

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

Matheson Courthouse
Conference Room A
December 6, 2019
12:00 PM – 2 PM

Members	In attendance	Excused	Via phone conference
Judge Suchada Bazzelle	X		
Sue Crismon		X	
Monica Fjeldsted			X
Leslie Francis	X		
Nicole Gray	X		
Susan Griffith			X
Carl Hernandez		X	
Judge Catherine Hoskins		X	
Jacob Kent	X		
Judge Barry Lawrence - Chair	X		
Shawn Newell		X	
Nathanael Player	X		
Charles Stormont	X		
Peter Strand		X	
Virginia Sudbury	X		
Judge Doug Thomas	X		
Janet Thorpe	X		
Jessica Van Buren	X		
Guests	In attendance	Excused	Via phone conference
Naomi (law library)	X		
Amy Hernandez (Domestic Violence Program Coordinator)	X		
Rob Jepson (Access to Justice Commission)	X		
Kara Mann (Language Access Program Coordinator)	X		
Justice Christine Durham (Access to Justice Commission)		X	
Judge Richard Mrazik (in-coming Chair)	X		
Alice Jones (observer)	X		
Robert "Grigger" Jones (observer)	X		
Staff	In attendance	Excused	Via phone conference
Nancy Sylvester	X		

(1) Welcome and approval of minutes

Judge Lawrence welcomed the committee members and guests to the meeting and had everyone introduce themselves. Judge Lawrence then asked for a motion on the minutes. A motion was made by Charles Stormont and seconded by Virginia Sudbury and the minutes were approved.

(2) Chairman's report

Judge Lawrence discussed his transition out as chair and welcomed Judge Rich Mrazik. He went through the priorities below:

1. The Self Help Center:*

- a. The best use of resources in the State
- b. Continue to advocate for more funding
- c. Continue to get the word out to the bar, the community, Court staff (JA's)

2. Access Issues:

- a. Unrepresented parties should have unfettered access to the courthouse.
- b. Follow up with Judicial Council on Dress Code
- c. Expand the concept – cell phones and child care

3. Debt Collection Focus:

- a. Based on the number of defaults, serious concern
- b. Wednesday afternoon calendar to provide access to attorneys
- c. Senior Section of the Bar to help populate those calendars
- d. Forms:
 - i. Omnibus Collections Form
 - ii. Warning Language on Motions and Requests for Admissions
- e. Let's turn these into Rules.
 - i. Warning Language
 - ii. Ten Day Summons (?)

4. Future Focus on Evictions; Landlord Tenant Issues*

- a. Growing problem of affordable housing
- b. Growing problem of homelessness
- c. Multi-faceted approach is probably needed (are we situated to do this?)

5. Remote Services

- a. Remote access to rural courthouses to take advantage of Salt Lake lawyers
- b. Rural courts are interested, but practical concerns
- c. IT is a limiting factor. Proposal to Judicial Council in this regard?

6. Community Outreach*

- a. This is really important and we lawyer types aren't great at it.
- b. Sue and Shawn should continue to put in the effort on this.

7. Continue to make presentations about the need for pro bono

- a. Law Schools annual presentation
- b. Judge conferences
- c. Bar conferences.

8. Court Visitor Program

- a. Work with the University of Utah to start a program for students
- b. Alternative source of possible visitors.

9. Continue to Work with the Domestic Practice Section

10. Continue to interact with the Bar, the Access to Justice Committee

- a. Participate in Annual Summit
- b. Cross-Discussions between the groups are important.

Regarding outreach, Jessica Van Buren said the Self Help Center was involved recently in Homeless Connect, providing in-person the service the Center normally provides over the phone. Leslie Francis noted that medical clinics don't know that the SHC can provide help on guardianships and powers of attorney. She said medical clinics are a way to outreach to rural communities.

