

Minutes of the Committee on Resources for Self-represented Parties

December 11, 2015

Members Present

Judge Marsha Thomas, Carol Frank (remotely), Jessica Van Buren, Sue Crismon, Carl Hernandez, Mary Jane Ciccarello, Susan Griffith, Shaunda McNeill, Chris Martinez, Eric Mittlestadt. Lisa Collins, Virginia Sudbury, Judge Barry Lawrence

Members Excused

Leti Bentley
Barbara Procarione
Jaclyn Howell-Powers
Judge Ryan Evershed
Judge Douglas Thomas

Staff

Nancy Sylvester

Guests

Rob Rice
Cynthia Mendenhall

(1) Welcome and approval of minutes.

Judge Marsha Thomas welcomed everyone and introduced Judge Barry Lawrence, the committee's new district court judge. Judge M. Thomas then asked everyone to introduce themselves to Judge Lawrence. Judge Lawrence described his experience on the debt collection calendar, which has a pro se component, and his desire to expand it. Judge Thomas then recognized Judge DiReda (not present) for his service on the committee. She also recognized Carol Frank and Lisa Collins who were both reappointed by the Judicial Council. Judge M. Thomas then corrected (4)(a) on the September minutes, which was missing a word ("question"). Mary Jane also made a correction to include "Vietnamese" under the languages on (4)(b). Judge M. Thomas then asked for a motion to approve the minutes. A motion was made and seconded. The September 2015 minutes were approved as written.

(2) Portal/Directory Progress & "Courthouse Steps"

Rob Rice spoke about the AAA taskforce, which stands for Affordable Attorneys for All. It was organized by Angelina Tsu as a result of the Bar's Futures Commission Report. About 2 dozen action items were identified. AAA is the execution arm of the report. Mr. Rice then spoke about the attorney directory. The idea of it is to be a one-stop place for finding an attorney. It will include languages spoken, fees, areas of practice, etc. There will be a meeting next week that Mary Jane Ciccarello will be invited to in order to take a look at the beta stage of the directory. He encouraged members to contact him if they have ideas on what it should do. He expressed his desire that it would provide a good resource to

organizations like the Self-Help Center and also to self-represented parties. The Bar is hoping to roll it out at the end of January or early February. The “lawyer bucket” of the directory will be filled with the enhanced lawyer directory information and other lawyers who are willing to help out early on. The other bucket includes the consumers. The Self-Help Center will be a good referring organization on the consumer side. Phase 2 is going to involve getting the broader Bar to populate the list.

Mr. Rice then spoke about Courthouse Steps, which is basically a paid Tuesday Night Bar program. It’s staffed at this point by Open Legal Services but he anticipated that modest means practicing lawyers will be able to sign up, too. It costs around \$100 and was rolled out on 12/3/15.

Sue Crismon then noted that JoLynn Spruance runs the Pro Bono Initiative and there has been some talk of adding document preparation to PBI.

(3) 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.

(4) Update on Subcommittees and Strategic Plan Priorities

(a) Law Student Practice Rule

Carl Hernandez and Nancy Sylvester reported on the Law Student Practice Rule (Rule 14-807). The main concern with the old rule, Mr. Hernandez said, is that in order for the law student to practice, it required the stipulation of both parties. He discussed how the rule was one of the most restrictive in the nation. Mr. Hernandez said that one of the concerns the justices had when he and Ms. Sylvester presented the rule to the Supreme Court was about students appearing before the Supreme Court. He said Justice Lee was also concerned about students not having taken Evidence and Criminal Procedure before appearing in court. They also discussed having the clients’ approval on each activity. Mr. Hernandez and Ms. Sylvester would be making some amendments to the rule and taking it back up to the court for further discussion.

