

Agenda

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

December 9, 2022 – 12:00 p.m. to 2:00 p.m.

Via Webex: <https://utcourts.webex.com/meet/kadent>

Welcome and review of agenda	Judge Rich Mrazik
Confirming meeting times for next year – does the second Friday of every other month still work for people? That would be: 2/10, 4/14, 6/9, 8/11, 10/13, and 12/8	Judge Rich Mrazik
Quick check in with everyone re: updates/challenges	Judge Rich Mrazik
Approval of August minutes – Tab 1	Judge Rich Mrazik
Remote Hearings – We can't change the Council's decision on this, but has anyone observed specific problems with the new approach?	Judge Rich Mrazik
Unanswered questions from last time: <ul style="list-style-type: none">• Should navigators be certified or have on the job training or something else?• Should navigators be associated with the courts or should they be independent?• Should the focus of navigators be to make our jobs easier as court/court-adjacent workers or should focus on making things easier for the public?• How do navigators work with court kiosks and, assuming we could set it up, who should be attending to questions coming from kiosks?	All

Self-Rep Committee meeting schedule: second Friday of every other month at noon.

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

Via Webex
August 12, 2022
12:00 PM – 2:00 PM

Name	Position	Attended	Excused
Honorable Rich Mrazik	District court judge and chair	X	
Honorable Ann Marie Mciff Allen	District court judge	X	
Honorable Annette Jan	Juvenile court judge	X	
Honorable Katherine Peters	Justice court judge		X
Honorable Danalee Welch-O'Donnal	Justice court judge		X
Nicole Gray	Appellate clerk of court	X	
Shannon Treseder	Urban clerk of court		X
Janet Thorpe	Rural clerk of court		X
Nathanael Player	Self-Help Center representative	X	
Charles Stormont	Utah State Bar		X
Peter Strand	Legal services organization that serves low-income clients	X	
Marcus Degen	Legal services organization that serves low-income clients	X	
Alison Satterlee	Private attorney		X
Professor Leslie Francis	Law school representative	X	
Professor Beth Jennings	Law school representative	X	
Kaden Taylor	State law librarian		X
Shawn Newell	Community representative		X
Brooke Robinson	Community representative	X	
Amy Hernandez	Ex Officio Domestic Violence Coordinator		
Kara Mann	Ex Officio Language Access Coordinator		
Pamela Beatse	Ex Officio Utah State Bar Access to Justice Office		
Nancy Sylvester	Guest – Utah State Bar	X	
Sandra Carpaio	Guest – Utah 2-1-1		
Nini Rich	Guest facilitator		
Valeria Jimenez	Guest – OFA	X	
Keri Sargent	Guest – District Court Admin.		
Whitney Stephens	Guest – Utah 2-1-1		
Alyssa Craven	Guest – Grandfamilies		

Yehemy Zavala Orozco	Guest	X	
Rhiana Medina	Guest	X	

1. No quorum for approval of minutes
 - a. In October we will review the June and August minutes.
2. What we are seeing/concerns/observations re: self-represented litigants
 - a. REGARDING IN-PERSON/REMOTE HEARINGS
 - i. Self-reps appearing virtually, in-person and via hybrid
 1. Concerns re: presenting evidence
 2. Green phase work group is working on standards for remote or in-person hearings → there is not complete overlap between what is best for litigants and judges/court staff
 - ii. Some people seem relieved to be able to come into the courthouse and see people in-person – communication can be easier when everyone is in the courtroom together
 - iii. Concerns regarding civility re: self-represented parties and remote hearings
 - iv. Self-reps don't have working emails so can't be served when people aren't appearing in-person
 - v. Concerns regarding people missing hearings and then defaulting
 - vi. Everyone is doing something different with regarding to how folks can access links for remote hearings
 - vii. Lawyers needing to appear in-person limits capacity to volunteer on pro se calendars
 - b. REGARDING THE DIGITAL DIVIDE
 - i. Ongoing concerns regarding the digital divide – people struggle to operate technology
 - ii. Webex is not used uniformly with the courts
 1. Breakout rooms – note everyone does this, but it is helpful for lawyers to communicate with their clients/opposing parties
 - c. REGARDING ACCESS TO JUSTICE
 - i. People are unclear when and how to respond to pleadings – they respond in ways that are incomplete or unhelpful
 - ii. People don't understand they need to respond to each document they receive
 - iii. People aren't sure how to fill out court forms
 - iv. People don't know about resources that are available
 - v. Big mistakes – people don't answer complaints
 - vi. It is hard to find email addresses for filing
 1. Consider changing the link for finding the email address
 - d. There is a community center in San Juan County to help people with things like accessing the courts

- e. Lawyers are planning a name/gender change day, similar to an expungement day
- f. There is a lot of need for help with housing right now
- 3. Remote hearings
 - a. Judges Mrazik and Torgerson advocate for judicial discretion, but for articulating factors to constrain discretion (such as prejudice to a party)
 - i. Guidelines that are too rigid are perhaps not helpful
 - b. It is important to question all assumptions when we contemplate a policy decision
 - c. Remote hearings can free up attorney capacity to allow them to volunteer remotely
 - i. Remote hearings bring volunteer capacity to remote areas where that kind of legal help was not available previously
 - ii. Lawyers who are unable to participate remotely are feeling somewhat devalued
 - d. There should be clear explanations about how to use the technology and what is expected of parties
 - e. Situations where a litigant is in-person but they have a pro bono lawyer who is remote – what is best?
 - i. Arguably, having a remote attorney is better than no attorney
- 4. We will return to the question of navigators at our next meeting.

Fee waivers, incorrect information from clerks b/c of so much turnover, unclear how to present evidence not communicated in advance and not consistent

Self-Rep Committee meeting schedule: every other month at noon.

October 14, 2022

December 9, 2022