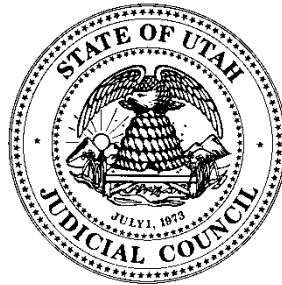




Utah State Courts

Committee on Resources for Self-represented Parties



Strategic Plan
September 29, 2015

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

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(1) Executive Summary

The Committee on Resources for Self-represented Parties has been a standing committee of the Judicial Council since 2005. The committee completed two prior strategic plans in 2006 and 2011, and those plans have guided the direction of the committee to date. Just as in 2005, vast numbers of self-represented parties continue to patronize the Utah State Courts today.

In the current strategic plan, the committee recommends a) continued support including increased funding for the Self-Help Center; b) the development and implementation of a court navigator program; c) continued forms development; d) changes to the third year practice rule; e) improvement of lawyer directories and the development of a guided webpage for referral to legal services; f) increased availability of malpractice insurance for volunteer attorneys; g) support for the development of virtual legal services delivery; and h) increased education for those who interact with self-represented parties.

(2) Committee History

This committee was created to study and make policy recommendations to the Judicial Council concerning the needs of self-represented parties. [Rule 3-115 of the Utah Code of Judicial Administration](#) provides the charge for the committee and [CJA Rule 1-205 \(1\)\(B\)\(viii\)](#) sets the committee composition.

Rule 3-115 dictates that the committee shall provide leadership to identify the needs of self-represented parties, coordinate resources to meet those needs, assess available services, forms, and gaps in those forms; ensure court programs are integrated into the statewide planning for legal services; recommend measures for improving how the legal system serves self-represented parties, and develop an action plan for managing cases involving self-represented parties.

The committee began meeting in June 2005. Committee members first assessed self-represented parties' needs by use of a questionnaire. In 2006 those surveys were collected from 15 rural and urban district and justice courts. Self-represented parties, judges, clerk staff, and attorneys were surveyed.

The 2006 survey revealed that "self-represented parties require more time than represented parties, they expect court staff to provide advice they are not allowed to give, lack reasonable expectations about case outcomes, and fail to bring necessary witnesses and evidence to court and to understand procedural and evidentiary rules."

[The 2006 Strategic Plan](#)

Based on the results of the survey, the Committee presented a strategic plan to the Judicial Council in July 2006.¹ In that strategic plan, the Committee recommended the following goals for any programs developed to assist self-represented parties: ensure access to the legal system; increase education of court

¹ The 2006 strategic plain is available at <http://www.utcourts.gov/committees/ProSe/Strategic%20Plan%20Self%20Rep.pdf>

users, court personnel, and community organizations; clarify the court system so it is understandable by ordinary citizens; increase the efficiency and effectiveness of the court system by reducing the time required of judges to explain court procedures and, in turn, reduce the number of continuances; and increase understanding of court orders.

The overarching principle of the plan was that any services provided had to be equally available throughout Utah to all parties involved (defendants as well as plaintiffs); available regardless of income; and be designed to supplement and not to supplant legal representation.

The plan envisioned a web of services – some by the courts, some by community organizations, and some by lawyers. The 2006 plan gave specific recommendations including the creation of a self-help support center; development of materials and resources for clinics and workshops, and greater assistance from judicial support staff. The plan recommended 1) having the state law library educate and promote statewide access to legal information; 2) providing forms, instructions and information; 3) improving the court website, and 4) improving clerical and judicial training. The plan further recommended rule changes to allow clerical assistance with forms by a broader audience, support for unbundled legal services, and support for low- and no-fee representation.

[The 2011 Strategic Plan](#)

2011 saw the 2006 Strategic Plan updated with new recommendations and expanded prior recommendations.² The 2011 Strategic Plan recommended expanding the Self-Help Center service area to the entire state, continuing to develop forms, and preparing instructional videos. Additionally, the plan recommended developing improved working relationships with the Online Court Assistance Program (OCAP) committee and the Utah State Bar, and also the study of alternative processes for self-represented parties.

Accomplishments

Most of the recommendations from the two prior strategic plans have been completed.

- The [Self-Help Center](#) was created and is flourishing state wide.
- A forms subcommittee was created and they in turn have created (and created and created) many [forms](#).
- Instructional videos have been created and posted on the courts' [YouTube channel](#).
- The unauthorized practice of law rule, [Special Practice Rule 14-802\(c\)\(3\)](#), was changed to allow clerical assistance in completing a form when no fee is charged to do so.
- The [Utah Courts website](#) was redesigned to feature self-help resources.

² The 2011 strategic plan is available at <http://www.utcourts.gov/committees/ProSe/Strategic%20Plan%202011.pdf>

- The Utah State Courts Education Department now offers classes to court staff and judges on working with self-represented parties.
- And committee members, including John Baxter, Lowry Snow, Marsha Thomas, and others, have made presentations to judges on best practices in self-represented litigation.

(3) Self-Represented Parties in Utah

The following chart shows the percentages of self-represented parties in selected district court case types during fiscal year 2015.³

2015 Data

Case Type	Cases	Both Parties with Attorney	One Party with Attorney	No Party with Attorney	Self-Represented Petitioner	Self-Represented Respondent
Adoption	1,352	1%	84%	14%	14%	4%
Civil Stalking	858	13%	18%	69%	79%	77%
Conservatorship	143	1%	84%	15%	15%	2%
Contracts	2,608	28%	71%	1%	1%	71%
Custody and Support	1,281	20%	49%	31%	36%	76%
Debt Collection	67,510	2%	98%	0%	0%	98%
Divorce/Annulment	13,227	19%	31%	50%	52%	80%
Estate Personal Rep	2,107	0%	87%	12%	12%	0%
Eviction	7,465	4%	83%	13%	13%	96%
Guardianship	1,622	1%	43%	56%	57%	3%
Name Change	1,041	0%	17%	83%	83%	1%
Paternity	1,043	36%	44%	20%	23%	61%
Protective Orders	4,744	23%	35%	42%	48%	71%
Small Claim	9	0%	22%	78%	78%	100%
Temporary Separation	85	19%	38%	44%	52%	73%

³ Provided by Kim Allard, Director of Court Services, in August 2015.

