

Agenda

Committee on Resources for Self-represented Parties

October 12, 2018
12:00 to 2:00 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Judicial Council Room, Suite N31

Welcome and approval of minutes	Tab 1	Judge Barry Lawrence, Chair
Introduction of new members		Judge Barry Lawrence
Coordination with Access to Justice Committee and local pro bono committees	Tab 2	Judge Barry Lawrence, Nancy Sylvester, Nick Stiles
Access to Justice Summit: October 23 8 a.m. to 1 p.m.	Tab 3	Judge Barry Lawrence
Update on 10-day summons discussion and forms		Judge Barry Lawrence
Subcommittee updates <ul style="list-style-type: none">• Education (outreach to law schools)• Outreach (community)• Rural Services (local/virtual clinics)• Self-Help Center/Non-lawyer Assistance/Court Updates Subcommittee (SHC funding, etc.)	Tab 4	All
Other Business		All

[Committee Web Page](#)

Proposed Bimonthly Meeting Schedule: Matheson Courthouse, 12:00 to 2:00 p.m. unless otherwise stated.

December 14, 2018

Tab 1

**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 – Chair
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.

Chairman 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. Stile 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.

Tab 2

Judiciary and Bar Committee Overlap Snapshot
Page 1

Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Reports to	Judicial Council	Bar Commission	Bar Commission
Rules or formation documents	CJA Rules 1-205 and 3-115	Resolution of the Utah Judicial Council	Charge to Standing Committee
Charge	<p>(1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.</p> <p>(2) Duties of the committee. The committee shall:</p> <p>(2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;</p> <p>(2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;</p> <p>(2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;</p> <p>(2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and</p> <p>(2)(E) develop an action plan for the management of cases involving self-represented parties.</p>	<p>WHEREAS, equal justice for all is fundamental to our system of government; and</p> <p>WHEREAS, the promise of equal justice under the law may not be realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services; and</p> <p>WHEREAS, this de facto denial of equal justice has an adverse impact on these individuals, families, and society as a whole, and works to erode public trust and confidence in our system of justice; and</p> <p>WHEREAS, the Utah State Bar seeks to increase pro bono legal services throughout the state of Utah by establishing the Utah Pro Bono Commission, a Utah State Bar program that includes District Pro Bono Committees in Utah's eight Judicial Districts that will assist in providing pro bono service at a local level;</p> <p>NOW THEREFORE BE IT RESOLVED, pursuant to Rule 2-201 of the Utah Rules of Judicial Administration, that the Utah Judicial Council endorses the Utah State Bar's creation of a Pro Bono Commission and urges law firms, corporate law departments, and governmental law offices</p>	<p>To provide leadership for Access to Justice programs and efforts throughout Utah To ensure greater communication and collaboration among various legal service providers to the under-served populations in the state. To coordinate the Bar's efforts with those of the Utah courts, legal non-profits and community groups and other bar organizations to address judicial, administrative, educational, and consumer-oriented issues and improve the overall level of access to justice in Utah. To assist in prioritizing needs and resources and work to eliminate barriers faced by low income and disadvantaged individuals in Utah, including those with disabilities, ethnic and racial minorities, rural residents and the elderly.</p>

Judiciary and Bar Committee Overlap Snapshot
Page 2

Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Committee membership	<p>2 district court judges, 1 juvenile court judge, 2 justice court judges, 3 clerks of court – 1 from an appellate court, 1 from an urban district and 1 from a rural district – 1 member of the Online Court Assistance Committee, 1 representative from the Self-Help Center, 1 representative from the Utah State Bar, 1 representatives from legal service organizations that serve low-income clients, 1 private attorney experienced in providing services to self-represented parties, 2 law school representatives, the state law librarian, and 2 community representatives.</p>	<p>Chairs - two judges, general membership is made up of government and private members of the bar, commissioners, and judges. No set standards for numbers of each.</p>	<p>Chairs of the Pro Bono Commission One of more representatives of the And Justice for All agencies Initially, a representative from the former Modest Means Committee Initially, a representative from the former Affordable Attorneys for All Task Force One or more representatives of church and community organizations and/or family foundations The Utah Bar Foundation Exectutive Director The Director of the Utah Court's Self Help Center Chair of the Court's Self - Represented Parties Committee A member of the Utah legislature Someone to represent the Licensed Paralegal Practitioner perspective.</p>

