

**Minutes of the Utah Judicial Council's  
Standing Committee on Resources for Self-represented Parties**

December 4, 2017

Draft. Subject to approval

**Members Present**

Judge Barry Lawrence (chair), Jacob Kent, Shaunda McNeill, Kristin Godwin, Judge Doug Thomas, Virginia Sudbury, Jacob Kent, Monica Fjeldsted, Nathanael Player, Judge Elizabeth Knight, Carl Hernandez, Carol Frank (remote), Jessica Van Buren, Susan Griffith, Christopher Martinez, Leslie Francis.

**Members Excused**

Lisa Collins, Sue Crismon,

**Staff**

Nancy Sylvester

**Guests**

Kim Free

**(1) Welcome, approval of minutes, introduction of new members.**

Judge Barry Lawrence welcomed everyone to the meeting and entertained a motion on the minutes. Nathanael Player moved to approve the minutes with one change and Virginia Sudbury seconded them. Judge Lawrence then asked new members, Leslie Francis and Judge Brook Sessions, to introduce themselves.

**(2) Discussion regarding Access to Justice Standing Committee**

Judge Lawrence said things are in flux a bit at the Bar. They hired Nick Stiles to replace Tyler Needham. Nick has been with the courts as the DV person. Judge Lawrence said he also talked with John Lund, who forwarded him a working draft of a new standing committee that brings the Bar's access to justice efforts under one umbrella.

Ms. Sylvester circulated a draft copy of the Bar's proposed new Access to Justice Standing Committee.

**(3) Discussion regarding Martin Luther King Commission.**

Judge Lawrence led a discussion on the Martin Luther King Commission. He said they visited the courthouse and Geoff Fatah asked him to speak to representatives. He then talked about debt collection cases and default rates. He said he talked to the MLK Commission which has access to the minority parties this committee is interested in targeting for outreach.

The committee then discussed the confusion around the 10 day summons in debt collection cases. Mr. Player raised what New York has been doing in sending answers and notices that there is help for parties. Judge Lawrence talked about how there may be a negotiation regarding a debt on the debt collection calendars here, but then a default on that. The committee discussed some of the concerns with the pro se calendars: there is no doubt it is helpful to have attorneys, but when an attorney doesn't see a case all the way through, they don't see whether a deal they have helped strike falls through. Leslie Francis said she wonders about the kind of debts occurring. For example, she believes the debts frequently fall into medical, eye glasses, or Gold's Gym. Judge Lawrence said perhaps the law schools could take on debt collection cases. This could be good 3<sup>rd</sup> year practice.

The suggestion was made to have Geoff Fatah send out "Did you know" updates about the services the courts offer to get more people to interact with the courts when they have debt collection cases, among others.

Ms. Francis said she wouldn't be surprised if a fair number of people with disabilities and medical issues have debt collection issues. Judge Lawrence said he'd like to see the MLK Commission and the Disability Law Center come to the next meeting.

The committee also discussed having a higher standard for default and Mr. Player discussed potentially inviting Harvard to study what Utah is doing. Ms. Francis said she will talk to the Disability Law Center about whether they see their clients with debt collection issues.

Judge Lawrence suggested looking at these processes holistically versus the tiny issues within a rule. The committee discussed how the easy person to put the work of these cases on is the self-represented litigant. The fee waiver is a good example of this. Who should have to identify the amount to be waived? The pro se litigant doesn't know how much to request to waive.

#### **(4) Subcommittee discussions**

##### *Education and Outreach Subcommittees*

Education Subcommittee membership: Vacant (chair), Kim Free (ex officio), Jessica Van Buren, Nathanael Player, Lisa Collins, Nancy Sylvester, Monica Fjeldsted.

The committee discussed adding Kara Mann, Language Access Coordinator, to this group.

Outreach Subcommittee membership: Judge Barry Lawrence (chair), Judge Doug Thomas, Judge Elizabeth Knight, Judge Catherine Roberts, Shaunda McNeill, Jaclyn Howell-Powers, and Professor Carl Hernandez.

