

Utah Judicial Council's Standing Committee on Resources for Self-Represented Parties Meeting Minutes

Matheson Courthouse
Council Room, N31

June 8, 2018
12 PM – 2 PM

Members Present

Sue Crismon
Jacob Kent
Monica Fjeldsted – via phone conference
Leslie Francis – via phone conference
Carol Frank – via phone conference
Judge Catherine Hoskins
Judge Barry Lawrence – Chair
Shaunda McNeill
Nathanael Player
Judge Brook Sessions
Judge Doug Thomas
Jessica Van Buren

Members Excused

Lisa Collins
Virginia Sudbury
Susan Griffith
Carl Hernandez
Chris Martinez

Staff

Nancy Sylvester
Minhvan Brimhall – recording secretary

Guests

Christine Durham
Amy Sorenson
Judge Camille Neider

(1) Welcome and approval of minutes – Judge Barry Lawrence, Chair

Judge Lawrence welcomed the committee to the meeting. Following the correction of a committee member's name, Judge Lawrence asked if there were any objections to the March 30 minutes. No objections were raised. Nathanael Player moved to approve the minutes. Sue Crismon seconded the motion. The motion carried unanimously.

Committee membership – There are three potential openings on the Committee. Shaunda McNeill's term is coming up. Ms. McNeill will inform the committee in the next few weeks as to whether she will seek a second term. Juvenile court Judge Knight resigned from the committee so the committee will seek another juvenile court judge. The community member position is also open. Nancy Sylvester presented several options to the committee of victim advocates in Weber County. Judge Lawrence invited any committee members who have suggestions on community members to contact Ms. Sylvester.

Judge Lawrence welcomed justice court Judge Catherine Hoskins as a new member to the committee. Judge Hoskins shared her experiences with self-represented parties. The committee also welcomed district court Judge Camille Neider to the meeting.

(2) Access to Justice Update -

Judge Lawrence welcomed Amy Sorensen and Retired Justice Christine Durham, co-chairs of the Bar's Access to Justice Committee, and thanked them for participating in the meeting. Justice Durham explained her role. She said she was contacted by John Lund, President of the Utah State Bar, to explore the history of the access to justice efforts in the state and to study the resources available throughout the state. Mr. Lund created a small committee to discuss the legal needs throughout the state and to meet with stakeholders to look at ways legal resources could be made more easily accessible. Ms. Sorensen said that the committee has looked at prior studies, "access maps," and programs throughout the state to identify areas that need additional support or planning. Ms. Sorensen praised the Self-Represented Parties Committee for the work it is doing and expressed interest in better coordinating the efforts of the two committees.

(3) Subcommittee Reports -

- a. **Education** – Judge Lawrence is the head of this subcommittee. The subcommittee provides education to various groups. They have visited both law schools in the state to present to and educate law students on pro bono resources and opportunities to participate. The subcommittee has also shared their work with judges and clerks throughout the state.
- b. **Outreach** – Judge Lawrence discussed that lawyers are not able to do it all but lawyers can help with some things. But people need to know what those things are. So part of this committee's efforts have to include outreach. The state has several pro bono services providers throughout the state; however, many rural communities may not have resources to access those services. Ms. Crismon, the subcommittee chair, shared that the group has met and is looking at multiple ideas to provide outreach to rural and non-rural areas. The group is considering taking out a newspaper article to share information for education purposes. The group is also looking at making refrigerator magnets with contact information for and information on legal resources. Judge Lawrence suggested having them available at public and state court libraries. The Committee discussed creating posters to place in public areas. Judge Doug Thomas suggested creating a podcast that can be uploaded to social media where information and answers to various questions may be provided. Judge Lawrence suggested setting up a lunch meeting with the Martin Luther King Commission on ways to outreach throughout the state.

Ms. Sylvester raised the possibility of an MLK Commission member being appointed to the committee's community member position. Committee members agreed that that would go a long way toward helping with outreach. Ms. Van Buren is an officer of the Utah Library Association. She will contact librarians around the state about how to better outreach to the public. Ms. Crismon and

Ms. McNeill will identify locations such as aide centers, food banks, etc. where outreach may be available and provide a report at the next meeting on what should be said and how it should be said.

- c. **Rural Services** – Ms. Van Buren noted that Nathanael Player had discussed with Judge Peterson the needs of the Eighth District, and had also discussed a possible virtual clinic in Sixth District with staff and judges there. Ms. Van Buren queried whether the subcommittee should conduct a needs assessment in each district rather than coming up with solutions to perceived problems first. Ms. Van Buren suggested Survey Monkey. Judge Thomas then discussed that rural districts do not have the kind of debt collection calendars Third District has, nor do they have any volunteer attorneys to assist. There needs to be better access to remote services in areas like Green River. There are too many default judgments due to defendants not having the ability to even drive to hearings because of the great distance.

Judge Lawrence and Mr. Player will contact Judge Peterson to discuss the Vernal debt collection cases. Judge Lawrence will meet with Nick Stiles about how the various pro bono commissions throughout the state and rural areas can better assist the committee in assessing needs and culling resources.

- d. **Self-Help** – Judge Lawrence said that the Self-Help Center has taken on the task of trying to help solve the high default rates in debt collection cases. The SHC has observed that default judgment rates may be high primarily due to people's inability to get adequate notices of summons and hearings.

(4) Proposal to amend Rules of Civil Procedure 3, 4, 7, 36 and Forms.

Judge Lawrence discussed the current process for a 10 day summons. The current process is very archaic and often times confusing to both plaintiff and defendant. Judge Lawrence recommended doing away with the 10-day summons. Mr. Player reported that in 1994, the Rules Committee voted to get rid of this rule and add additional language to the rule for clarity. In 1999, a vote was taken up again with the Rules Committee to remove the rule and once again the rule went through another revision. The rule was raised again in 2010 where, then Mr. Tom Lee, made suggestions to better clarify the rule with the Supreme Court and the Rules Committee. Due to the other sweeping rule changes happening at the time, the rule wasn't amended.

Judge Lawrence proposed getting rid of the 10 days summons and providing better notice of the consequences of not responding to, for example, requests for admission. He thought both of these would help the default rate. Justice Durham suggested that Judge Lawrence take this through the Board of District Court Judges and then present it in a petition to the Supreme Court, rather than first taking it through the rules committee.

(5) Adjournment.

The meeting adjourned at 2:02 PM. The next meeting is scheduled for August 10, 2018, at 12 p.m. in the Judicial Council Room.