(4) Proposed future priorities

(a) Continue support for the Self-Help Center.

The Self-Help Center serves thousands of self-represented parties each year. Due to the Judicial Council's commitment to continue its financial support of the Center, the Center, in turn, continues to increase the services it provides.

The committee supports additional funding for the Self-Help Center to allow expansion of the services they provide to self-represented parties, and also to increase educational efforts to judges, court staff, social services, government agency staff, and to self-represented parties.

(b) Develop and implement a court navigator program.

Building on successful models from other states, the Utah State Courts could design a program whereby AmeriCorps/JusticeCorps members, court clerks, or others could provide procedural, navigational, or other assistance to self-represented court patrons.

The committee recommends investigating how other states have developed these programs, and if feasible, supports implementation.

(c) Continue to develop forms.

A forms subcommittee meets regularly to review forms and forms-related issues, and also create new forms and informational web pages. Proposed forms are forwarded to appropriate judicial leadership for review, and once finalized, are posted on the Utah courts' website and used extensively.

The committee recommends continuing and refining the forms subcommittee and process.

(d) Analyze and amend the Law Student and Law Graduate Legal Assistance rule

The purpose of the "third year practice rule" ([Rule 14-807 of the Utah Code of Judicial Administration](#)) is "to provide eligible law school students and recent law school graduates with supervised practical training in the practice of law for a limited period of time and to assist the Bar and the judiciary to discharge their responsibilities to help create a legal system which helps provide access to those individuals of limited means."

The committee recommends analyzing and amending the Law Student and Law Graduate Legal Assistance rule in order to increase valuable skills-building opportunities for law students and recent law school graduates and to also increase access to legal services.

(e) Encourage improvement of lawyer directories, webpage triage efforts, and referral sources.

The Utah State Bar provides directories for lawyer referral services and it is also in the process of creating a guided referral system to direct consumers and social service providers to the appropriate legal resources.

The committee recognizes the importance of these directories, guiding online systems, and referral sources for self-represented parties. The committee recommends supporting these efforts and increasing collaboration between the providers and users of these directories and online resources so that the end result is comprehensive and beneficial to all users. The committee encourages the immediate implementation of an online lawyer referral directory.

(f) Support increasing availability of malpractice insurance for volunteer attorneys in all capacities.

The Utah State Bar and some legal service providers currently provide malpractice insurance for volunteer attorneys, but generally the attorneys must take on a full case to be covered. So there is still a gap in coverage for volunteer attorneys that provide legal services other than those requiring an appearance to be entered, such as simple legal advice and document preparation.

The committee recommends that this area be studied and that recommendations be made to close this gap and enable more attorneys, including non-traditional attorneys, to volunteer.

(g) Support the development and implementation of virtual services in rural areas.

The delivery of legal services to rural communities is often the first thing to be impacted when non-profit legal service organizations' funds are cut. But new technology is now changing how and in what circumstances legal services can be provided to these communities. Virtual services, such as remote document preparation, offer new hope for self-represented litigants who are isolated by geography and a lack of meaningful access to legal services.

The committee supports the increased use of technology to provide virtual legal services delivery to self-represented parties, especially to those in rural communities. Both Utah Legal Services and Timpanogos Legal Clinic are currently working on rural virtual service delivery projects and the committee supports their efforts and those like them.

(h) Suggest opportunities for educating those who interact with self-represented parties.

The responsibility for educating those who interact with self-represented parties is shared among many organizations.

The committee recognizes and promotes the importance of efficiently announcing new resources for self-represented litigants to those stakeholders who educate judges, court staff, law school personnel, and social service providers.

(5) Committee on Resources for Self-Represented Parties

Judge Marsha C. Thomas	Chair, City of Taylorsville Municipal Justice Court
Nancy Sylvester	Staff Attorney, Administrative Office of the Courts
Leti Bentley Center	Outreach and Service Director, Moab Valley Multicultural Center
Mary Jane Ciccarello	Director, Self-Help Center
Sue Crismon	Director of Pro Bono, Utah Legal Services
Lisa Collins	Clerk of Court, Utah Court of Appeals
Judge Michael DiReda	Second District Court
Judge Ryan Evershed	Eighth District Juvenile Court
Carol Frank	Judicial Case Manager, Sixth District Court
Susan Griffith	Executive Director, Timpanogos Legal Center
Carl Hernandez	Adjunct Professor, BYU J. Reuben Clark Law School
Jaclyn Howell-Powers	Associate Professor, BYU J. Reuben Clark Law School
Chris Martinez	Career Counselor
Eric Mittelstadt	University of Utah S. J. Quinney College of Law
Barbara Procarione	Attorney, Legal Aid Society of Salt Lake City
Virginia Sudbury	Deputy Director, Utah Legal Services
Judge Doug Thomas	Judicial Team Manager, Seventh District Court
Shaunda McNeill	Attorney, Law Office of Virginia Sudbury
Jessica Van Buren	Seventh District Court
	Utah State Bar Representative
	Director, Utah State Law Library