

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

**October 12, 2007
Matheson Courthouse
Salt Lake City, Utah**

Members Present: Hon. John L. Baxter, Chair; Fred Anderson; Pat Bartholomew; Mary Jane Ciccarello; Joe Derring; Hon. Christine S. Decker; Chris James; Robert Jeffs; Jay Kessler; Hon. Rodney Page; Stewart Ralphs; Hon. James Shumate; Jessica Van Buren.

Members Excused: Prof. James H. Backman; Rep. Neil Hansen; Prof. Linda Smith; James Upton.

Guests Present: Kristine Prince

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

WELCOME AND REVIEW OF 8/10//07 MEETING MINUTES

Judge Baxter welcomed all present. A motion by Stewart Ralphs to approve the minutes of 8/10/07 as amended was seconded and approved unanimously.

INTRODUCTION OF ROBERT JEFFS

Judge Baxter introduced new committee member, Robert Jeffs, who is replacing V. Lowry Snow on the committee as a representative of the Utah Bar. Committee members introduced themselves to Mr. Jeffs. Mr. Jeffs indicated he is looking forward to serving on the committee.

REPORT FROM EDUCATION SUBCOMMITTEE

Pat Bartholomew indicated the first draft of the Legal Information vs. Legal Advice document is completed. Samples of documents from other states were used in preparing this document. The idea was to keep the document basic and user-friendly. Ms. Bartholomew reviewed the draft with the group. She asked that comments be sent to her or other members of the subcommittee for further discussion. She also requested that Judge Decker review the document from the perspective of the juvenile court and provide suggestions if she has any.

Judge Shumate asked about juvenile probation officers. He wondered if, since they deal with people on a face-to-face basis, probation officers could use this information. Judge Decker indicated that probation officers are well trained. They meet with every juvenile before court. They go through the juveniles' rights with them. Probation officers would not necessarily need this information.

Mary Boudreau asked if an attribution in the document will be given to Arizona, since the document draws heavily from their document. Ms. Bartholomew responded since some substantial modifications have been made to the Arizona document, and she has been advised this may not be necessary, but a final decision has not been made. The group agreed that a note of appreciation in the document would be appropriate.

Mary Jane Ciccarello noted that the tip given at the bottom of the page stating that clerks “should be familiar with the court rules” causes her to wonder how clerks access the court rules regarding pro se litigants. Ms. Bartholomew responded that changes made in the court rules can be accessed on the website.

Chris James indicated that the training for clerks is done area by area and clerks are told they can look up any questions on the court’s website. Ms. Bartholomew added that supervisors are responsible for giving clerks this information when they are training.

Judge Page suggested this document be vetted with the clerks of court. The group agreed, and Ms. Bartholomew will contact Kim Allard.

REPORT ON ATTORNEY PILOT PROGRAM

Jessica Van Buren reported the self-help line was opened the week of September 17. That week there were numerous phone problems. The second week the phone lines worked and a couple of calls were received. So far, about ten service contacts have been completed that includes call-ins and return calls from Ms. Boudreau.

The direct dial phones in 2nd district are set up. A person can pick up the phone and it immediately dials the self-help number. In the beginning, people thought it was a public phone so when they picked it up and got Ms. Boudreau, they were confused.

In the first two weeks, Ms. Boudreau provided 10 hours of open phone line availability, the 3rd week it was expanded to 20 hours. The current schedule, which could change depending on demand, is: Monday and Wednesday from 9-11 and 1-5; and Tuesday and Thursday from 1-5.

Judge Baxter expressed concern that there may not be substantial numbers of people calling in to justify funding from the legislature.

Ms. Boudreau said this was discussed with Dan Becker a few weeks ago. It was agreed that this position includes 20 hours of open phone line, 10 hours for research, call-backs, etc; and 10 hours for administrative time such clerk training programs, preparing materials for the program, etc. To this point, any calls that would have come in would have been taken, even if it was not during the specified call hours.

Ms. Van Buren stated a log is being kept by clerks of how many people they refer to the self-help program, as well as comments from people using the program. The system will measure the calls that are lost as well as those that are received. This will help determine if more than one person is needed to do the self-help work in the future.

Mr. Anderson indicated that the first year, the free legal clinic in Brigham City averaged 3.3 people per clinic, had one clinic per month, and it was a walk-in clinic. Over time, that evolved to about six people per month. Over time, the word goes out and people come.

Mr. Kessler added to this that he gets 20 people a month now at St. Vincent's because people are aware the service is there. Mr. Kessler suggested there could be advertisements for the program.

Judge Page expressed the program is in its very early stages, and the committee should wait until January to see if the number of calls increases. He is confident the Council will give the pilot self-help program two years to see if it will work. They know it takes a few months to get up and running. Judge Page stated he has great confidence the project will be approved for funding.

Ms. Van Buren noted the next area Ms. Boudreau will add is small claims. Invitations will be sent to the justice courts in the pilot districts to join in the project. Getting justice courts to send people to the self-help program will help.

