

Policy and Planning Committee

**Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111**

**January 5, 2018
12:00 – 2:00 p.m.**

Members Present

Hon. Derek Pullan - Chair
Hon. Augustus Chin
Hon. Mary Noonan
Rob Rice
Hon. Kara Pettit (by phone)
Hon. John Walton (by phone)

Members Excused

Staff

Pam Johns – recording Secretary
Nancy Sylvester
Keisa Williams
Richard Schwermer- Court Administrator
Catherine Dupont
Judge Barry Lawrence

Guests

Kimball Parker- Parson Behle & Latimer

(1) Welcome and Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the December 1, 2017 minutes. There being no changes, Rob Rice made a motion to approve the minutes as written. Judge Chin seconded the motion and it passed unanimously.

(2) BYU LawX Project for debt collection cases.

Mr. Parker is the Director of LawX, a BYU Legal Design Lab. The Lab has developed a new software program for pro se, debt collection defendants. The program is similar to Turbo Tax and will assist pro se parties in answering a complaint for a debt collection case in both the District and Justice Court. The program will be free to users. Mr. Parker is asking the courts to allow pro se litigants using the program to be able to email the PDF package to the court, rather than have to print the documents and hand-deliver or mail them. The documents submitted to the court would be formatted based on the online forms provided by the court. Mr. Parker walked the committee through a demonstration of the program.

Ms. Dupont asked if the software program would be available in different languages. Mr. Parker stated that the lab is currently working on a Spanish version and they are interested in other languages as well. Ms. Williams directed Mr. Parker to the Utah Court Certified Interpreter List on the court's website and encouraged him to use one of those interpreters to ensure any interpreters they use are familiar with legal terminology.

Judge Pullan noted that if the court allowed the documents to be filed via email, there would be question as to when the documents were officially deemed "filed" with the court. Is it the date/time the email is sent? Is it the date/time the clerk opens the email? What if it goes to a Spam folder?

Judge Lawrence said that the Self-represented Parties Committee has been looking at the issue of the high percentage of debt collection case defaults and was interested in what Mr. Kimball and his students were doing.

Mr. Schwermer noted that the courts are working to address e-filing for pro se litigants through a CORIS rewrite and the court's ODR program will likely be extended to debt collection cases in the near future. The Supreme Court will be discussing this program at its January 17th conference. Mr. Schwermer will attend and report back to this committee any guidance from the Court.

The committee discussed various filing options and the impact they might have on Utah Rules of Civil Procedure and in-house policies. Ms. Sylvester suggested to Mr. Kimball that the drop down list of districts should filter out the location data of other districts in the next drop down box. The committee asked Ms. Sylvester to be the direct contact with Mr. Parker to update him on the progress of his request and to work with him on any potential civil rules issues.

Judge Pullan thanked Mr. Parker for addressing the committee. The committee is supportive of the concept and will consider the request, although it may take some time for a full resolution of it.

(3) CJA 3-104. Presiding Judges. CJA 6-501. Reporting Requirements for Guardians and Conservators. CJA 1-205. Standing and Ad Hoc Committees.

Ms. Sylvester addressed CJA Rules 3-104, 6-501, and 1-205. The rules are back from public comment. They did not receive any comments.

A motion was made by Judge Noonan to approve the rules for submission to the Judicial Council with a recommendation that they be adopted as final. Mr. Rice seconded the motion and it passed unanimously.

(4) Policy on Naming Courthouses.

Judge Pullan addressed the revision of the policy on naming courthouses and the direction from the Judicial Council. Judge Pullan is opposed to naming courthouses after individuals because he thinks the law transcends any one individual, no matter how great the person's accomplishments. Judge Noonan noted that policies should not begin with a statement that the court does not have the authority to act.

After discussion, Judge Noonan moved to remove the first two sentences and send the revised policy to the Judicial Council for consideration and approval. Judge Chin seconded the motion and it passed unanimously.

(5) CJA 2-212. Communication with the Office of Legislative Research and General Counsel.

Ms. Sylvester addressed CJA Rule 2-212. Ms. Sylvester stated that the rule is ready for the committee's consideration. The rule originally went out for public comment in February 2017 and received a comment from the legislature. This committee reviewed the comment at its May 2017 meeting and adopted them into the draft rule but suggested that Ms. Sylvester work with the Appellate Court Administrator and the Supreme Court on a companion Supreme Court rule. Judge Pullan asked if the Supreme Court's rule (CJA 11-106) had been approved by the Supreme Court. Ms. Sylvester stated it had not. She wanted to get this committee's feedback before presenting both rules to the Court.

Judge Pullan and Judge Noonan indicated that the same language should be used in both rules to make them consistent. The committee asked that paragraph (1) in CJA 11-106 outlining the definition of proposed rules be added to CJA 2-212. The distribution list in paragraph (2) in CJA 11-106 should be reviewed for accuracy and should be consistent with CJA 2-212. Judge Noonan noted that the Judicial Council is not listed. "Proposed" should be used instead of "draft." "Email" should be used instead of "send."

Ms. Sylvester will revise the rules as directed and take this committee's comments to the Supreme Court for feedback and guidance.

(6) Other Business

Judge Chin moved to adjourn the meeting, Mr. Rice seconded the motion and it passed unanimously.

The next meeting is scheduled for February 2, 2018 in the council room at 12:00. There being no other business the meeting was adjourned at 1:26 pm.