

Minutes of the Committee on Resources for Self-represented Parties

April 1, 2016

Draft. Subject to approval

Members Present

Leti Bentley, Lisa Collins, Sue Crismon, Carl Hernandez, Judge Barry Lawrence, Shaunda McNeill, Eric Mittlestadt, Virginia Sudbury, Mary Jane Ciccarello, Jessica Van Buren, Judge Marsha Thomas (by phone), Carol Frank, Jaclyn Howell-Powers, Judge Doug Thomas

Members Excused

Judge Ryan Evershed, Susan Griffith, Barbara Procarione, Nancy Sylvester (staff)

(1) Approval of minutes/Announcements

Mary Jane Ciccarello staffed the committee in Judge Marsha Thomas's and Nancy Sylvester's absences. Ms. Ciccarello welcomed everyone to the meeting and asked for corrections to the February minutes. She then asked for a motion to approve the minutes. A motion was made and seconded. The April 2016 minutes were approved as corrected.

(2) Update on Subcommittees and Strategic Plan Priorities

(a) Unbundled services

Ms. Sudbury reported on unbundled services. She said the new Bar section will be called the Limited Scope Section. They decided unbundled was kind of confusing. They have had two meetings and are shooting to meet the third Friday of every month. The Bar is providing a room and drinks. They have invited some commissioners to discuss unbundled services in the domestic arena. They have reached out to other sections and hope to get different practitioners, like debt collection, there.

(b) Forms

Ms. Van Buren reported on forms. She said they were making updates based on changes during the legislative session. Judge Lawrence noted the amount of work that must go into the post-legislative session time. Ms. Van Buren said the deadline is tight because most bills have a May 10 effective date.

(c) Lawyer Directories & Referral Sources

Shaunda McNeill updated the committee on the new lawyer directory. She was given her own login for the lawyer directory being created by the Bar and has shared that with the subcommittee. She said the directory is generally good, but just needs a few tweaks. Ms. McNeill said the attorney side is being populated with about 250 attorneys already signed up with the old directory. Ms. Crismon noted that the mapping system (client side) is still being developed. Both said it is getting close to launch.

(d) Pro Se E-filing issue

Ms. Ciccarello said Ms. Sylvester had circulated a memo about pro se e-filing. Essentially, one person has gotten pro se e-filing, but it is on hold for everyone else. Judge Marsha Thomas said the person requesting it asked the committee to put this issue in the strategic plan. Judge Thomas said she wanted to talk with more people in the Administrative Office of the Courts about this issue before she committed to adding it to the strategic plan. She noted there may be other priorities in the works first. For example, the justice courts don't have e-filing yet. The committee discussed the issue in more depth, including the concern about requiring pro se litigants to e-file and also those who live in rural areas that must drive an hour to get to a courthouse. Judge Lawrence suggested creating a control group to study it may be helpful. Ms. Van Buren said OCAP talked of offering e-filing, but other IT initiatives are taking priority. Ms. Ciccarello noted that this committee does not have the decision-making ability to force this issue. Ms. Collins said the appellate e-filing will not be mandatory for pro se's but will be provided. She said it will be a simplified system and they will only be able to see the documents in their case. Judge Doug Thomas made a parting comment about remote rural access. He said people file documents through email all the time. They just send the documents through email and they call the clerk if it is urgent. Ms. Van Buren noted that there are quantity differences between 7th and 3rd Districts, so that system probably wouldn't work in Salt Lake City.

(e) Virtual Services

Ms. Bentley raised the issue of whether virtual services would be coming to the rural communities, which don't have a lot of services or resources. Ms. Ciccarello said she wasn't trying to avoid answering that, but said it was just one among many request made on the Self-Help Center. She said this was a good segue into the next topic.

(3) Focus on Self-Help Center: analysis of current projects and budget recommendations

Ms. Ciccarello said the Self-Help Center gets many requests for services but needs help from the committee, both in terms of prioritizing and in terms of funding. She discussed the virtual services issues they have had, such as lack of good equipment in some of the rural courthouses. She then discussed with the committee all of the requests the Center receives. Ms. Bentley then discussed some statistics from the Moab Multicultural Center. She said the court has been more receptive of them being in the courtroom (her staff go and take notes to help patrons comply with the court's orders). Several of the judges asked what Ms. Bentley's challenges are and she said there is still the need for being more accepted in the courtroom.

Judge Marsha Thomas said she would be going down to talk to the 7th District justice court judges in August and said she could talk to the judges there about navigators. Ms. Ciccarello mentioned that the LLLT Taskforce had looked at a navigator program. The idea is that the SHC or some other entity would train providers and court staff on various pro se areas and the SHC would act as a support.

Ms. Ciccarello then turned her attention to the SHC analysis. She said she is the only full-time attorney in the SHC and she has 5 other part-time attorneys. The lack of all full-time attorneys is due to initial

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funding constraints. She says they respond to all emails and text messages, but miss many calls (they answer 1 out of 4). Ms. Ciccarello then went over the list of requests, which are below. She said some are based on legislative mandates and some are just aspirational. She said making her staff full-time would allow them to tackle these requests and to travel to help train in rural areas, for example. Committee members asked Ms. Van Buren about funding requests. She said she goes just about every year to the Council to ask for more money. Even if the Council authorizes more money, it still has to go to the legislature. But now is the time to start gearing up for it.