STRATEGIC PLAN – NEXT STEPS

Judge Baxter indicated that he, Marianne O'Brien, Judge Shumate, and Kris Prince are going to Harvard for a national conference on access to the courts for self-represented parties. The group may come back with some ideas to add to the strategic plan. Upon return, some broad-based training will be done, including training-the-trainers to present at judges' conferences, etc. Some of what is learned may be presented to some legal organizations, libraries, etc.

Judge Shumate said he, Adam Caldwell, and an out-of-state person will be in a break-out session at the Bar's fall forum on Nov. 16th to present information gleaned from the Harvard conference, as well as anything else this committee would like to be presented.

Ms. Boudreau asked if there is any possibility that Bar members could be encouraged to sign up for limited legal services at the fall forum. Judge Shumate responded that at some point there would need to be a central clearinghouse for those willing to provide limited legal services, make limited appearances in cases, do ghost-writing, etc. Those people need to receive the benefit of having their name on a list so a clerk anywhere in the state can provide that list to a self-represented party. Judge Shumate said he would like to pass a sign-up sheet during his presentation for those interested in signing up. The list can be given to the Bar Commission, which will help them assemble the kind of service they want to have.

Mr. Jeffs indicated this is a critical time for doing that because the Bar is doing away with the legal match system it is using. The Bar is designing a new referral system and limited legal services will be part of the system. It will be ready to be put into place when the contract with Legal Match expires in March, 2008.

Judge Page indicated that Lowry Snow is meeting with the Davis County Bar next week about providing limited legal services. The reason it worked in 5th district was because some attorneys

took it in hand with encouragement from Judge Shumate and Mr. Snow. That is the key – working with the local bars to get the list going and then coordinating it.

Ms. Boudreau asked if consideration could be given to sending a letter to the attorneys in 8th district about the session at the fall forum and the pilot project that has just started, and asking for their participation. Mr. Jeffs indicated he will be meeting with John Baldwin but there is not a commission meeting between now and the fall forum. John Baldwin could likely do something specifically geared toward 8th district. Mr. Anderson stated the letter should focus on the demand for limited legal services as per the survey done by the courts because in certain areas there will be a high percentage of requests for attorneys.

Judge Baxter indicated a good job of outreach to the Bar and to judges is being done. Through the next year more of that will be done through educational planning for judicial conferences. He expressed concern that people who are looking for lawyer services most often have no idea there are limited legal services available. One of the next steps for this committee is to think about a public education campaign.

Ms. Ciccarello suggested a public education subcommittee be formed to start planning outreach activities. The group agreed. Judge Baxter asked Jessica Van Buren, Mary Jane Ciccarello, Mary Boudreau, and Linda Smith to be on the public education subcommittee.

Judge Shumate suggested a speaker's bureau could also be asked to present at places like the boards of senior citizen centers, etc. Judge Baxter asked everyone to assemble a list of suggestions for public outreach to be reviewed at the next committee meeting.

Mr. Jeffs asked if this group has considered an educational packet to be provided to pro-se litigants by the clerks. He indicated a pro se litigant opposed him in a matter this week and the judge ruled against the pro se litigant because he had never responded to any of the motions that Mr. Jeff's office filed in the case. The pro-se litigant's complaint was that he got a motion for summary judgment, but it did not tell him when he needed to respond. He said he did not know what the rules were that he was supposed to be following. If someone told pro se litigants at the time they filed, things like "this is what the clerk's office can and cannot do, these are the rules that will govern your participation in the court process, this is where you can find the rules, "etc., it would be helpful to the pro-se litigants. Even though there are legal clinics that can give legal advice, the public may not know they are available. They know they got a summons and have to file something with the court, and if they were given a little information when they file an answer with the court, it would be helpful to them. It could include resources for them.

Mr. Anderson said most of the district courthouses in the state have legal service pamphlets for pro se clinics and should be giving those out.

Judge Baxter stated the group going to the Harvard conference may return with a video or a pamphlet that can be adapted.

Ms. Boudreau suggested a question could also be sent out to the national list-serve for self-rep services asking if any have a pamphlet that is given to people who are thinking about

representing themselves. Judge Baxter asked Marianne O'Brien to pursue the question with the national list serve for self-represented services.

Ms. Van Buren said much of the information needed by self-rep parties is on the court's website. Joe Derring added most of this is already on the OCAP web site. Mr. Anderson said that most people do not read the instructions regardless. The free legal clinics are an invaluable link. The clerks do tell self-reps to go to the clinics to get their questions answered.

Mr. Jeffs expressed it is assumed that everyone is computer literate and that is not the case. Self-rep people in particular are often not computer literate. It would be a mistake to focus all efforts on computer access alone.

Judge Baxter thanked those who attended the CLE, and Linda Smith for putting the session together at the University of Utah for Richard Zorza to speak.

A November meeting by the committee will not be held. The next meeting will be on December 14.

The meeting was adjourned.