it is ready.

Mr. Shea suggested the methodology for it ought to be a web page that only Ms. Boudreau can access. With each phone call, she would complete a small survey that goes into the database.

Ms. Smith opined that is great in terms of the pilot project, but the committee is not just doing a pilot project. Some of the things Ms. Boudreau is doing within the pilot project are systemic. Many systemic changes can be put into place by surveying pro ses and clerks. A survey can see how things have improved with non-pilot districts vs. pilot districts.

Judge Baxter indicated a control group would be needed, and the control is either the two districts before the program is implemented, or those districts that do not have the program vs. those that do.

Ms. Smith stated a formal survey could be developed and sent to clerks and given to pro ses, asking specific questions about system problems that have arisen. After the court changes the instructions and provided more things, it could be determined in two years if things have improved. Perhaps the committee could ask for funds for this from the Judicial Council, the social work school at the university, or the legislature.

Mr. Anderson said that the court clerks, those that go to pro se clinics, paralegals and attorneys who work in the clinics could be surveyed so the problems among all groups could be compared.

Mr. Shea indicated that two separate issues were raised; a request for studies to measure the efficacy of the forms or whatever else is done, and a study to try to determine what clerks and lawyers who work in the clinics perceive as problems so this committee can identify what it is they want to do about it.

Mr. Shea stated that a focus group approach can be considered as well. That is a legitimate device to generate information. Ms. Boudreau indicated that frontline clerks should be questioned about systemic problems.

Ms. Boudreau indicated that Richard Zorza evaluates projects nationwide. If there is a lunch with him, perhaps the committee could speak to him about this issue. Judge Baxter agreed, saying Mr. Zorza may know of a tool he could recommend so the committee would not need to develop one.

Ms. Smith stated the law school has not yet decided on what Mr. Zorza's topic will be when he speaks to them. Perhaps he could be asked to speak for 90 minutes about problems in handling self-reps, and innovations to improve processes.

Mr. Backman said Ms. Boudreau has been able to identify problems or concerns during this past month. Once Ms. Boudreau is on phones in the Self-Help Center, her ability to work on any systemic problems will be lost. After this committee discusses the problems, perhaps a subcommittee could be formed to handle the issues. Ms. Boudreau will be the best source of bringing issues to the committee's attention. The committee should take advantage of what she has gleaned over this first month and keep things rolling.

Mr. Anderson opined that solving the problems discovered in this survey is likely going to take longer than the committee may think, so we do not want to get a huge list of things to solve.

Judge Baxter suggested that the systemic problems Ms. Boudreau has discovered should be memorialized so the committee can attend to them when it can. Even if the committee does not have lunch with Mr. Zorza when he comes in September, we will hear him speak at two venues and can possibly discuss the survey concept with him to see what he recommends - if he has something personally available or can steer the committee somewhere. Then a survey tool or other method can be the committee's primary agenda item at the October meeting.

Judge Baxter noted that in addition, Ms. Smith raised the issues about assisting and developing programs that promote clinics and workshops. Those are numbers 9, 11, 12 on the summary. Judge Baxter asked what the strengths and pitfalls are for the Bar if the committee promotes legal organizations.

Mr. Backman indicated the committee is in the same territory in that area as the Access to Justice Council. Perhaps a designated person or persons from this committee should tie in with that Council. That group has the greatest political clout and this committee should be a good cog in the wheel of their approach. Ms. Smith opined that the Access to Justice Council should generate liaison strategies and protocols. Mr. Anderson stated someone from that Council should come to this committee's meetings and someone from this committee should attend their meetings.

Ms. Smith indicated there is no resistance from the Bar if what we are talking about is better funding for people who cannot afford lawyers. We are just creating more jobs for lawyers. In talking about #'s 9, 11, and 12, that's when we can step away. All courts should be open to everyone. There needs to be more services for people who cannot afford lawyers, and this committee is on the same page as the Access to Justice Council in terms of seeing that need and trying to get it met. We are particularly concerned about those who cannot afford even unbundled services.

Judge Baxter said he will speak with Nate Alder, president-elect of the Bar and on the Access to Justice Council. Pat Bartholomew said she will speak informally with Justice Nehring about it.

Ms. Smith suggested requesting the Judicial Council set up some structure to ensure there is communication between the Access to Justice Council and this committee. In terms of thinking

about the research, the dean of the University of Utah Law School would like to have a pro bono project of some kind for everyone in the first year to do. If this committee decides research with interviewing and surveying should be done, or problems with survey and process, that would be an excellent project for first year law students. She said there could be 135 law students involved, each one spending 5 hours interviewing people.

Education Subcommittee – Ms. Bartholomew reported the subcommittee on education for clerks' ongoing training has met and are also communicating by email. Probably by the next meeting the group will have a draft ready for this committee's review. The subcommittee is working with the Education Department.

Judge Baxter summarized there are a couple of tasks identified for the whole committee:

1. A post-Zorza meeting and discussion about some sort of tool formation.
2. A discussion with the Bar representative and with Justice Nehring about promoting clinics and workshops for legal services organizations to assist self-represented parties.

Mr. Shea suggested the September meeting be canceled and discuss the defined tasks in the October meeting. The group agreed. The next meeting will be held on October 12.

Ms. Ciccarello expressed that #9 is important and is distinct from #'s 11 and 12 on the ideas of working with the Bar and promoting legal services issues. This committee initially thought of trying to work with public libraries to make sure they know how to give people information. There are other organizations such as Catholic Community Services, Jewish Family Services and all the other organizations that are in regular contact with people who would probably want information. It is not about going through a court proceeding on their own, but rather knowing how to use the court website and where legal services can be found. Perhaps the role of this committee should be figuring out how to get information to those organizations on what the resources are. Maybe the committee could put a prototype training out that committee members of the pro bono students would conduct.

Judge Baxter indicated that this will be a distinct and separate agenda item at the October meeting.

Ms. Boudreau offered to provide information to Ms. Ciccarello that she just received about community contacts. She suggested self-help centers should develop community resource directories as well. The Ms. Ciccarello indicated she is doing a presentation in September at the annual Utah Gerontological Society meeting and is planning on showing them how to work the court website and the resources available.

Ms. Smith stated the Access to Justice Council was very interested in pursuing how the approach to service should be done to inform community organizations and agencies to know about what we do. That is why the Council expanded their group to include community leaders.

The meeting was adjourned.