

Approved

MINUTES
Utah Judicial Council's Committee
Court Forms

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

April 7, 2017

ATTENDEES

Randy Dryer, Chair
Kim Allard
Commissioner T. Patrick Casey
Guy Galli
Stewart Ralphs
Judge James Taylor
Jessica Van Buren
Mary Westby

EXCUSED

Mary Jane Ciccarello
Judge Elizabeth Lindsley
Judge J.C. Ynchausti

STAFF

Brent Johnson
Jeni Wood, Recording secretary

GUESTS

Pleasy Wayas

I. WELCOME

Randy Dryer welcomed the committee members to the meeting. Mr. Dryer thanked the members for their willingness to serve on the committee. The committee members introduced themselves.

II. COMMITTEE CHARGE

Mr. Dryer stated his understanding that all court forms must be approved by this committee before they go to the Judicial Council for final adoption. Judge James Taylor asked whether forms that are unique to district or judges will go through this committee. Judge Taylor said he has forms he alone uses in his court. Mr. Dryer said even those forms should come through the committee. Mr. Dryer said the goal is to standardize forms. Commissioner Patrick Casey asked if this committee will create forms or just review them. Mr. Dryer said the committee will create, review, modify, and update forms. Judge Taylor said there are an incredibly large number of forms in use statewide. Judge Taylor said the Board of District Court Judges has been working through these but it is a significant task. Judge Taylor said the Board suspended their work so this committee could take over. Jessica Van Buren said there is a small subcommittee from the self-represented litigant committee that was reviewing forms then

sending them to the Board for review. Mr. Dryer said he will discuss with Brent Johnson the need for a written explanation of this committee's charge so that people from outside the committee will understand the process.

Mr. Dryer said the first set of forms that need to be addressed are the forms that will be used in the Licensed Paralegal Practice program. The goal is to have those forms within a year. The paralegals will only be able to use approved court forms and therefore it's critical those get done as soon as possible.

III. POSSIBLE ADDITIONS TO COMMITTEE

Mr. Dryer said he would like to see a paralegal become a member of this committee. He also would like to see someone from one of the colleges that have a paralegal program become a member. Commissioner Casey asked what the process is to become a practicing paralegal. Mr. Dryer said they need to go through schooling for it. Mr. Johnson noted they must go through school then become licensed. Commissioner Casey said he agrees that a representative from one of the colleges would be very helpful. Mr. Johnson noted there is an open position for a paralegal on the committee but thus far they have not gotten one. Mr. Dryer will contact the State Bar for assistance on getting a name. Judge Taylor stated that with the enormous number of forms, he believes the committee should create subcommittees soon.

Mr. Dryer asked what the committee thought about recruiting an educator. Judge Taylor stated he is on the board of UVU so he will contact the teachers he knows. Mr. Johnson said eventually that person would not be needed on the full subcommittee when the paralegal forms are complete, so perhaps the educator could be on a subcommittee. Mr. Johnson said perhaps getting a language expert would be good long term. Judge Taylor agreed that this is important, even if it were not a lawyer. Commissioner Casey noted perhaps seeking out someone from a local college English department or Communications department. Ms. Van Buren said they should understand the literacy part as well. Ms. Van Buren will make some contacts. Mr. Johnson noted that Mary Jane Ciccarello said she might know some people to talk to. Mr. Dryer asked the committee members to reach out to people who could be interested. Mr. Dryer asked the committee to have names by next Wednesday.

Mr. Dryer said the committee could look at bringing someone on a limited term. Judge Taylor said the colleges have not created their own forms for training purposes. Judge Taylor said the teachers rely on adjuncts to prepare examples. Judge Taylor said currently the paralegal programs are broad. However, the LPP program is more specialized. Mr. Dryer asked Judge Taylor to talk to the school where he teaches to see if anyone is interested. Judge Taylor said he would.

Mr. Dryer said the committee needs to keep in mind that these forms will be used by both paralegals and attorneys. Ms. Van Buren said she believes the forms should be created for all to use, not just pro se parties.

IV. SHORT TERM V. LONG TERM GOALS

Mr. Dryer said the short term focus of the committee is the LPP program. The long term will expand beyond that. Ms. Van Buren noted that all forms will be for everyone: self-represented parties and attorneys. Mr. Dryer said there are some forms that only lawyers will use. Mr. Dryer said all forms will need to be reviewed, not just a certain type. Mr. Johnson said there is no other entity that will be creating forms. All forms will be created by this committee. Commissioner Casey asked if we are adequately staffed for this. Mr. Johnson said we will start with the subcommittees and bring on others who can help create new forms.

