

Minutes of the Committee on Resources for Self-represented Parties

October 14, 2016

Members Present

Christopher Martinez, Eric Mittelstadt, Jaclyn Howell, Jessica Van Buren, Judge Barry Lawrence, Judge Douglas Thomas, Judge Marsha C. Thomas, Lisa Collins, Mary Jane Ciccarello, Shaunda McNeill, Tyler Cameron, Susan Griffith

Members Excused

Judge Elizabeth Knight, Carol Frank, C. Sue Crismon, Carl Hernandez, Leti Bentley, Virginia Sudbury

Staff

Nancy Sylvester

(1) Welcome and introduction of new members.

Judge Marsha Thomas welcomed everyone to the meeting. The members took a few minutes to go over the executive summary of the two reports in the packet (the ABA Report on the Future of Legal Services in the United States, and the Remote Services Guide) and jotted down some notes on things the committee may not be doing but should be. They then placed these on the board.

Judge M. Thomas then introduced Tyler Cameron to the committee. She had the members introduce themselves. She also introduced Judge Elizabeth Knight, who was excused from the meeting today.

(2) Approval of minutes.

Judge Lawrence moved to approve the minutes with several corrections by Ms. Ciccarello. Mr. Mittelstadt seconded the motion. It passed unanimously.

(3) Where we are as a committee on our priorities (subcommittee reports)

Judge M. Thomas went over the FY 2016 self-represented party statistics in Utah. Judge Lawrence and Ms. McNeill said it was not surprising, but troubling, that there is a lopsidedness in debt collection and eviction cases. The committee then had a discussion on ways to get people to court to receive help who have a significant amount of legal issues. Ms. Ciccarello gave an example of New York City, which funded legal services at around \$200 million for every person going through an eviction in the city. The funding was provided because it was found to be cheaper to provide legal services than to deal with the repercussions of having so many people with evictions on their records.

Judge M. Thomas then went over the strategic plan priorities.

Self-Help Center

Ms. Ciccarello discussed the Self-Help Center's (SHC) assistance with the pro se calendars. They are helping with about half of them right now and they do so in the mornings outside of helpline hours. Ms. Ciccarello then discussed training of frontline clerks on the Self-Help Center resources. In Moab and Price there has been a restructuring of the clerks' offices, including allowing clerks to help complete forms. The

clerks are training on the various modules and then tested on each one. In the rural areas, there are few legal referrals to make because lawyers are not populating the new Bar directory yet. Licensed Lawyer is working better in the urban areas.

The committee then discussed the court funding process and the need for the SHC to do a little less than it's been doing. Mr. Martinez noted his concern that with the SHC stepping away from some of the Pro Se Calendars, they have become less efficient.

Ms. Van Buren noted that they are not creating new forms now, just amending old ones. And Ms. Ciccarello said the SHC got rid of chat as a contact option because it was inefficient.

Legislation/Rules

Ms. Sylvester then discussed some developments on Rule 14-807, which include concerns by Bar Admissions about some of the provisions the Supreme Court adopted at this committee's request, for example, having a course requirement for law students but not law graduates. Ms. Howell-Powers will contact the schools about how much the rule is being used.

Virtual Services/Navigator Subcommittee

Judge M. Thomas noted that the word navigator may be causing problems, even if the concept is a good one.

Judge M. Thomas then discussed an idea of using bookmobiles in rural areas. Grace Acosta, State Director of Bookmobiles, contacted Susan Griffith to see if they can form a partnership to bring legal services to rural communities on these bookmobiles.

Ms. Griffith said with respect to remote services, they are applying for a grant extension and are hoping to make a big push to increase the use of these virtual clinics. They are now statewide. Timpanogos Legal Clinic (TLC) can go up to 200% of poverty; Utah Legal Services is piloting doing the same. TLC screens now through ULS. The screening process can be laborious and sometimes clients are lost in the process. Ms. Griffith said some divorce cases get hung up with the final findings of fact and decree of divorce. So they need a trigger to the clerks to make the referral to TLC on those. TLC does a quarterly pro se calendar in Fourth District, and Choice Legal Services will do a flat fee to draft the final documents.

Education subcommittee

Judge M. Thomas said this is an area where the committee could have more going on. She noted that she is on a subcommittee that recently updated the education curriculum for justice court judges. The committee also discussed using survey monkey to gauge what training is needed for clerks, for example. Do the clerks need a refresher on resources for self-represented parties?

Malpractice insurance

Judge M. Thomas reported that this priority is on hold.

Forms subcommittee

Judge Lawrence met with the Board of District Court Judges about their concerns on forms. The forms committee also met with the Supreme Court, which wants to do the forms because of the paralegal practitioner need. Dan Becker has discussed having a standing committee on forms through the Judicial Council.

Rule 16 subcommittee

Ms. Sylvester gave an update on the subcommittee. She said they are waiting on some data to come in, but anecdotally it looks successful. In Fourth District, for example, many of the hearings Commissioner Patton is setting are being cancelled because parties are getting the list of requirements done in their cases.

Lawyer Directories and Referral Services Subcommittee

Ms. McNeill gave some updates from the AAA Taskforce. She asked for feedback from Ms. Ciccarello and Ms. Van Buren on the new Bar directory. Ms. Van Buren provided some feedback on the directory about its ease of use; she said some of the questions are not always on point when she's helping someone, though. Ms. McNeill said the Bar is pushing LexBlog as a way to help lawyers get their names out. About 600 lawyers have signed up for the directory.

Courthouse Steps is not doing well and likely won't continue after awhile. Ms. Van Buren suggested moving it to more of a virtual services model.

Ms. McNeill reported that on November 9, there will be an invitation-only legal services forum. It will basically be a once a year round table discussion of what all of the legal services providers are doing in Utah.

Judge M. Thomas circulated suggested language for the strategic plan regarding pro se e-filing and asked for suggestions on how it can be improved.

(4) Other Business/Future Meetings

The next committee meeting will be December 9, 2016.

The meeting adjourned at 2:04 pm.