

Agenda

Utah Judicial Council's Standing Committee on Resources for Self-represented Parties

September 11, 2020
12:00 p.m.-1:30 p.m.

Via Webex

Welcome and approval of May and July minutes	Tab 1	Nancy Sylvester, Nathanael Player
<p>Follow up on prior discussions:</p> <ul style="list-style-type: none">• Employment law (law schools, clinics, etc.)• Community outreach (funding for outreach coordinator, efforts being taken now, etc.)• Technology• Grant requests (several projects approved for SL Co., Bar Foundation funding)• Evictions (calendars, CDC moratorium)• 5th District projects (Janet's updates) <p>*As part of these discussions, we will compile a list of concrete steps already taken – and those needing to be taken – to address self-represented parties' needs in these areas</p>		All
Discussion of any new needs created by the pandemic		All
Discussion of any new non-pandemic projects <ul style="list-style-type: none">• Project Homeless Connect• Any others?		Nathanael Player
Other business		Nancy Sylvester, Nathanael Player

Next meeting: November 13, 2020

2020 Meeting Schedule: Every other month on the second Friday at noon.

Tab 1

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

VIA Conference Call
May 8, 2020
12:00 PM – 1 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 Richard Mrazik - Chair			X
Shawn Newell			X
Judge Katherine Peters			
Nathanael Player			X
Charles Stormont			X
Peter Strand			X
Virginia Sudbury			X
Janet Thorpe			X
Jessica Van Buren			X
Guests	In attendance	Excused	Via phone conference
Amy Hernandez (Domestic Violence Program Coordinator)			X
Kara Mann (Language Access Program Coordinator)			X
Justice Christine Durham (Access to Justice Commission)		X	
Rob Jepson (Access to Justice Commission)			X
Amy Sorenson (Access to Justice Commission)		X	
Staff	In attendance	Excused	Via phone conference
Nancy Sylvester			X

(1) Welcome and approval of minutes

Judge Richard Mrazik welcomed the committee to the meeting.

The committee approved the March 2020 minutes with Charles Stormont moving, and Nathanael Player seconding the motion.

(2) Updates

The courts are allowing Self-Represented parties to email requests to the court. Court is allowing to simply type in a name without a wet signature. All filing are done through email now. The other change is open cases can be emailed to have motions filed and process through the courts. Change is meant to be temporary but could potentially be permanent as this makes the courts more accessible to the general public.

Pro se e-filing resolution has been sent to Justice Pearce and Heidi Anderson. Brent Johnson noted that e-filing will continue to move forward. Judge Mrazik has heard that the new normal will continue with virtual proceedings and the trend is in favor of continuing electronic filing by Self-Represented parties. Judge Mrazik also noted that the doors of the courthouse need to remain open for those who do not have access to internet access or filing by electronic means.

Nancy Sylvester reports that IT is looking to expand myspace through the OCAP process. Court clerks are reporting positive results and processes with e-filing.

The committee on rules is seeking advice from the Supreme Court regarding rules involving notices that are sent to parties who are represented. Attorneys are asking why they need to use additional language when the other party is represented by counsel. The rules are moving along and waiting for guidance on how to proceed. A proposal should be forthcoming soon.

(3) Update regarding filing numbers during the pandemic

Jessica Van Buren reported that divorce cases are down 22% in April compared to March of this year, and down 11% to April 2019. Debt collection cases are down 35% in April compared to March of this year, and 39% compared to April of last year. Eviction down 52% in April compared to March of this year, and down 53% compared to April of 2019. Overall total filings in April down 18% compared to March of this year, and down 23% to April of 2019. These numbers are possible combinations of civil and criminal filings. These numbers do not include default rate.

(4) What the law library, Self-Help Center, and Timpanogos Legal Clinic are seeing

The Law Library is closed to walk in patrons. Service is still provided through phone, email and text. One person is available each day for document delivery requests by books and correspondence requests by prisoners. All other staff is working remotely from home and able to provide service by emails and phone calls. The library is not at 100% transition right now as it is not ready to safely open its doors to walk-in requests.

The Self-Help Center is fully operational and is continuing to provide all available services. Staff is also working remotely from home and able to communicate via

telephone calls, emails, and texting. Sometimes staff will need to come in to the Law Library to print materials to physically mail to recipients who do not have access to internet service. Service has not been interrupted. Nathanael Player notes that they have been getting higher call volumes related to domestic violence related concerns and tenants who are worried about possible evictions.

Rob Jepson is running a virtual clinic one night a week that allows people to call in later into the night with concerns regarding evictions, employment and family law.