Judiciary and Bar Committee Overlap Snapshot
Page 3

Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Subcommittees	<p><u>Education</u>: Educate and interact with members of the Bar and bench, including law schools.</p> <p><u>Outreach</u>: Educate and interact with the community in furtherance of access to justice issues</p> <p><u>Rural Services</u>: Educate and interact with the community in furtherance of access to justice issues unique to rural communities.</p> <p><u>Self-Help Center/Non-lawyer Assistance/Court Updates</u>: Manage and provide updates on internal judicial and administrative issues such as self-help, forms, rules, etc.</p>	<p><u>Recruitment</u>: Mission to actively recruit attorneys to participate in pro bono work. This includes organizing commission members to connect with law firms, promote pro bono at the bar events, and develop strategies to encourage more attorneys to participate in pro bono service.</p> <p><u>Awards</u>: Mission to collect nominations for existing awards and to seek out new awards that members of our pro bono community could be nominated for.</p> <p><u>Non-Profit Integration</u>: Mission to work with legal and non legal non-profit organizations to expand knowledge of and access to pro bono legal services.</p> <p><u>Rules</u>: Mission to monitor any changes that may affect pro bono and report the status of those rules to the Commission</p> <p><u>Signature Projects</u>: Mission to work with our community partners to ensure the current signature projects are maintained and to create more projects to serve other needs in our state.</p> <p>*The Pro Bono Commission also oversees each of the eight Judicial District Pro Bono Committees.</p>	<p><u>Service Provider Support</u>: Manage the Annual Summit, and support fundraising in the form of legislative lobbying, increased CLE fees, and exploring grant opportunities.</p> <p><u>Education, Information, and Outreach</u>: Staff a dedicated liaison to the Self Represented Parties Committee, oversee updates to the State Bar's website, create public education initiatives, and explore potential resource guide opportunities.</p> <p><u>Initiatives</u>: Consider new ideas for clinic, pro bono education, and new programming.</p>

Judiciary and Bar Committee Overlap Snapshot

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Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Projects	Self-Help Center, Presentations to law schools about pro bono opportunities, remote hearings, 10-day summons, outreach to community members about court resources, etc.	Signature Projects, Monitoring efforts of District Pro Bono Committees, statewide pro bono initiatives.	The Access to Justice Coordinating Committee is relatively new and has been focused on developing an understanding of the issues. The Committee has also been working to implement the first Access to Justice Summit which will take place October 23rd, 2018.

Memorandum of Understanding between the Judicial Council's Standing Committee on Resources for Self-represented Parties, the Access to Justice Coordinating Committee (A2J Committee) of the Utah State Bar, and the Pro Bono Commission of the Utah State Bar (collectively, "committees").

- (1) WHEREAS, under Code of Judicial Administration Rule 3-115, the SRP Committee is charged with studying the needs of self-represented parties within the Utah State Courts, and proposing policy recommendations concerning those needs to the Judicial Council.
- (2) WHEREAS, as part of that charge, the SRP Committee shall:
 - (a) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
 - (b) assess available services and forms for self-represented parties and gaps in those services and forms;
 - (c) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
 - (d) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and
 - (e) develop an action plan for the management of cases involving self-represented parties.
- (3) WHEREAS, the following positions make up the SRP Committee:
 - (a) two district court judges,
 - (b) one juvenile court judge,
 - (c) two justice court judges, three clerks of court – one from an appellate court, one from an urban district and one from a rural district –
 - (d) one member of the Online Court Assistance Committee,
 - (e) one representative from the Self-Help Center,
 - (f) one representative from the Utah State Bar,
 - (g) two representatives from legal service organizations that serve low-income clients,
 - (h) one private attorney experienced in providing services to self-represented parties,
 - (i) two law school representatives,
 - (j) the state law librarian, and
 - (k) two community representatives.
- (4) WHEREAS, the SRP Committee has created four subcommittees to address the committees charge, which are:
 - (a) Education: Educate and interact with members of the Bar and bench, including law schools.
 - (b) Outreach: Educate and interact with the community in furtherance of access to justice issues.