(b) Self-Help Center

Mary Jane Ciccarello discussed the updates on the Self-Help Center. She said there is a study involving 8 sites, which includes Utah. They have been working on this for over a year. There is a report and it will be out in the beginning of 2016. It’s meant to be a representation of best practices for states contemplating beefing up remote delivery services or rolling it out. All of the states have court-based self-help centers, with the exception of Idaho, which is a hybrid. Utah and Alaska are the only totally virtual self-help centers, but Alaska only deals with family law. Many states that have established self-help centers are moving far more into case management systems. Ms. Sylvester asked about conflicts. Ms. Ciccarello said the Self-Help Center never has to conflict out because no attorney-client privilege is entered into.

Ms. Ciccarello also discussed the LLLT committee’s report. She said there are different levels to doing things and what Washington is doing is too onerous. She said what the Self-Help Center would prefer is

the Court Navigator Program that Leti Bentley is doing. The Self-Help Center doesn't have the resources to do this, but if they did they could provide training to people. Ms. Crismon asked if there was any movement on having one dedicated clerk in each district to act as a navigator. Ms. Ciccarello and Ms. Sylvester hadn't heard anything about this. Judge Lawrence asked if the law schools were on board. There was some general discussion about what the law schools were doing.

(c) Virtual Services/Court Navigator Program

Cynthia Mendenhall is the Project Coordinator for the Lawyer of the Day project. She discussed what the project is about. She said it's an opportunity for attorneys to do pro bono work from the comfort of their offices Monday through Friday for an hour or two at a time. Mary Jane is working to forward the documents ahead of time so that the lawyer can have an opportunity to review them before meeting with the court patron.

Utah Legal Services have set up e-modules for CLE credit so that they can get non-family law attorneys to participate, too. They are trying to get attorneys signed up from the sections. Jessica Van Buren then went over the statistics from the Self-Help Center. Ms. Mendenhall said the lawyer of the day funding comes from a 2-year grant from Legal Services Corporation. They are hoping to expand beyond family law. Ms. Ciccarello said everyone who has called in has been excited to be transferred to the lawyer.

Ms. Griffith reported on virtual services through Timpanogos Legal Clinic (TLC). She said the process has been arduous getting the forms signed by clients for consent to the clinic. But they are streamlining. She said the technology is flawless. The person clicks on the link and the program pops up (no downloading). They schedule a volunteer attorney, law student, and a client. A TLC person pops in and out. They try to assign a law student prior to the clinic so that all of the headings are set up right. Right now they are doing 4th and 7th districts. It's designed to be a rural access project but they have had trouble getting clients. They haven't advertised that they are doing it to 3rd District, but they are set up to take the clients if they are sent to them. The orders to show cause and petitions to modify are harder than the ones that have a quicker turn around. They usually send them to the Self Help Center.

(d) Forms

Eric Mittlestadt reported about OCAP. They are not working on anything new, but the court staff are working on improving how documents are printed and making it easier to access things that need to be corrected. Chris Martinez discussed how people are having trouble getting things notarized, for example, because their name is wrong on some documents. Ms. Sylvester asked if the checklist from the courts' webpages could be on programming so that people know going in what they need to complete their documents. Mr. Mittlestadt said they do have some links in OCAP to the courts' webpages. The committee had a discussion on being able to print out, for example, just a summons.

(e) Lawyer Directories & Referral Sources

Virginia Sudbury spoke on the creation of an unbundled section. Rob Rice said John Baldwin had mentioned it to him and John just needs to get the paperwork together. He recommended that Virginia

make a presentation to the Bar Commission in January. Sue Crismon mentioned that Virginia should write a Bar journal article.

(5) Other Business/Future Meetings

The committee did not get through all of the business it had on the agenda. Judge Marsha Thomas discussed a change in the meeting schedule: she suggested having the committee meet for two hours every other month, rather than quarterly and only for an hour and a half. Judge Lawrence asked about having a list of what all of the different committees were doing about pro bono assistance. Ms. Sylvester said she would need to create it.

The next committee meeting will be February 12, 2016.

The meeting adjourned at 1:38 p.m.