

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

Matheson Courthouse
Council Room, N31

August 10, 2018
12 PM – 2 PM

Members Present

Judge Barry Lawrence – Chairperson
Jacob Kent
Monica Fjeldsted – via phone conference
Professor Leslie Francis – via phone conference
Carol Frank – via phone conference
Virginia Sudbury
Sue Crismon
Judge Brook Sessions
Judge Doug Thomas
Jessica Van Buren
Susan Griffith – via phone conference

Members Excused

Lisa Collins
Judge Brook Sessions
Christopher Martinez
Professor Carl Hernandez
Judge Catherine Hoskins
Nathanael Player

Staff

Nancy Sylvester

Guests

Nick Stiles
Shawn Newell

(1) Welcome, introductions, and approval of minutes.

Chairperson Judge Lawrence welcomed committee members to the meeting and introduced Shawn Newell, who is expected to become a new member, and Nick Stiles, who is the Access to Justice Director at the Utah State Bar. The committee then unanimously approved the June 2018 minutes.

(2) Coordination with the Access to Justice Committee

Judge Lawrence raised the question of coordination with the Access to Justice Committee and the local pro bono committees. Nick Stiles spoke about his role at the Bar as the Access to Justice Director and Judge Lawrence asked Mr. Stiles about attending every meeting to work on coordination. Sue Crismon then spoke about the history of this committee and the Access to Justice Commission, which started in 2012. She noted that the Pro Bono Commission is the boots on the ground effort. The Access to Justice Committee can lobby and fundraise, which the standing committee can't do.

Judge Lawrence asked about what the local pro bono committees are doing. Mr. Stiles said the 2nd and 3rd and 4th are the most active, 1st district runs a legal clinic with Timpanogos Legal Clinic's (TLC) help, and the 5th District is expanding its pro se domestic calendar and has a monthly clinic. Mr. Stiles noted that the local committees offer CLE's and do recognition events for volunteers. The local committees meet every other month, except for a few that meet as needed. Judge Thomas expressed concerns about the lack of resources on the more rural areas, where Utah Legal Services is showing up only to help with protective orders, even as there are other needs. Ms. Crismon noted that Utah Legal Services had had a difficult time getting people to show up for clinics due to the small population. But, she said, the organization started taking cases at up to 200% of poverty level, which reduced the amount of cases that needed to be placed through the local commissions.

Leslie Francis noted that she is frequently called upon for the Guardianship Signature Program to take cases in 1st district, Silver Summit, and the southern part of state.

Susan Griffith then spoke about TLC's help in Brigham City. TLC's goal is to support the local Bar in volunteering. TLC sets up Zoom sessions if there are a lot of people showing up.

Judge Lawrence asked Mr. Stiles about attending the next rural pro bono commission meetings remotely to see how this committee can help.

Judge Thomas and Ms. Crismon then discussed the impracticalities of clinics in rural areas. A virtual clinic solution was proposed. Another solution was more staffing of the lawyer of the day program through the Self-Help Center and potentially having evening hours. Jessica Van Buren said the lawyer of the day program is not advertised because it depends on the lawyers available and their comfort level with certain practice areas. But when it works, it works great. A solution proposed was having eviction, for example, on Mondays and domestic cases on Tuesdays. Lawyers like to volunteer for this because they can do it remotely and the Self-Help Center queues up the documents and the story to the lawyer on call.

Mr. Stiles noted that logistically, clinics can be difficult. One more tool is Utah.freelegalanswers.com: About 80 attorneys volunteer to answer questions and 100% of questions are answered within a few days.

Ms. Crismon noted the importance of leaving advertisement of legal clinics to local committees. She also noted that sometimes people don't know there is a legal answer to their problems. Shawn Newell said outreach out to communities should happen

through the local committees. Mr. Stiles said there are a lot of great ideas at this committee that are not flowing down to the local committees.