Mr. Johnson said some forms will be mandated and some forms will just be available. Mr. Johnson noted uniformity is the ultimate goal.

V. PROPOSED SUBCOMMITTEES AND GENERAL DISCUSSION ABOUT HOW BEST TO ACCOMPLISH THE COMMITTEE CHARGE

Mr. Dryer said in discussing this with Brent Johnson they determined the committee needs a subcommittee for each of the three practice areas: family law, landlord/tenant, and debt collection, which includes small claims and garnishment. Mr. Johnson said the committee needs to decide if the paralegals are going to be directing the path for these forms or if the committee will. The committee briefly discussed the types of forms that would be included in debt collection, such as a judgment form that would be used in small claims. Pleasy Wayas suggested creating subcommittees based on the task, such as creating forms and notifications and implementation of the forms. Judge Taylor and Commissioner Casey both agreed with that suggestion. Mr. Dryer said the subcommittees shouldn't become too overwhelming. Judge Taylor said the committee needs to address the forms now because many of them have not been amended for many years.

Mr. Dryer would like to stay focused on the three areas that need immediate attention and review. Kim Allard said being on the OCAP committee has helped her understand that it would help to have a database for the forms and she has experience in creating these. Ms. Allard said creating a template would help. Commissioner Casey said they are looking at templates for the protective orders. Ms. Van Buren said in the long term perhaps moving to templates instead of paper forms would be more efficient. Mr. Dryer said eventually that can be looked at when the committee has more time. Mr. Dryer said he would like to try to meet the Judicial Council's expectations and then if they can't, the committee can go back to the Council for further discussion. Mr. Dryer would like to have a chair for each subcommittee who can be in charge of moving the subcommittee forward. The committee agreed to create a subcommittee called Form and Format. Ms. Van Buren said she would like to be on that since that is what she does now. Mr. Dryer said the chair of each subcommittee should be on the Form and Format subcommittee so they can work with the creation of the forms. Judge Taylor said they need to start with uniformity. Mr. Dryer said the initial challenge is to marshal the forms and decide what needs to be done immediately. Mr. Johnson said this is an important subcommittee to start right now. Judge Taylor agreed the committee needs to create three subcommittees that will then go through the forms and decide what is immediately important. The committee decided to hold off on the

Form and Format committee while Mr. Johnson, Ms. Van Buren, and Ms. Ciccarello are working with their group.

Mr. Dryer spoke with members previously about what subcommittees the committees can take. Kim Allard agreed to be chair of the landlord/tenant subcommittee. Stewart Ralphs will be chair of the family law subcommittee, and Jessica Van Buren will be chair of the debt collection subcommittee. Commissioner Casey will be on the family law subcommittee. Judge Taylor will be on the landlord/tenant subcommittee. Mary Westby will be on the debt collection subcommittee. Ms. Wayas said she will recommend Mary Jane Ciccarello to be on the family law committee. Ms. Wayas will help as well. Ms. Van Buren said there are six self-help center attorneys that could potentially be on the subcommittees. She will discuss this with them and Ms. Ciccarello next week. Guy Galli will be on the landlord/tenant subcommittee. Commissioner Casey said he is on a committee that is discussing family law issues. That committee's work will result in forms such as an order that will be created at the hearing, rather than to send litigants away from a hearing and require them to create their own order for signing.

The committee agreed Judge J.C. Ynchausti should join the debt collection subcommittee and Judge Lindsley will join the family law subcommittee. Mr. Dryer will contact them individually.

Judge Taylor wondered about geographical representation for the subcommittees. The committee briefly discussed this issue.

Guy Galli said he will reach out to clerks throughout the state who may want to participate. Ms. Van Buren said she will check with volunteer attorneys from debt collection areas. Mr. Dryer asked if the chairs could report back with their subcommittee membership lists by next Wednesday.

Mr. Dryer said the first goal is to marshal the forms. Ms. Allard has started working on organizing programs to make it easier. Commissioner Casey suggested that downloading all the forms is unmanageable. Ms. Van Buren has begun identifying forms in all areas. The list of forms are available on the committee webpage. Ms. Van Buren suggested Google docs in the future for members to review and upload forms. Commissioner Casey suggested sending an email to judges, TCEs and clerks of court to have them provide any forms they have. The committee agreed they can get a list of forms by the next meeting, which will be scheduled for next month. Mr. Johnson said he will work with Ms. Allard on making the forms available. Mr. Johnson will reach out to the courts to compile and identify forms. Mr. Johnson will report back at the next meeting.