- (c) Rural Service: Educate and interact with the community in furtherance of access to justice issues unique to rural communities.
 - (d) Self-Help Center/Non-lawyer Assistance/Court Updates: Manage and provide updates on internal judicial and administrative issues such as self-help, forms, rules, etc.
- (5) WHEREAS, the SRP [PROJECTS].....Nancy will fill this in after Nick.
- (6) WHEREAS, as part of the A2J Committee's charge, the A2J Committee will provide leadership for Access to Justice programs and efforts throughout Utah.
- (7) WHEREAS, as part of that charge, the A2J Committee shall
- (a) Ensure greater communication and collaboration among various legal service providers to the under-served populations in the state.
 - (b) Coordinate the Bar's efforts with those of the Utah courts, legal non-profits and community groups and other bar organizations to address judicial, administrative, educations, and consumer-oriented issues and improve the overall level of access to justice in Utah.
 - (c) Assist in prioritizing needs and resources and work to eliminate barriers faced by low income and disadvantaged individuals in Utah, including those with disabilities, ethnic and racial minorities, rural residents and the elderly.
- (8) WHEREAS, the following members make up the A2J Committee
- (a) Two co-chairs selected by the president and executive director of the Utah State Bar.
 - (b) A chair or representative of the pro bono commission
 - (c) One or more representatives of the And Justice For All agencies
 - (d) A representative from the Modest Means Committee
 - (e) A representative from the former Affordable Attorneys for All Task Force
 - (f) One or more representatives of church or community organizations and/or of family foundations
 - (g) The Utah Bar Foundation Executive Director
 - (h) The Utah State Bar's Access to Justice Director
 - (i) A member of the Utah Legislature
 - (j) A representative of the Licensed Paralegal Practitioner Perspective.
 - (k) Any additional member the chairs deem necessary.
- (9) WHEREAS, the A2J Committee has created three subcommittees to address the A2J Committee's charge, which are:
- (a) Service Provider Support: Manage the Annual Summit, and support fundraising in the form of legislative lobbying, increased CLE fees, and exploring grant opportunities.

- (b) Education, Information, and Outreach: Staff a dedicated liaison to the Self Represented Parties Committee, oversee updates to the State Bar's website, create public education initiatives, and explore potential resource guide opportunities.
 - (c) Initiatives: Consider new ideas for clinic, pro bono education, and new programming
- (10) WHEREAS, The A2J Committee will focus projects on the coordination of all Access to Justice initiatives including those from the Pro Bono Commission and the Self-Represented Parties Committee. Additionally, the A2J Committee will continue to develop and annual Access to Justice Summit each October to further this goal.
- (11) WHEREAS, by a Resolution of the Utah Judicial Council the Pro Bono Commission recognizes that equal justice for all is fundamental to our system of government and the promise of equal justice under the law may not be realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services, and this de facto denial of equal justice has an adverse impact on these individuals, families, and society as a whole, and works to erode public trust and confidence in our system of justice.
- (12) WHEREAS, as part of that charge, the Pro Bono Commission shall seek to increase pro bono legal services throughout the state of Utah by creating District Pro Bono Committees in Utah's eight Judicial Districts that will assist in providing pro bono service at a local level. The Pro Bono Commission shall urge law firms, corporate law departments, and governmental law offices to adopt pro bono policies and procedures to engage all lawyers in pro bono service that will increase access to equal justice, as well as monitor existing programs for efficacy and success.
- (13) WHEREAS, The following positions make up the Pro Bono Commission
 - (a) The Commission shall be chaired by two Utah judges
 - (b) The Commission shall include the Utah State Bar's Access to Justice Director
 - (c) The Commission shall include the Utah State Court's Self-Help Center Director
 - (d) The Commission shall include various judges and commissioners
 - (e) The Commission shall include members of the private bar
 - (f) The Commission shall include members of non-profits
 - (g) The Commission shall include various attorneys not in private practice
- (14) WHEREAS, the Pro Bono Commission has created four subcommittees to address the committees charge, which are
 - (a) Recruitment: Mission to actively recruit attorneys to participate in pro bono work. This includes organizing commission members to connect with law firms,

promote pro bono at the bar events, and develop strategies to encourage more attorneys to participate in pro bono service.

