

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Thursday, April 18, 2024, 12:00 pm | 2 hours |

AGENDA

	Topic	Presenter	Materials
12:00	Meeting begins		
	<ul style="list-style-type: none"> Housekeeping, minutes Welcome guests and new members 	Judge Kelly	<ul style="list-style-type: none"> <i>WINGS Minutes (February 2024 – draft)</i>
12:10	WINGS Subcommittee Updates		
	<ul style="list-style-type: none"> Forms G/C Manual & Test Attorney Gaps 	Shonna Thomas	<ul style="list-style-type: none"> <i>GSP – Academy Pilot Program</i> <i>GSP Data – FY2024</i>
12:45	Legislative Updates & Next Steps		
	<ul style="list-style-type: none"> Utah Code 75-5-303 	Shonna Thomas	
	<ul style="list-style-type: none"> HB0197 – Supported Decision-Making 	Andrew Riggle	
1:35	Other Business		
	<ul style="list-style-type: none"> Annual Report to the Judicial Council 	Judge Kelly	
	<ul style="list-style-type: none"> Court Visitor Program – report templates 	Shonna Thomas	
2:00	Meeting adjourned		

Next meeting: June 20, 2024 (via WebEx)

WINGS Subcommittees

Forms Workgroup	G/C Manual & Test Workgroup	Attorney Gaps Subcommittee
Sarah Box	Deborah Brown	Sarah Box
Katie Cox	Brant Christensen	Judge Keith Kelly
Leslie Francis	Rob Denton	Keri Sargent
Keri Sargent	Shonna Thomas	Shonna Thomas
Shonna Thomas	Katie Thomson	Holly Thorson
Holly Thorson	Michelle Wilkes	
	Troy Wilson	
		Megan Connelly
		Katie Cox
		Leslie Francis
		Kristen Kellems

PROPOSAL:

Building off the success of the Domestic Lawyers Academy, create a 3-year pilot to measure the impact of funding the Guardianship Signature Program, which provides legal representation to respondents in guardianship cases, fulfilling statutory requirements, and protecting the rights of vulnerable individuals.

THE PLAN:

- Using training program we've started discussing, have CLE/guard trainings planned and require completion in order to take cases under the pilot. Can incorporate mentors, etc.
- Establish a set fee per case, regardless of length or complexity (\$2,000? \$2500? Something else?). This is the amount an attorney would receive per case they take under the program.
- Think about what kind of one-time funding we would need to create the training, put the plan in place, and collect data. (\$20-50k?)
- Based on these numbers, submit a request for appropriation (RFA) to the legislature for the three-year period (maybe \$350k per year, or \$1million total for the three-year period?)
 - Could we explore a potential match from the Bar, so each would contribute less during the pilot period?
 - DLC policy folks are willing to help find a legislative sponsor for this and work together to draft the RFA.
- We would want to go to the legislature with a coalition supporting this idea ready to speak in a united way about the need and plan - WINGS, USB Access to Justice Commission, Utah civil legal aid providers (DLC, ULS, LAS, TLC, etc.), law school representation (BYU and UofU), etc.
- Collect data over the three years and show feasibility going forward in order to secure ongoing funding.
- It might take 1-3 years to get this idea supported and funded.

TIMELINE:

- May 2024: Interim Sessions begin in May, and bill files can be opened beginning May 1. If we want to work toward getting this introduced in the next General Session, we need to begin work very soon. The first step is to find a legislative sponsor - Nate and Andrew, the DLC's policy duo, have agreed to work on this task once WINGS gives the go ahead. (Katie)
- May-September 2024: working with legislative sponsor on fleshing out drafting details. Ideal would be to have a bill draft by the end of the summer..
- May-July 2024: explore with the Bar the idea of a funding match for the pilot.
- Summer 2024: Communicate with stakeholders re: content and details of training components and requirements (Elder Law section, for example) re: feedback and finetuning. (Brant)
- Summer/Fall 2024: Introduce idea of this pilot at the Summer or Fall Bar convention - perhaps a breakout on guardianship after the general pro bono CLE? (Megan)
- Throughout the summer and into the fall, continue to build the coalition so that we have buy-in from subject matter experts, both law schools, the Bar, and the civil legal aid sector.
- Fall-Winter 2024: think about coalition members who have lobbying power, and coordinate connections among that group. (USB, Office of the Courts, UofU, BYU) Perhaps work with other organizations who would have interest in the bill and employ lobbyists (AARP?)