(5) Big takeaways for Utah Foundation Legal Needs Study

Nathanael Player noted a short video that highlights debt collections without representation. Two-thirds of people report they can't afford to hire an attorney. The top legal needs of most Utahans is in the area of family law and the ability to pay for an attorney. We have focused a lot of attention on family law but not as much on debt collection or eviction issues. What matters most to people are domestic violence related issues.

Justice Durham noted that the Executive Committee on Access to Justice met and discussed the findings of the foundation study. The committee decided that they will focus on the major concerns, mainly debt collection of financial issues, and will propose to the commission that they take on the work to better understand a broader and deeper approach to court related fixes and continuing to streamline electronic filings. This might be the time to create reform in the system to address debt collection concerns.

Judge Mrazik noted that the numbers of unrepresented parties in the study is in track with statistics that has been continually discussed in this committee, but the committee should be keeping an open mind regarding employment law and domestic violence issues. Nathanael notes that when people call the Self-Help Center they are referred to contact the Department of Labor regarding employment law or wage discrimination issues. PEW also issued a report on debt collection that emphasizes the need for debt collection.

The legislature has eliminated the use of bail in warrant as a debt collection tool. This was used in some Justice courts in the state and went into effect May 12, 2020.

(6) Updates on regulatory reform

Charles Stormont has voiced his concerns to Mr. Lund and has been assured that the reform is real and will be happening. Justice Durham noted that applications have not yet been reviewed but have reviewed videos of those seeking to submit an application. In almost every one of the presentations resulted in equally good or better services at a lower price. Justice Durham is optimistic that the regulatory reform will keep their promise to provide better access to justice. Mr. Stormont noted that there is a larger gap of the under serviced and if the focus can be there, lawyers will continue to work and the under serviced will be able to be served.

As a member of the task force, Nathanael Player has tried to talk to as many legal service providers to make sure they understand the sandbox and will hopefully engage in the sandbox to better understand the needs of those accesses to better service.

(7) Discussion on how to move forward, including partnership with Access to Justice Commission

Judge Mrazik noted that the committee has no idea of what will happen in the next 4-6 months no final decisions will be made at this time. Justice Durham noted it is has been beneficial to have members of this committee participating with the Access to Justice Commission. The commission has found it beneficial to participate in these committee meetings and combining effects between the commission and the committees. Justice Durham would like to invite additional members of the committee to continue or join in meeting with the commission to continue fostering a collaborative working group and assisting the court in providing better services to underrepresented parties. Other committee members agree with Justice Durham's invitation and would welcome input from various entities to better engage in the work and partnership with the commission.

Judge Mrazik proposed the committee continue to meet via video conferencing and continue with discussions on the partnership with the commission. Beyond that, Judge Mrazik asks if anyone has recommendations on changes the committee should make.

Leslie Francis asked the committee if there are available reports containing information gathering mode in the next couple of months related to employment that has been discussed, and whether the sandbox would be looking to discuss to issues. Judge Mrazik noted the value of the sandbox is that it is economically feasible in the traditional model. The sandbox is an opportunity to provide a model that is workable for those without an attorney. Leslie asked if there is a next step in sandbox that would go beyond the current need. Sue Crismon noted that LPP committee is looking to seek additional ability to provide service beyond what they are currently able to do. Justice Durham noted the sandbox is a reactive activity and the committee will need to come up with the ideas to bring to the commission. The commission would like to get other entities educated about the sandbox and encourage them to think of projects that they might want to have brought to scale and provide service options.

Nathanael Player noted that the _____ is a leading community organization for bilingual Spanish speakers. They are based in West Valley City. Judge Mrazik likes the idea of contacting such a group to see if they would be willing to speak with the group and provide input for the sandbox. Nathanael will reach out to them and the ACLU to discuss the sandbox and gather additional input for services.

The committee discussed creating a small group to meet with the labor commission to discussion the sandbox and employment law issue, specifically filing claims. The committee recommends looking at court forms relate to employment laws and have a

represented from LPP's in those discussions. The committee will continue discussions of this topic at the next meeting.

(8) Adjournment:

The meeting adjourned at approximately 1 p.m. The next meeting will be held on May 8, 2020.

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

Via Webex
July 17, 2020
12:00 PM – 1 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 Richard Mrazik - Chair			X
Shawn Newell			X
Judge Katherine Peters			
Nathanael Player			X
Charles Stormont			X
Peter Strand			X
Virginia Sudbury			X
Janet Thorpe			X
Jessica Van Buren			X
Guests	In attendance	Excused	Via phone conference
Amy Hernandez (Domestic Violence Program Coordinator)			X
Kara Mann (Language Access Program Coordinator)			X
Justice Christine Durham (Access to Justice Commission)		X	
Rob Jepson (Access to Justice Commission)			X
Amy Sorenson (Access to Justice Commission)		X	
Lauren Skolnick			X
Staff	In attendance	Excused	Via phone conference
Nancy Sylvester			X

(1) Welcome and approval of minutes

Judge Richard Mrazik welcomed the committee to the meeting.