- (b) Awards: Mission to collect t nominations for existing awards and to seek out new awards that members of our pro bono community could be nominated for.
Non-Profit Integration: Mission to work with legal and non-legal non-profit organizations to expand knowledge of and access to pro bono legal services.
- (c) Rules: Mission to monitor any changes that may affect pro bono and report the status of those rules to the Commission
- (d) Signature Projects: Mission to work with our community partners to ensure the current signature projects are maintained and to create more projects to serve other needs in our state.

(15) WHEREAS, The Pro Bono Commission serves as the governing body of pro bono efforts throughout Utah, the Commission will continue to monitor existing efforts while also creating new programs when necessary.

(16) WHEREAS, the SRP Committee, the A2J Committee, and the Pro Bono Commission desire to coordinate and not duplicate efforts,

(17) NOW THEREFORE BE IT RESOLVED that each committee through its chair or designee shall update the other committees monthly on its efforts and projects, or as often as the other committees meet; and

(18) BE IT FURTHER RESOLVED that.....

_____	Sign here ►	_____
Date		SRP Committee Chair
_____	Sign here ►	_____
Date		A2J Committee Co-Chair
_____		_____
Date		A2J Committee Co-Chair
_____	Sign here ►	_____
Date		Pro Bono Commission Co-Chair
_____		_____
Date		Pro Bono Commission Co-Chair

Tab 3



Nancy Sylvester <nancyjs@utcourts.gov>

Save the Date for the First Annual A2J Summit

Justice Christine Durham <christine.durham@utahbarfoundation.org>

Wed, Aug 1, 2018 at 11:51 AM

Reply-To: christine.durham@utahbarfoundation.org

To: nancyjs@utcourts.gov

Have you ever wondered where to send someone for legal help?

Learn about legal services, networking, and growing your organization.

at the
UTAH ACCESS TO JUSTICE SUMMIT

October 23, 2018
8:00 am – 1:00 pm

Utah Law & Justice Center
645 South 200 East, SLC

Sponsored by: The Utah State Bar, The Utah Bar Foundation, and The Lund Family Foundation.

Opening Remarks by Justice Christine M. Durham (Ret.)

Save the Date! First Annual Access to Justice Summit Coming October 23

The Lund Family Foundation, the Utah Bar Foundation, and the Utah State Bar are joining forces to bring you the First Annual Access to Justice Summit. Here's your chance to learn more about the resources that are available for those who need help finding access to justice. Representatives from a variety of organizations will be presenting options to increase funding, grow your organization, and help you better serve the public. Watch for more details coming soon!

Utah Bar Foundation | [645 S. 200 E., Salt Lake City, UT 84111](#)

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Sent by christine.durham@utahbarfoundation.org

Tab 4

Subcommittee	Assignment	Members	Projects
Education	Educate and interact with members of the Bar and bench, including law schools.	Judge Barry Lawrence (chair), Judge Suchada Bazzelle, Judge Catherine Hoskins, Nancy Sylvester, Kara Mann (ex officio), Judge Brook Sessions, Leslie Francis, Carl Hernandez.	
Outreach	Educate and interact with the community in furtherance of access to justice issues	Sue Crismon (chair), Virginia Sudbury, Shawn Newell, Charles Stormont.	
Rural Services	Educate and interact with the community in furtherance of access to justice issues unique to rural communities.	Susan Griffith (chair), Carol Frank, Jessica Van Buren, Jacob Kent, Judge Doug Thomas.	
Self-Help Center/Non-lawyer Assistance/Court Updates	Manage and provide updates on internal judicial and administrative issues such as self-help, forms, rules, etc.	Nathanael Player (chair), Jessica Van Buren, Nancy Sylvester, Chris Martinez, Lisa Collins, Monica Fjelsted.	