Mr. Dryer said there are three initial goals: 1) identify new members, 2) assist Mr. Johnson in collection of forms, and finding a way to manage the forms, and 3) set the subcommittees first meeting date. Mr. Johnson will assign an attorney from the legal department to staff each of the subcommittees.

Ms. Van Buren asked what should be done during their first subcommittee meeting. Mr. Dryer said at the first meeting the list of forms needs to be reviewed, then set goals for

accomplishing the review and amendments of forms. Mr. Dryer would like a report back from each subcommittee at the next meeting. Mr. Dryer would like to have an attorney review the legislative session for updates to currently approved forms. Ms. Van Buren noted she and Ms. Ciccarello are already doing that and Ms. Allard is doing this for OCAP. Mr. Johnson noted any new forms would be addressed as well as current forms. Mr. Johnson said ideally when the subcommittees begin their work the forms will already be updated. Mr. Johnson said for this year the legal department is already taking care of this. The committee can discuss this next year for that legislative session.

VI. INITIAL TASKS TO BE COMPLETED FOR LPP PROGRAM

Mr. Dryer said the subcommittees should review their own current forms, such as the debt collection subcommittee should be in charge of reviewing the existing debt collection forms. Judge Taylor recommended using interns, students, and volunteers. Mr. Dryer said that immediately committing the time will be the challenge for volunteers. Mr. Dryer said he is concerned they would not have enough experience to know what they are looking for.

Judge Taylor said some forms are mandated by statute.

VII. SCHEDULING OF FUTURE COMMITTEE MEETINGS

Mr. Dryer said he believes the committee will eventually need to meet more than once a month. The committee agreed to meet May 9 and June 6. The committee will discuss meeting more than once during the next meeting.

VIII. OTHER BUSINESS

The committee next discussed using Google drive because the public need not have access to the committee's work at this point. Ms. Van Buren will create the Google drive documents and folders. Ms. Van Buren wondered how much communication there will be between this committee and the LPP committee. Judge Taylor asked about getting a liaison to come to this meeting, not as a member, but to at least attend the meeting. Mr. Dryer will discuss this with Justice Himonas, who is involved in the LPP program. Judge Taylor noted this committee will be very distracted with the LPP program initially. He wondered what is the best process for handling LPP and forms that come up through this process. Mr. Johnson said the committee cannot ignore other forms that must be addressed in the meantime. The committee will need to address them all. Ms. Van Buren noted they have several forms, including probate, that are basically ready to be reviewed and approved by the committee. Mr. Johnson said for the time being he, Ms. Van Buren, and Ms. Ciccarello can continue their process, even though they are not time sensitive, they can still be reviewed. Ms. Van Buren said the committee needs to let other committees continue their process if they have already started, but if not, this committee needs to be the ones who create forms. Mr. Johnson suggested creating a queue so the committee understands what is out there and they can prioritize them. Commissioner Casey stated this is a good idea so nothing falls through the cracks.

Mr. Johnson received notice from the Board of Juvenile Court Judges that they have a form that needs immediate attention. Mr. Ralphs discussed family law and its relation with juvenile court issues. Mr. Ralphs noted there is no one on the subcommittee that specializes in juvenile court forms or processes. Ms. Westby noted that generally family law would not include juvenile court issues.

Mr. Dryer noted during the interim process there needs to be a way to approve forms. Mr. Dryer suggested a subcommittee do the initial screening, for the next few months, then bring the form to the committee for final approval. Mr. Johnson noted that is what he, Ms. Van Buren, and Ms. Ciccarello currently do and will continue to.

Ms. Van Buren asked if the protective order forms committee essentially becomes a subcommittee of this committee. Mr. Johnson said it does. Commissioner Casey said an issue with the protective order forms is that they state the order expires in 10 years but they don't state when it starts or how to deal with certain situations. Mr. Ralphs said the only way to deal with those is when parties finalize their divorce and this is dealt with then. Commissioner Casey said the form will need to come through this committee.

IX. ADJOURN

With their being no further issues, the meeting adjourned at 1:54 pm. The next meeting will be held May 9, 2017 at 12:00.