The committee will approve the May 2020 minutes at the next meeting.

(2) Employment law discussion/wage theft claims (Tab 1)

- The committee discussed tackling employment law cases, particularly in light of COVID-19. The committee talked about what non-lawyers can do to help.
- There are not enough lawyers to take on employment law cases on the employee side.
- There may be only 10 lawyers who practice plaintiff side employment law in the state.
- Spanish speakers especially need someone to fill out their forms and go do the hearing for them.
- Lauren Scholnik teaches an employment law class at the U. Leslie Francis said she would be happy to help work on a program to get people plugged in easily. Create a network of people who can easily volunteer.
- Rob offered to do a brief advice clinic through PBI. Would just need a lead attorney. Sue mentioned this could be like a TLC structure where people are actually helping fill out forms.
- Lauren said after years of doing street law, she would push this group to think beyond form filling out to taking the person all the way through the process and close the deal. They are quick things. They can be closed in 6 weeks. Lauren said she has 22 students in her class this coming semester and said she is sure each of them would be happy to do a wage claim as part of their grade.
- Rob said this is one of the biggest demands in case types right now and he could pass along referrals to Lauren's class.
- Leslie said she would like to get trained and help out because she can connect med law students.
- Judge Mrazik said he has consistent concerns about trying to tackle this with free labor. We need to make sure someone is hired to address this permanently, ie a director at the U.
- Lauren said there is a \$150K price tag on this. With the BLM movement, there may be law students coming up who are interested in jumping into complicated employment discrimination cases.
- You have to file discrimination claims with the EEOC and the Labor Commission, but things never get resolved at that level.
- Carl Hernandez said he thinks he can work with the 3 clinics at BYU on adding this, particularly since they have a strong connection with the spanish-speaking community on immigration issues.
- Rob Jepsen talked about hiring a lead attorney for each area of the recent report and that person could lead the effort, take a case load, supervise the volunteers, and look at solutions. This person could be in his office or some other entity.
- Jeff Daybell mentioned that he gets pushback from plaintiff lawyers about bar dues being used to defend the cases he's involved in. Jeff said he just got 501c3 status yesterday for his new non-profit, People's Legal Aid.
- (TLC: TLC isn't in the position right now to take this on. They are running at capacity with the types of cases they are handling. They can look at adding funding to do this in the future.)

(3) Eviction-Jeff Daybell

- Jeff manages the 3rd District pro se calendars on eviction and debt collection. He said it's great that courts have grasped onto Webex to allow attorneys to appear who can help.
- Some districts don't have any options for volunteer attorneys.
- Proposal to establish calendars across the state that he can be connected on. He needs to receive notice of evictions in the more rural districts so that he can connect volunteer attorneys with them.
- Connect with 2nd and 4th districts. Judge Hoskins offered to talk with Judge Connors. Judge Mrazik and Nancy will talk with Judge Brown in 4th District. Judge Mrazik will send an email out to all district judges. Jeff will send a 2-3 sentence description of the grant PLA got

(4) Outreach (Tab 2)

- Judge Mrazik: We've asked for an outreach coordinator and almost got one with one-time funding, but that priority yielded to the creation of the larger Office on Fairness and Accountability, which will eventually hire the outreach coordinator.
- Shawn Newell: think about outreach in a different way. Pull in people from those communities who can communicate safety factors. Make efforts visible to these communities. Need to employ someone who can go out into these communities. There are so many that just don't know how to access these services.
- Sue has lists of older outreach plans. Educate people like barbers and leaders in the communities.
- Amy has a tribal outreach specialist on her grant. She is doing COVID relief efforts with the Navajo nation, etc. Judge Mrazik will talk with Amy about this.
- Shawn: trust is a huge aspect of outreach and connecting with resources.
- Leslie: another place to reach out to is medical clinics, i.e. new South Main Clinic.
- Judge Mrazik will follow up with Shawn on Monday about a list of leaders in the communities that need to be reached. Shawn said pastors are another great resource. Latter-day Saint communities also need to be reached. We'll start with Shawn's list.

(5) Salt Lake County Grants related to COVID (Tab 3)

- These all have an access to justice aspect of them.
- We got word that the courts been invited to fully apply for grant funding (meaning SL County likes the proposals so far).

(6) Adjournment:

The meeting adjourned at approximately 1 p.m. The next meeting will be held on September 11, 2020.