Rule 73. Attorney fees.

(a) **Time in which to claim.** Attorney fees must be claimed by filing a motion for attorney fees no later than 14 days after the judgment is entered, except as provided unless the party claims attorney fees in accordance with the schedule in paragraph (f) of this rule, or in accordance with Utah Code § Section 75-3-718, and no objection to the fee has been made.

(b) **Content of motion.** The motion must:

(b)(1) specify the judgment and the statute, rule, contract, or other basis entitling the party to the award;

(b)(2) disclose, if the court orders, the terms of any agreement about fees for the services for which the claim is made;

(b)(3) specify factors showing the reasonableness of the fees, if applicable;

(b)(4) specify the amount of attorney fees claimed and any amount previously awarded; and

(b)(5) disclose if the attorney fees are for services rendered to an assignee or a debt collector, the terms of any agreement for sharing the fee and a statement that the attorney will not share the fee in violation of Rule of Professional Conduct 5.4.

(c) **Supporting affidavit.** The motion must be supported by an affidavit or declaration that reasonably describes the time spent and work performed, including for each item of work the name, position (such as attorney, paralegal, administrative assistant, etc.) and hourly rate of the persons who performed the work, and establishes that the claimed fee is reasonable.

(d) **Liability for fees.** The court may decide issues of liability for fees before receiving submissions on the value of services. If the court has established liability for fees, the party claiming them may file an affidavit and a proposed order. The court will enter an order for the claimed amount unless another party objects within 7 days after the affidavit and proposed order are filed.

(e) **Fees claimed in complaint.** If a party claims attorney fees under paragraph (f), the complaint must state the basis for attorney fees, ~~state the amount of attorney fees allowed by the schedule,~~ cite the law or attach a copy of the contract authorizing the award, and, ~~if the attorney fees are for services rendered to an assignee or a debt collector,~~ state a statement that the attorney will not share the fee in violation of Rule of Professional Conduct 5.4.

(f) **Schedule of fFees.** Attorney fees awarded under ~~the schedule~~ this rule may be augmented ~~only for considerable additional efforts in collecting or defending the judgment and only after further order of the court~~ upon submission of a motion and supporting affidavit meeting the requirements of paragraphs (b) and (c) within a reasonable time after the fees were incurred, except as provided in paragraphs (f)(1), (f)(2) and (f)(3), and only where the augmented fees sought exceed those already awarded.

Amount of Damages, Exclusive of Costs, Attorney Fees and Post-Judgment Interest, Between	and:	Attorney Fees Allowed
0.00	4,500.00	250.00

1,500.01	2,000.00	325.00
2,000.01	2,500.00	400.00
2500.01	3,000.00	475.00
3000.01	3,500.00	550.00
3500.01	4,000.00	625.00
4,000.01	4,500.00	700.00
4,500.01	or more	775.00

(f)(1) Fees upon entry of uncontested judgment. When a party seeks a judgment-, the responding party does not contest entry of judgment by presenting at a hearing either evidence or argument, and the party seeking the judgment has complied with paragraph (e) of this rule, the request for judgment may include a request for attorney fees, and the clerk or the court shall allow any amount requested up to \$350.00 for such attorney fees without a supporting affidavit.

(f)(2) Fees upon entry of judgment after contested proceeding. When a party seeks a judgment, the responding party contests the judgment by presenting at a hearing either evidence or argument, and the party seeking the judgment has established its right to attorney fees, the request for judgment may include a request for attorney fees, and the clerk or the court shall allow any amount requested up to \$750 for such attorney fees without a supporting affidavit.

