

Minutes of the Committee on Resources for Self-represented Parties

December 9, 2016

Members Present

Judge Marsha C. Thomas (Chair), Christopher Martinez, Eric Mittelstadt (phone), Jessica Van Buren, Judge Barry Lawrence, Judge Douglas Thomas, Lisa Collins, Mary Jane Ciccarello, Shaunda McNeill (phone), C. Sue Crismon, Carl Hernandez, Judge Catherine Roberts

Members Excused

Judge Elizabeth Knight, Carol Frank, Leti Bentley, Virginia Sudbury, Susan Griffith, Tyler Cameron, Jaclyn Howell

Staff

Nancy Sylvester

(1) Welcome and introduction of new members.

Judge Marsha Thomas welcomed everyone to the meeting and introduced Judge Catherine Roberts, who will replace Judge M. Thomas on the committee. She then introduced Judge Lawrence as new chair. Ms. Sylvester thanked Judge M. Thomas for her exemplary service to the committee.

(2) Approval of minutes.

Mary Jane Ciccarello moved to approve the minutes with a correction by Judge M. Thomas. Judge Lawrence seconded the motion. It passed unanimously.

(3) Forms Committee

Nancy Sylvester and Judge Lawrence discussed the standing committee on forms rules. The committee discussed the nuances of the rules and mulled the sections on mandating forms and how that interacted with paralegal practitioners and the general public.

(4) Strategic Plan

Judge M. Thomas went over the new language on the strategic plan regarding pro se e-filing. She then discussed the fact that the CORIS rewrite committee is coming up with a new My Case portal for self-represented litigants. It will show filings in their cases and how to proceed further on their case. There will be text reminders to litigants as well about court hearings. Concerns were raised about how many computers are going to be available for pro se litigants in the courthouse. Concerns were also discussed about how well pro se litigants would be able to use the new system.

Judge M. Thomas then went over what to do about the strategic plan: update it, create a new strategic plan, focus on individual ideas as needs/opportunities arise. The committee had a discussion on what each of these would look like. Ms. Van Buren noted that the strategic plan is not required by the Judicial Council. Judge M. Thomas said the committee may not even need a strategic plan; the committee could just focus on individual priorities.

Judge Roberts asked whether the committee was focusing on getting lawyers to people or dealing with resources for those who don't have them. The committee noted that it was both. Judge Lawrence raised a question of whether there could be a bench card listing all of the resources and clinics that judges and practitioners could use. Ms. Ciccarello said it would be out of date within a week but the courts' website is always up to date. Judge D. Thomas said the clerks needed to get the education on it because they are on the front line. Ms. Collins said the clerks of court have been asking for training statewide and support increasing funding to get it. Ms. Ciccarello went over the curriculum they have been using to train a few clerks, which is a lot like what Jessica Van Buren uses to get her interns trained. She said clerks get study units and are tested on them. Once virtual study is completed, they shadow in the law library. It's a 12 hour course per clerk. They get education units, too, and have to verify with their supervisor that they can do it. Judge Lawrence and Ms. Collins said this should be mandated for clerks across the state.

Prof. Hernandez noted that there is nothing on the list that discusses improving access to justice, even though that is a big part of these efforts. He requested changing the committee name to something like Committee on Resources for Increasing Access to Justice. Ms. Crismon talked about the Access to Justice Commission that once existed. It now exists under the Bar as the Pro Bono Commission. She went through the history of why things exist as they do now. Prof. Hernandez said he was interested in exploring sending a message that the committee is doing more, not just dealing with self-represented parties.

Judge M. Thomas said Mary Jane and Jessica circulated an Access to Justice Document that describes what all of the groups around the state are doing. Judge D. Thomas noted that we should be focusing on the gaps around the state.

Judge Lawrence asked why we are creating or updating the strategic plan and Judge M. Thomas said this committee started with a strategic plan and it is really a continuation of the committee's history. Judge Lawrence went through each of the subcommittees and noted that he will set up some meetings with the members. Several members noted that some of the subcommittees should probably be reworked.

Judge Roberts said she would like to be involved in making things in more plain language for litigants.

(5) Subcommittee Updates

Judge M. Thomas went over the subcommittee updates. Jaclyn Howell forwarded an update from the U about the use of the law student practice rule and Prof. Hernandez discussed that there were quite a few students at BYU also using it.

Ms. Ciccarello went over her suggestions and specifically focused on posting notices, which is what Alaska does. If granted alternative service, the courts post the notices for the litigants on their webpage. She said it's been successful and the federal courts are even starting to do it. Committee members present thought it was a great idea and people are actually getting notice because it shows up when someone types in their name in Google. She said this benefits the rural areas a lot. She passed around several items: the Alaska courts' webpage on notices and a Trends in State Courts article that discusses what Alaska is doing.

Judge D. Thomas invited this committee to pass suggestions to him through Mary Jane about potential recommendations for the Domestic Case Improvements Process Committee. They are in the process of formulating the recommendations right now. They are talking about, for example, using the commissioners early on and using proactive intervention in cases to move them through. He said the average contested custody case costs \$15-20K and they go on for on average 780 days. They are talking about dividing cases into tracks, too, to get quick deadlines to move cases through. Pretrials would also be scheduled early as part of early case management process. They will be focusing on post-divorce modifications, too. The idea is to do more upfront to save time on the back end.

(6) Other Business/Future Meetings

The next committee meeting will be February 10, 2017.

The meeting adjourned at 1:58 pm.