Judge Thomas discussed domestic case process improvements. He said there is an active case management system in 7th District. When someone files an answer, there is a case management conference scheduled. Judges have found that most cases are resolved at that first hearing. If it's not resolved then it's set for a quick trial and resolved there. It's been 2 ½ years since the recommendations were adopted but there is still no further adoption statewide. He noted that there is a significant difference between the time to disposition in the 7th district and the 3rd district. He said the Judicial Council needs to go to the Legislature for case managers. Kim Allard has said 4 were needed to implement statewide. Judge Lawrence noted that the Board of District Court Judges needs to take it up. A recommendation needs to be made by the Board for a building block at the Council's August meeting. Judge Thomas pleaded with the committee to not let this effort die. The committee discussed inviting Commissioner Sagers to the next meeting. Commissioner Petersen is doing the pilot in 4th District. Judge Bazzelle said she'd speak with him.

(3) Update from the Utah State Bar's Access to Justice Commission

Rob Jepson addressed this item. He said the A2J Commission is looking for a niche, evolving into a leadership counsel model. Judge Lawrence said the commission should be

independent and work on policy. There should be someone on the Hill representing all the people who aren't represented. Mr. Jepson noted that the Bar doesn't want to be sued for wading into policy. Judge Mrazik said there is a gap between what the courts are seeing and having a body to tell it to that can advocate. Judge Thomas noted that there is a large landlord group on the Hill that should be approached first about what is being seen on the ground.

(4) Discussion about Sealing Civil Eviction Records

Marty Blaustein, Utah Legal Services, presented on this issue. Mr. Blaustein said that when a tenant prevails, there is still an eviction that shows up on the tenant's background check. All the cases that have been handled by ULS are relatively easy to seal, i.e. no money still owed, no damage to the property. He requested that the court dismiss the case for failure to prosecute and when a court transfers a case, case 1 should be sealed since two evictions show up. Ms. Sylvester noted that any rule proposal would be a Code of Judicial Administration rule so it would go through the Judicial Council. Mr. Jepson said the Housing Coalition is also looking at running legislation. It was noted that there may be a need for funding so legislation and rulemaking may need to go hand in hand.

(5) VAWA funds

Amy Hernandez presented on new VAWA funds that are specifically for pro se litigants. There is money for court infrastructure, e-filing for protective orders, OCAP to e-file, Appellate Courts e-filing. Jessica said there is a gap—statute requires that JA assist. But JA's aren't helping because they don't feel like they can. There may be legibility issues. Jessica asked about getting a person to help with scribing.

(6) Discussion about Regulator Reform Initiative

Judge Lawrence addressed this item. There are limitations on who can dispense legal advice. The idea of the initiative is opening up who may provide legal advice to address access to justice. Leslie Francis and several others said they are concerned about the regulator. Judge Thomas asked if we are opening the door for victimization of pro se litigants. Judge Mrazik said what Justice Himonas would say is that you choose a small area of the law and data gather for a couple years with one provider within the context of the sandbox. Charles Stormont said he sees an opportunity for more access. Judge Mrazik said he doesn't want to lose sight of the need to have a human being involved in the process. Ms. Hernandez said she sees an opportunity for someone who is not a lawyer to help fill out divorce papers for a domestic violence victim. Ms. Francis said the question the committee should continue to push is what kind of access to justice this is permitting. Mr. Stormont said the first thing we should be targeting is enforcement of the unauthorized practice of law. Judge Mrazik said the committee should be very intentional about the message coming from the committee.

(7) Subcommittee updates

a. Self-Help Center/Non-lawyer Assistance/Court Updates Subcommittee

The Self-Help Center is funded full-time until June 30, 2020. The Judicial Council prioritized one additional staff attorney. Funding for permanent full-time attorneys has gone to a newly formed budget committee but there is no additional money. Nathanael is asking the Council to change its priority to asking for full-time staff at the legislature.

(8) Other

Rob Jepson said Parsons Behle Latimer has a lab and has offered to rebuild OCAP, which has so far been declined.

(9) Adjourn:

With no additional items to report, the meeting adjourned at 1:59 pm. The next meeting will be held on March 13, 2020.