Ms. Ciccarello pointed out that the committee work takes a lot of time, which takes away from the other priorities. As Ms. Ciccarello went over the Pro Se calendars, Judge Lawrence pointed out how helpful it is to get the orders drafted from the SHC. Ms. Ciccarello talked about the work one of her staff attorneys does to train out in the community, such as at the Mexican Consulate. Ms. Van Buren said to make the 5 attorneys full-time, the cost would be about \$70,000. This would be cheaper than adding another attorney due to benefits. Ms. Van Buren said it's important to have the committee prioritize what the SHC is doing and then support that with numbers for funding purposes. The committee then discussed the challenges surrounding retaining attorneys in the SHC, including pay and other opportunities in the legal field. Ms. Ciccarello raised the issue of the attorneys not being able to do other work on the side (including pro bono), even though they are only part-time.

Ms. Ciccarello then explained the exercise to address the SHC priorities. The committee was given dots to place on posters that represented the priorities. The committee spent some time discussing the priorities among themselves and then placing the dots on the posters to help the SHC prioritize the things that were asked of them. Ms. Ciccarello and Ms. Van Buren said they would pull together the posters and create a report on the priorities for the committee. The committee then had a discussion of what other states are doing and about the court navigator program.

The following is the list of priorities the committee discussed:

Activity	Tasks Involved	Time Involved	Costs Involved	Manageable with current staffing?	Who is asking?	Aspirations / What would be needed
Direct service to "patrons"	Basic function of the SHC: service provided by phone, email and text in English and Spanish	6 hours x 4 days x 5 staff = 120 hours per week	Staff salaries and benefits.	Yes	Court	Aspiration: Additional staff to increase help line capacity. Currently missing three calls for each call answered.

Virtual services to court staff and community partners	Maintaining immediate contact via Google chat, email, phone and other methods with providers; staying current on resources & providers; maintaining relationship & communications	SHC service hours	Staff time	Yes	Court staff and community groups	
Data collection	Developing data gathering instruments, collecting responses and putting data into useful formats.	1-2 hours per month	Staff time	Yes, except non-court entities sometimes misunderstand our data collection role	Court Funders and program supporters for non-court programs	
Lawyer of the Day	Orienting new volunteers about procedure, verifying participation, summarizing legal issue for LOD and sending relevant documents to LOD	4 hours per month	Staff time	Yes, but burden of administering program has fallen on SHC without any funding.	Utah Legal Services started the project, now under Utah State Bar	Aspirations: 1. Administrative tasks handled by the Bar rather than SHC 2. Expand number of lawyers available
Volunteers and student interns	Recruiting, training, supervising, scheduling and coordinating interpreters. It is	Minimum 20 hours training time for each new recruit	Staff time (Law library)	Yes Current system for Hinckley interns is well established and works	Public, court	Aspiration: Develop a version of JusticeCorp Needed: More staff time

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	challenging to find the balance between investment and payoff.					
Paralegal Professional Task Force	Serve as SHC representative	6 hours a month	Staff time	Yes But, time spent on committees takes away from other responsibilities	Supreme Court	
Children and Family Law subcommittee (DPCIC)	Serve as SHC representative	6 hours a month	Staff time	Yes But, time spent on committees takes away from other responsibilities	Judicial Council	
Rule 16 subcommittee	Serve as SHC representative	6 hours per month	Staff time	Yes But, time spent on committees takes away from other responsibilities	Self Rep Committee	
Other committee work	Serve as SHC (or court) representative (Previous examples: modest means, Bar Futures Commission)	Varies	Staff time	Yes But, time spent on committees takes away from other responsibilities	Varied	Needed: More staff time. Requests to participate are ongoing, and it is important to ensure that an access to justice voice is heard.
Pro se calendars	Staffing 7 calendars a month;	Approximately 56 hours a month	Staff time	Sort of But, time spent on this	Commissioners	Aspiration: Expand to other courts

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	organizing pro se litigants and volunteer lawyers; pre-hearing preparations; drafting orders in court.			task takes time away from other responsibilities		Needed: More staff time
Order drafting	Drafting post-hearing documents	[Gathering data]	Staff time	Sort of But, time spent on this task takes time away from other responsibilities	Judges and commissioners	Needed: More staff time
Rule 16 calendar	Development of procedures and forms; tracking cases; drafting orders	1 hour per month	Staff time	Sort of But, time spent on this task takes time away from other responsibilities	Commissioners and Judicial Council	Needed: More staff time
Forms and website	Drafting new forms and creating new web pages. Updating existing forms and web pages as statutes and court rules change.	Approximately 20 hours per month	Staff time (including Law Library and court's legal department)	Sort of Statute and rule changes cause us to drop everything and focus on needed updates. Because of the cumbersome process, it can be months to move from creation to approval	Public; Court; Staff attorneys; other attorneys and advocates	Needed: More staff time Current system requires working through Board of District Court judges and they have imposed some restrictions.
Training court staff	Developing training;	Approximately 8 hours per	Staff time, travel	Usually only when extra	Districts	Aspiration: One training

	scheduling trainings; travel to courts; actual trainings; following up on staff requests for more information	month	expenses	money and time are available. Time spent on training takes away from other responsibilities.		each month Needed: More staff time
Training community groups	Developing training, scheduling, traveling and presenting.	Approximately 16 hours per month	Staff time, travel expenses	Usually only when extra money and time are available. Time spent on training takes away from other responsibilities.	Community groups	Aspiration: Two trainings each month Needed: More staff time
Court navigator program	Developing training; scheduling trainings; possible travel; actual trainings; support to providers	Approximately 8 hours per month	Staff time	Not possible with current staffing level.	Community groups	Aspiration: One training each month Needed: More staff time

(4) Other Business/Future Meetings

The next committee meeting will be June 10, 2016.

The meeting adjourned at 1:53 pm.