QUESTIONS TO CONSIDER, DECISIONS TO MAKE:

• Clerical and Legal Logistics –

- o This pilot program would be a substitute for the current GSP during its run.
- o Would this be a partnership between the AOC, Bar, Law Schools, and Allied Agencies? Which entity would take the lead?
- o 90% of G/C cases are done in 90 days. The GSP currently takes up to 60 days to find an attorney (statute), which cuts into the timeline quite a bit.
- o Could we include a Stay on the case if seeking an attorney through the GSP pilot program?
- o Would we need to amend any court rules to cover the pilot program time period?
- o We would need to ensure that these cases can be done remotely...
- o Contingencies for attorneys who need to withdraw from a case.
- o How would this change the request, acceptance, and appointment part of the process?
- o Would open cases still be offered via Paladin?

• Funding and Payments –

- o Who would provide funding? Legislature? Judicial Council?
- o Who would serve as steward for the funding?
- o How would payments be made? Create an invoice form to be used at the at the conclusion of the case?
- o Should there be a poverty limit? One option is to keep the flat fee for all GSP cases, but the source of payment depends on poverty level, perhaps using the Modest Means criteria. Invoice gets sent and paid by the program or sent and paid by the Party...
- o Could adjust the form used when requesting an attorney or if requesting to waive fees to also request assistance with attorney fees...
- o Could there be a separate funding mechanism for law students who could serve as paid clerks and provide assistance with some of the “grunt” work?

• Training Academy –

- o How many times a year would the academy run?
- o What would be the structure of the academy, e.g., how many hours, how many days/sessions?
- o How would case assignment work? Would the case be assigned at the beginning of an academy? That wouldn't work if the academy is only offered a few times a year.
- o Could the academy include previously recorded sessions that could be completed at any time during the year, if a live academy is not upcoming soon?
- o Who would be in charge of facilitating the academy training?
- o Would there be a series of required topics to cover each academy, as well as rotating topics?
- o Training Academy would incorporate different topics and speakers each time, so attorneys could attend more than once if they want, but only one time is needed to be “certified.”
- o Attorneys already skilled in G/C law could be exempt from the academy, though they could participate for CLE credits if they want.

- o How would mentorship function as an offering of the academy? Do we have a pool of seasoned G/C attorneys to serve as mentors?
- o Do we have a pool of people willing to teach at the academy? Would this be volunteer or paid?
- o Contingencies for participating attorneys who do not fulfill all of the requirements to complete the academy.
- **Partnership with the Bar –**
 - o Would the Bar provide malpractice insurance and e-filing accounts for participating attorneys, like they do currently with GSP cases?
 - o GSP attorneys must demonstrate competency. This could be done via the training academy, but would we want a second path for attorneys already well-versed in G/C law? Is signing the form certifying competency enough or should everyone go through the academy at least once, regardless of competency?
 - o Could we offer Bar-approved CLE credits via the training academy?
- **Data Collection –**
 - o How do we collect data?
 - o What data points would we want to measure success?
 - o How often would we report on data?
 - o What do we need to implement to ensure data can be collected consistently despite participants with varying levels of experience and skill, and the variety in the complexity of cases assigned?

WELCOME TO DOMESTIC LAWYERS ACADEMY

FALL 2023 SESSION

Domestic Lawyers Academy (DLA) is a free training program provided by Utah Legal Services through the Pro Bono Department, which provides education, mentorship, and resources for attorneys, LPPs and law students new to domestic law practice.

DLA is a wonderful opportunity to develop a domestic practice and/or get direct client experience by representing a client from start to finish, with support and mentorship each step of the way. Utah Legal Services will also provide access to online CLE self-study learning modules, domestic law templates, and resources and mentorship from experienced family law attorneys.