(f)(3) Post Judgment Collections. When a party has established its entitlement to attorney fees under any paragraph of this rule, and subsequently:

(f)(3)(A) applies for any writ pursuant to Rules 64, 64A, 64B, 64C, 64D, or 64E; or

(f)(3)(B) files a motion pursuant to Rules 64(c)(2) or 58C or pursuant to Utah Code §

35A-4-314,

the party may request as part of its application for a writ or its motion that the party's judgment be augmented according to the following schedule, and the clerk or the court shall allow such augmented attorney fees request without a supporting affidavit if it approves the writ or motion:

<u>Action</u>	<u>Attorney Fees Allowed</u>
<u>Application for any writ under Rules 64, 64A, 64B, 64C, or 64E, and first application for a writ under Rule 64D to any particular garnishee;</u>	<u>\$75.00</u>
<u>Any subsequent application for a writ under Rule 64D to the same garnishee;</u>	<u>\$25.00</u>
<u>Any motion filed with the court under Rule 64(c)(2), Utah Code § 35A-4-314, or Rule 58C;</u>	<u>\$75.00</u>
<u>Any subsequent motion under Rule 64(c)(2), Utah Code § 35A-4-314, or Rule 58C filed within 6 months of the previous motion.</u>	<u>\$25.00</u>

55 (f)(4) Fees in excess of the schedule. If a party seeks attorney fees in excess of the amounts
56 set forth in paragraphs (f)(1), (f)(2), or (f)(3), the party shall comply with paragraphs (a) through (c) of
57 this rule.

58 (f)(5) Objections. Nothing in this paragraph shall be deemed to eliminate any right a party may
59 have to object to any claimed attorney fees.

60 [Advisory Committee Notes](#)

61 To substitute the current Advisory Committee Notes:

62 2018 Amendments

63 An overwhelming number of cases filed in the courts, especially debt collection cases, result in the entry
64 of an uncontested judgment. The work required in most cases to obtain an uncontested judgment does
65 not typically depend on the amount at issue. As such, the prior schedule of fees based on the amount of
66 damages has been eliminated, and instead replaced by a single fee upon entry of an uncontested
67 judgment that is intended to approximate the work required in the typical case. A second amount is
68 provided where the case is contested and fees are allowed, again in an effort to estimate the typical cost
69 of litigating such cases. Where additional work is required to collect on the judgment, the revised rule
70 provides a default amount for writs and certain motions and eliminates the “considerable additional
71 efforts” limitation of the prior rule. It also recognizes that defendants often change jobs, and thus provides
72 for such default amounts to vary depending on whether a new garnishee is required to collect on the
73 outstanding amount of the judgment. Thus, the amended rule attempts to match the scheduled amounts
74 to the work required of attorneys, rather than tying the scheduled amounts solely to the damages claimed.
75 But the rule remains flexible so that when attorney fees exceed the scheduled amounts, a party remains
76 free to file an affidavit requesting appropriate fees in accordance with the rule.

In the Supreme Court of the State of Utah

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Standing Order No. 13

(regarding Small Claims Online Dispute Resolution Pilot Project)

Effective September 19, 2018

Paragraph 1: General Provisions

- a) In an effort to improve access to justice, the Utah Supreme Court has initiated an Online Dispute Resolution (ODR) pilot project. The West Valley City Justice Court will serve as the location for the pilot project. The project will include all small claims cases filed in that court beginning September 19, 2018, and shall continue until the Supreme Court rescinds this Standing Order.
- b) The Supreme Court believes ODR will increase the participation rate of parties, assist the parties in resolving their disputes, and improve the quality and presentation of evidence at trial in those matters that cannot be resolved. In short, the Supreme Court believes ODR will further the statutory goal of small claims: dispensing speedy justice between the parties.
- c) The calculation of time periods under this Standing Order shall be governed by Utah Rule of Civil Procedure 6.

Paragraph 2: Beginning the Case

- a) A small claims case starts when the plaintiff files with the clerk of the court an affidavit stating the facts showing (i) the right to recover money from the defendant or (ii) that the plaintiff is holding money claimed by two or more defendants ("Claim").
- b) The plaintiff must include the plaintiff's email address and, if known, the defendant's email address in the Claim. The plaintiff must pay the appropriate filing fee or request for a fee waiver when filing the Claim.
- c) The plaintiff must file any request for exemption from ODR, pursuant to paragraph 5, at the same time as the Claim.
- d) A plaintiff must register for the ODR system within 7 days of filing the Claim or, if the plaintiff has sought a request for exemption and the exemption is denied, within 7 days from receiving the denial. The court shall dismiss the Claim without prejudice if the plaintiff fails to register within this time frame. If the

defendant shows that the plaintiff failed to register or participate in a prior case on the same dispute, the dismissal shall be with prejudice.