Judge Lawrence updated the committee on recent outreach activities and initiatives. Talking to law students once or twice a year to make them aware of pro bono opportunities is an initiative and something the committee did earlier in the year. They have also given talks at judge conferences to make them aware of initiatives and get feedback. Judge Lawrence and several others also talked at the Bar's annual meeting to encourage lawyers to do pro bono. A new initiative is to outreach to the community to get more people involved in court processes, particularly in debt collection, so that default rates in those cases can be reduced.

##### *Rural Services Subcommittee*

Rural Services Subcommittee membership: Susan Griffith (chair), Carol Frank, Judge Thomas, Kristin Godwin (Johnson), Jessica Van Buren, Jacob Kent, and Leti Bentley (ex officio).

Susan Griffith reported on rural services. She said Timpanogos Legal Clinic got a VOCA grant in July, which allowed them to hire some new people. Each employee is assigned one or two districts in the state. They are working through shelters to let victims know about civil services—divorce, protective order, etc. VOCA grants are for helping victims of crime and it opens the door for doing more in rural areas because they can do it all online. Besides reaching victims, they are also reaching out to the Bar to recruit attorneys. The program in Utah County in the commissioners' courtrooms has been successful. Volunteer attorneys do something meaningful, but not in a full case. She suggested getting more rural attorneys to take some ownership in this. They would be doing limited, rather than full, cases. The problem with this, of course, is that in small areas attorneys are asked over and over again for pro bono help because there are typically many low income people in the population. The committee then discussed

redistributing Wasatch front resources to small areas. Judge Lawrence mentioned that everyone misses Tyler Needham. His leaving the Bar as the Pro Bono Director is crippling a lot of efforts, but the new director should be up and going soon.

Judge Lawrence also discussed the idea raised at the Annual Judicial Conference of having a centrally located commissioner to help with pro se efforts. But Judge Thomas said they need attorneys, not commissioners. He thought there were enough judges to handle the work, but they needed more attorneys to help litigants.

*Court Updates/Self-Help/Non-Lawyer Assistance Subcommittee*

Self-Help Center/Non-lawyer Assistance/Court Updates Subcommittee membership:  
Nathanael Player, Jessica Van Buren, Nancy Sylvester, Chris Martinez, Kristin Godwin (Johnson) and Virginia Sudbury.

Nathanael Player reported from this committee. He said they are looking at the processes involving self-represented parties, like fee waivers, and looking at whether things are excessively complicated and can be made easier. The subcommittee also discussed the issue of notarios charging high fees for things that can be done for free at the courts.

Chris Martinez expressed his opinion that a lot of resources are out there now but are being under-utilized. Kim Free suggested a shift in funds in education to outreach to the public about resources, rather than simply focusing internally. Judge Lawrence said with the Self-Help Center, there is some notion that one side is getting legal advice for free and the other side isn't. Shaunda McNeill said through her work on the lawyer of the day program, she has learned that people do call the Self-Help Center asking for how to sue someone.

Virginia Sudbury and Mr. Martinez reported on their research into notarios and enforcement. They said the Office of Professional Conduct will go after notarios. They can also report to the U.S. Department of Justice. Ms. Sylvester said concerns about notorious may also be reported to the consumer protection agency in Utah. The committee expressed concerns that with respect to notorious people are getting diverted from the right resources. Mr. Martinez reported that Commissioner Casey kicked a notario out of the courtroom for trying to act like a party's attorney.

**(5) Wrap up**

Judge Lawrence talked about whether we should change the meeting schedule and to give that some thought. Nathanael Player raised whether we should have a strategic plan again, even if it is simply a checklist.

**(6) Adjournment**

The committee adjourned at 2:00 p.m.

The next meeting is scheduled for February 9, 2018 at 12 p.m. in the Executive Dining Room of the Matheson Courthouse.