Through DLA you will be representing a client's divorce or custody matter pro bono. We have cases in all districts, so you can practice anywhere! Clients are living at or under the poverty line, and many have experienced domestic violence. DLA is a fantastic way to help those in need, who would otherwise be unable to attain representation for their cases.

Remote classes are held in the Spring and Fall each year, with webinars on weekday evenings, from 5:30 – 6:45 PM. This is a five-week session, with different content each week. By signing up for DLA, participants are expected to attend ALL five webinars and agree to take on a domestic law case. In order to receive full CLE credit, participants agree to represent a client until the case is completed.

NEXT SESSION:

FALL 2023 – October 5, 12, 19, 26 and November 2, 2023.

To sign up as a DLA participant (or DLA mentor if you are experienced in family law), please use this link: <https://forms.gle/Nw53Te7Pfl3Sp8u27>

FOR MORE INFORMATION:

please email Bonnie Rivera, Utah Legal Services, at brivera@utahlegalservices.org, or call 801-328-8891 ext. 3316.

WHAT DOES DOMESTIC LAWYERS ACADEMY INCLUDE?

- 5 Hours of live lectures from experienced family law attorneys (including Q+A opportunities)
- Taking a pro bono divorce or custody case start to finish for a client in need
- 1:1 Mentorship throughout your case
- Networking with other practitioners, legal service providers, and community organizations
- Access to Utah Legal Services' Domestic Online Module Courses – for 6 CLE credits total
- Access to templates for pleadings and other documents needed for domestic cases
- Access to free document drafting software, specialized for family law
- Malpractice coverage on your pro bono case
- As many as 12 hours of CLE Credit at no charge
- Free e-filing account
- Recognition in the Utah Bar Journal Honor Roll
- And most significantly, helping your community and providing meaningful representation for those in need.

- **FAQ'S ABOUT PRO BONO WORK FOR ULS**

- Can I do pro bono work if I'm on inactive status with the Bar?

Yes! See Rule 14-803 of the Utah Code of Judicial Administration.

- Can I do pro bono work if I'm not licensed in Utah, but I am in another jurisdiction?

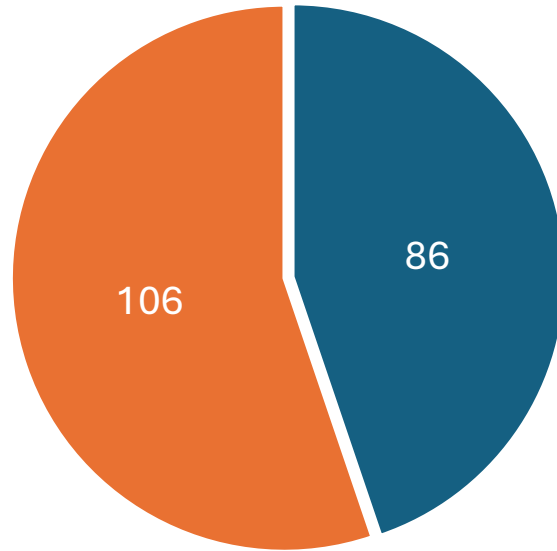
Yes! See Rule 14-803 of the Utah Code of Judicial Administration.

- I don't have an e-filing account. Are accounts available just for pro bono work?

Yes! You can apply to the Bar for a free e-filing account if the account will exclusively be used for pro bono work. For more information, please contact the Access to Justice Office at the Bar at probono@utahbar.org.

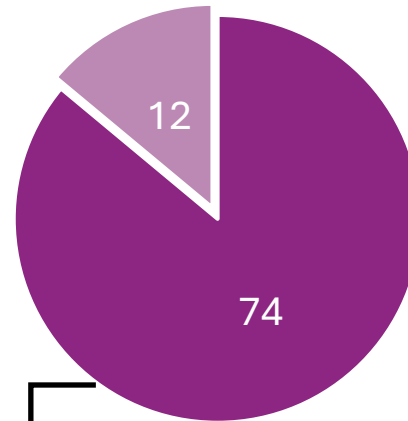
GSP Requests - FY2024

- Successful Requests
- Unsuccessful Requests



Successful Requests

- GSP Attorney
- Other Attorney



GSP Attorneys

- Covered by Leslie Francis
- Covered by Other GSP (n=10)