Judge Thomas noted the 3 big areas where legal help is needed – domestic, eviction, debt collection. There is a pilot project currently in 7th district to examine how quickly domestic cases can be resolved under a new process. Case management conferences get set 30 days after an answer filed and many cases are getting resolved at these conferences. These cases are moving fast, so they now need help much more quickly. The same is true in eviction by virtue of the deadlines set by statute.

(3) Upcoming Events

Access to Justice Forum:

Judge Lawrence said everyone who is able should be attending this. The date is October 23, 8 a.m. to 1 p.m.

Know Your Rights Panel Discussion:

The date is August 16, 2018 from 7 p.m. to 8:30 p.m. Mr. Newell said local community leaders are putting this one on.

(4) Update on 10-day summons and forms

Judge Lawrence said 70% of cases in debt collection are being resolved by default. It's a fair assumption that at least some of these people, had they known what to do, would have fought for their rights.

We have a lot of services in the state, but we can have all the services in the world and if people don't know about it, the services don't matter. He posed this question to Mr. Newell: How do we get the information to the right people? Mr. Newell said he wants to be a resource. He also said that anything with "legal" in the title scares off community leadership. He suggested focusing outreach on people's rights and understanding what is going on. Focus on developing trust as a mechanism for building parameters for sustainable outreach.

Judge Thomas noted that we need to *do* rather than just *talk*. We need to put a calendar in place for these outreach efforts.

Ms. Crismon observed that the Self-Help Center gives good referrals to people; a concern back in 2012 was about giving out bad information. Ms. Van Buren said the Self-Help Center is a great resource, but it does not need to be the only one. She noted

that OCAP, for example, can be used for preparing divorce papers and the law library can be used for other things, including in-person help. Unfortunately, a Google search brings up divorce paper preparers for \$400 rather than OCAP for free, which is frustrating.

Judge Lawrence suggested that there could be an outreach event every month at a community center. Ms. Van Buren said that last month, the Self-Help Center, Law Library, and a few other court departments participated in the Partners in the Park event. They came to the community in a relaxed setting rather than making them come to the courts. These are the kind of events that are helpful.

Mr. Newell is working on coming up with the events that can act as outreach for legal help. He recommended not trying to “swallow the whole elephant at once.” He said you need to take small bites. For example, a clinic may not be where a person resolves their legal issue. It could just be where they gather the information. He noted that bishops and other ecclesiastic leaders are going to be the ones where people can ask questions in a place of safety. So outreach to them will be important.

Mr. Newell said the August 16 event is a ME4U coalition event. A number of community councils are part of it. This would be a great entry to the community leaders.

(5) Subcommittee Updates

a. Self-Help Center

A building block for increased funding was submitted to the Judicial Council. Judge Thomas will attend. Justice Durham and Judge Lawrence wrote letters in support.

Judge Lawrence reported that the Board of District Court Judges gave its approval to propose rules requiring better notice on forms and repealing the 10 day summons. Judge Lawrence plans to submit a joint proposal of the Board and this committee to the Supreme Court. Prior to that, Judge Lawrence will be meeting with Charles Stormont and Kirk Cullimore about the 10-day summons to discuss some options to maintain the positive effects of the 10-day summons without the confusing procedural aspects. One option is to allow the filing of a complaint and a 10-day period for the plaintiff to pay the filing fee. Judge Lawrence will circulate the proposal to the committee over the next few weeks.

Ms. Van Buren reported that the Harvard A2J lab is studying different types of notice for the debt collection calendar. Only 20% of people who have filed an answer are

showing up to the calendar. Ms. Crismon wondered if some people who don't show up are incarcerated.

Judge Lawrence noted that every Wednesday a different law firm is handling the debt collection calendar. He also noted that evictions are funneled to the signing judge Wednesdays and Fridays. Mr. Stiles said the eviction calendar is being consolidated to Judge Parker's court. The logistics are being worked out. There aren't a lot of private attorneys who know tenant defense so the Bar held a CLE a few months ago to train attorneys.

Judge Lawrence noted that the senior attorney section of the bar is new and now up and running.