Paragraph 3: Service

- a) A copy of the ODR Summons and Claim must be served as provided in Utah Rule of Civil Procedure 4.
- b) Service must occur within 120 days of the plaintiff filing the Claim or receiving a denial of a request for an exemption under paragraph 5, whichever is later.
- c) The plaintiff shall file a Proof of Service with the court within 7 days of service.
- d) If the plaintiff fails to comply with the timelines set forth in subparagraphs (b) or (c), the defendant may file a motion to dismiss the case without prejudice.
- e) If a Proof of Service is not filed within 7 days after expiration of the time in subparagraph (b) the court will dismiss the case without prejudice.

Paragraph 4: Responding to a Claim

- a) Upon being served with a Claim, the defendant must, within 14 days:
 - 1) register for an ODR account or link the claim to an existing ODR account as instructed in the Summons; or
 - 2) seek an exemption from participating in ODR pursuant to paragraph 5.
- b) A defendant who seeks an exemption pursuant to paragraph 5 and is denied the exemption must comply with subparagraph (a)(1) within 7 days of receiving the denial, or the time remaining under (a), whichever is longer.
- c) If a defendant fails to register or request an exemption the plaintiff may file a motion asking the court to enter a default judgment in an amount not to exceed the amount requested in the Claim.

Paragraph 5: Requesting an Exemption from ODR

- a) Parties must participate in the ODR process unless they have been exempted by the court due to an undue hardship. Undue hardship exists when a party cannot access the online system or participate in the online process without substantial difficulty or expense.
- b) The court shall provide to the requesting party the form necessary to request an exemption.
- c) The court shall grant the request if the party shows participation would cause undue hardship.
- d) If the court exempts the plaintiff from participating in ODR, the court clerk shall schedule a trial and issue a Summons for the defendant to appear.
- e) If the court exempts the defendant from participating in ODR, the court clerk shall schedule a trial and notify the parties of the date, time, and place of the trial.

- f) If the court grants an exemption, the Claim shall be governed by the Utah Rules of Small Claims Procedure.

Paragraph 6: Facilitators

- a) The role of the facilitator is to guide the parties through ODR and to assist them in reaching a settlement. To advance these goals, the facilitator may provide information to a party regarding procedure and evaluate the Claim or any defenses.
- b) If the parties do not settle the claim, the facilitator must provide the court with a concise description of the issues and as much relevant information as possible.
- c) A facilitator will be assigned to the case no later than 7 days after at least 2 parties have registered for an ODR account. The facilitator will inform the parties of the processes to be followed, including the types of communications the parties may use. The facilitator will establish timelines for sharing information and a deadline for attempts to informally resolve the case. Unless the facilitator determines additional time will likely result in a settlement, these efforts at resolution should not exceed 14 days. The facilitator may adjust the timelines at any time during the process.
- d) A facilitator may communicate privately with any party at any time for the purposes of facilitating a resolution.
- e) The facilitator may request a party provide the facilitator and every other party:
 - 1) information and evidence about the merits of the case;
 - 2) information about the ability to pay;
 - 3) responses to another party's information; and
 - 4) the party's position on any proposed resolution of the Claim.
- f) All information provided under this paragraph is considered private and will not be disclosed beyond the facilitation phase without the approval of the party providing the information.

Paragraph 7: Settlement Agreement

- a) If the parties settle the claim, the parties may request the facilitator to prepare the on-line settlement agreement form to be executed by the parties. If requested by the parties, the facilitator shall prepare the on-line settlement form, which shall set forth the terms agreed to by the parties and, except as provided below, will state that if the judgment debtor breaches the agreement, the judgment creditor may ask the court to enter judgment in the amount that remains owing under the settlement agreement.
- b) The court will not enter a judgment on the settlement agreement unless the parties elect to have the court enter a judgment at the time the settlement agreement is entered, or unless the judgment debtor fails to comply with the

settlement agreement and the judgment creditor requests entry of a judgment under Paragraph 10.