Jacob Kent asked about evidentiary hearings on evictions. Judge Thomas said that in his experience, showing up for a hearing versus not showing up affects whether the landlord requests treble damages. He said not only are people kicked out of their homes, but they then have an order of restitution and treble damages. With counsel, they typically negotiate away the treble damages and can also negotiate getting out of the home.

Mr. Stiles said the Bar is working on a form settlement agreement for these calendars.

b. Rural Subcommittee

Ms. Griffith reported that of the priorities listed, TLC is doing the best way right now by working with the local Bar associations and committees and by using virtual options. In Cedar City they have now had several clinics at a shelter. They are able to accomplish this through local recruitment, in-person TLC attorneys, and virtual TLC attorneys. But they must have an organizer with whatever group is in the community to advertise and let people know about it. There is no simple formula for doing these, but generally, you have to have a place for people to go, a way to do things virtually, and you have to use people there and from the outside. Local people have to trust that you won't disappear after the first event.

Judge Thomas said the biggest bar with local counsel is conflict or fear of conflict. If a local attorney helps a couple people, he or she may now be conflicted out of a bunch of cases. Ms. Griffith noted that some shelters have been a bit gun shy about working with TLC because they have had clinics come in that then go away. Mr. Stiles said this is a good example of the coordination needed between the local Bar committees and the courts.

Mr. Kent asked whether a laptop could be set up at existing clinics here in Salt Lake City to better access the rural clinics. The committee discussed that option but noted some logistical challenges. Ms. Griffith said TLC doesn't offer clinics at libraries because their computers are in the public area. Senior centers have computers in enclosed rooms and some centers allow non-seniors to use the computers. She said 4 TLC staff attorneys attend the rural pro bono committee meetings. Susan attends the 4th district pro bono committee. Susan is going to submit a Utah Bar Foundation request for funds for mileage to rural areas.

Professor Francis suggested using the law school alumni network for volunteer recruitment throughout the state. Professor Francis said she would send contact information to Susan to tap into this network.

c. Education

Judge Lawrence reported that he has been trying to meet with law schools at least once a year on various opportunities available to students. He noted that Pro Bono week is in October and he needs to set those presentations up again. Judge Lawrence will follow up with Carl Hernandez about this for BYU.

Regarding educating the Bar, Judge Lawrence has already requested to get on the Bar convention agenda for next year.

Ms. Griffith reported that the BYU dean has tasked her with creating 6 different pro bono opportunities that will be an expectation for all first year students. Ms. Crismon noted that one mentoring option now available under the New Lawyer Training Program is being able to take on a pro bono case. She expressed disappointment that the proposed CLE/pro bono cases rule didn't pass.

Professor Francis pointed out that it is important to talk with law students about doing pro bono once they leave law school. Ms. Crismon said New York state requires 50 hours of pro bono work before someone can get a Bar license. This can be started during law school.

Judge Lawrence said he will get on the schools' calendars.

Mr. Stiles discussed the Access to Justice Forum, which he said is a half day event bringing community organizers and legal service providers together. Part of the event will be to update groups' listings on 211.

(6) Goals by next meeting:

- Work on eviction calendar/issues
- 10 day summons proposal to Supreme Court
- Rural committee: follow up on TLC program with local Bar committees to effectuate the hybrid local/virtual clinics in each area.
- Outreach to law schools: talk to students during pro bono week in October.
- Shawn/Outreach Subcommittee brings ideas about things we should be doing to bring information into the community.
- Access to Justice Summit October 23, 2018 8am to 1p.m.: Judge Lawrence will follow up with Nick about any help our group can provide. Everyone should plan to attend.
- Know Your Rights Panel Discussion: August 16, 2018 at 7 p.m.: Try to attend this if you can. ME4U is putting it on and that group represents all of the community groups our committee is trying to reach about the resources that are available.

(7) Adjournment and Next Meeting

The meeting adjourned at 2 p.m. The next meeting will be held on October 12, 2018 in the Judicial Council Room.