- c) Settlement agreements that contain performance related terms, such as return of tangible property or performance of a service, will not be enforceable by the court in the event of a breach. In order for the court to enter a judgment on an agreement that contemplates performance, the agreement must provide for a monetary recovery in the event of non-performance.
- d) Parties who have registered for ODR participation under Paragraphs 2 and 4 may settle a claim without the use of a facilitator or the ODR process if the parties can reach a settlement agreement before the deadlines established by the facilitator.

Paragraph 8: Unsuccessful Facilitation

- a) If the facilitator determines that the parties are unable to reach a settlement, the facilitator will:
 - 1) terminate the facilitation process and notify the court to set a trial date;
 - 2) work with the parties to prepare a form to submit to the court that includes information provided during facilitation that are relevant to the dispute and agreed to by both parties;
 - 3) submit the form prepared by the facilitator and agreed to by the parties in the ODR process to the court in advance of trial; and
 - 4) advise a defendant of the necessity of filing and serving any counterclaims at least 3 days before trial.
- b) The court shall:
 - 1) schedule a date for trial to be held between 7 and 21 days from the date the court receives notification from the facilitator; and
 - 2) notify the parties of the date using the email address associated with the ODR account or other updated email address provided to the court.
- c) A party with a conflict on the assigned court date shall, as soon as possible, attempt to find a mutually agreeable date for trial with the other party and request a stipulated change of date from the court. Otherwise, the party must request a continuance of the trial date with the court no sooner than 5 days before trial.

Paragraph 9: Dismissal for Failing to Respond During ODR

Once facilitation has begun, if the plaintiff fails to respond to the facilitator within 10 days, the facilitator may notify the defendant of the ability to file a request to dismiss the case. If the defendant demonstrates that the plaintiff failed to register or participate in a prior case on the same dispute, the dismissal shall be with prejudice.

Paragraph 10: Breach of a Settlement Agreement

- a) If a judgment debtor fails to comply with the terms of a settlement agreement not already reduced to a judgment, the judgment creditor may file a request for the court to enter a judgment on the amount owing.
- b) The judgment creditor must provide the court with a copy of the settlement agreement form created under Paragraph 7 and an accounting of any payments received since the date of the settlement agreement.
- c) Upon receipt of a request to enter judgment, the court shall notify the judgment debtor using the email address associated with the ODR account or other updated email address provided to the court.
- d) The judgment debtor may file an objection within 14 days of the notice being sent by the court. If an objection is filed, the court shall set a hearing.
- e) If a hearing is not requested, or if the judgment debtor does not appear, the court shall enter judgment in favor of the judgment creditor.
- f) After the hearing, the court shall enter judgment unless the court determines the judgment debtor has not violated the terms of the settlement agreement.

Paragraph 11: Applicability of the Utah Rules of Small Claims Procedure

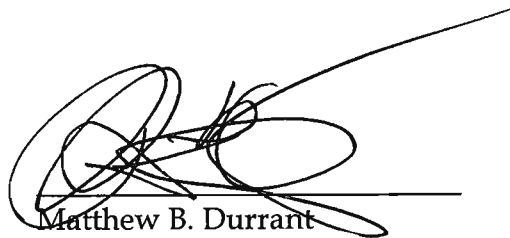
Unless otherwise inconsistent with these rules, the Utah Rules of Small Claims Procedure shall apply to all cases filed pursuant to this Standing Order.

Paragraph 12: Counterclaims

The defendant may raise and present evidence on any counterclaims during the facilitation process without the need to formally file a counterclaim. The facilitation process may result in an agreement with the defendant becoming the judgment creditor. If the case proceeds to trial, the defendant must file a counterclaim and pay the appropriate filing fee no later than 5 days before trial. The defendant may serve the plaintiff through the email address provided by the plaintiff.

Date

9-17-18



Matthew B. Durrant

Chief Justice