

Approved

MINUTES  
Utah Judicial Council's Committee  
On Court Forms

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, Utah 84111

July 17, 2017  
12:00 – 2:00 pm

ATTENDEES

Randy Dryer, Chair  
Commissioner T. Patrick Casey  
Mary Jane Ciccarello  
Christina Cope  
Guy Galli  
Judge Elizabeth Lindsley  
Stewart Ralphs  
Jessica Van Buren  
Mary Westby

EXCUSED

Kim Allard  
Cyndie Bayles  
Brent Johnson  
Judge James Taylor

STAFF

Jeni Wood, Recording Secretary

GUESTS

James Ishida

**I. WELCOME AND APPROVAL OF MINUTES**

Randy Dryer welcomed the committee members to the meeting. Mr. Dryer noted Judge J.C. Ynchausti has resigned from the committee. Judge Ynchausti will be replaced.

The committee discussed the June 6, 2017 minutes. Mary Jane Ciccarello proposed several changes. Other changes were suggested. However, they were tabled until Commissioner Casey arrived. Mr. Dryer noted a disclaimer will appear on the website but not on each form. After Commissioner Casey arrived, the changes were approved. Stewart Ralphs moved to approve the minutes with the changes. Commissioner Casey seconded the motion and it passed unanimously.

**II. REVIEW AND APPROVE STYLE GUIDE**

Jessica Van Buren noted with so many members not in attendance it may be difficult to approve the guide. Ms. Van Buren discussed the forms style guide as created by herself and several other members. Mr. Dryer noted it was very well put together. Mr. Dryer suggested the

forms style guide be provisionally approved, subject to emailing the guide to all members for full approval. Mary Westby noted the detail is helpful. Mr. Dryer suggested in the plain language section, where it lists words that should not be used, the committee review the federal register's list of legal terms that should not be used. Stewart Ralphs stated this would help the subcommittees. Mr. Dryer will give Jessica Van Buren the list.

Mr. Dryer next discussed the LPP statement where they indicate who prepared the document. The committee discussed whether the preparer information should be at the top or at the bottom of the document. It was noted that the placement may create confusion as to whether the LPP is an attorney. Mr. Dryer said the LPP will be representing that litigant and therefore the information should be at the top to avoid confusion. Mr. Dryer noted LPPs will be representing and negotiating for the litigants. The only thing they cannot do is appear in court. Mr. Ralphs asked if an LPP is considered counsel of record for purposes of notices. Guy Galli said he believes that is what they will be. James Ishida said he's discussed with the Utah Bar whether LPPs will be issued a "bar number" that can be used on the forms submitted in court. Mr. Dryer said the only reason to have an LPP sign the form is to enter their appearance. Mr. Galli noted LPPs can either represent the person or simply assist with completion of forms. Mr. Ralphs noted he would like confirmation from the LPP Committee as to whether LPPs are going to actually be representing parties and, if so, who will receive notices. Mr. Dryer noted the LPPs will be allowed to file documents for parties. Commissioner Casey asked if an attorney on one side can contact the LPP representing a party on the other side. Mr. Ishida will discuss this with Justice Himonas and get back to the committee as quickly as possible. Mr. Dryer asked whether, if all the LPP is doing is assisting in completing a form, they need to sign the form. Mr. Ishida said the executive committee stated they would like to know who completed the form. Judge Elizabeth Lindsley said if the LPP completes the form and the client signs it then the client should be the person the court notifies. Judge Lindsley said if an LPP signs a form with no intention of representing the client then the LPP may inappropriately have access to private information. Mr. Dryer suggested that at the end of the document where the party signs, there be two boxes, one that states the LPP assisted but is not representing the party and one that says the LPP is representing the client. Ms. Westby said the pro se party will be the one who is in court. Mr. Dryer said there needs to be further clarification on exactly what the LPPs will be allowed to do. Mr. Ralphs noted he wants to see on page 1 at the top who he is supposed to contact. Commissioner Casey asked if the LPPs are allowed to give legal advice. The committee noted they are allowed, in certain circumstances. Judge Lindsley asked about conflicts of interest and whether the LPP might be called to court as a witness. Mr. Dryer noted there are many questions that everyone is still working through. Mr. Ishida said there are different levels of involvement and they are not always clear up front. An example would be an LPP who only completes forms, but then questions arise and the litigant returns to the LPP, who then agrees to represent the litigant. Commissioner Casey noted unless the verbiage is clear, people will understand things differently. Mr. Ishida said the executive committee would like the LPPs to sign the forms. Mr. Ishida will find the answers to the committee's questions. Mr. Dryer said the Bar may want to know how many LPPs are completing forms as well. Ms. Ciccarello said there are a number of people throughout the state that assist in completing forms but they do not sign the forms. Mr. Ralphs said he would like it to be clear that LPPs are of record. Mr. Dryer asked if the LPP simply completes the form does the committee believe the LPP should sign the form. Mr.

Ralphs opposed the LPPs signing the form. Mr. Dryer noted it is not for this committee to have a final say on this issue, it's the Judicial Council who will ultimately decide. Ms. Westby said there appears to be a consensus with the committee to not have the LPPs signature. Mr. Ishida noted the LPP Committee would like this to be the Forms Committee's call, but they would like to see the LPP's signature. Mr. Ishida said if there is a strong opposition to have a signature line for the LPP then Mr. Ishida will address it with the executive committee. Mr. Ishida will ask the executive committee if there is a specific reason behind having the LPPs sign. Mr. Ishida said because this is a new profession they felt like the LPPs would prefer to have their signature on the documents. Ms. Westby said there is no way to track forms as to who signed them. Judge Lindsley asked if the committee should just start with the Judicial Council to seek their opinion. Mr. Dryer noted the Judicial Council wants to know the committee's recommendations first. The discussion ended with no final decision.

Mr. Ralphs requested a simple change for consistency on page 5 of the style guide to remove the word "Section" after the phrase "Utah Code." Mr. Ralphs additionally addressed headings being capitalized. Judge Lindsley said in looking at plain language for pro se litigants the normal way to read something is to capitalize only the beginning of a sentence. Ms. Ciccarello explained the use of headings. Mr. Dryer noted on page 3 there would need to be a change, if accepted, to add LPPs title (I am [ ] LPP). Mr. Dryer said he would like to see consistency by adding "printed name" under the judge's signatures. Mr. Galli asked if the forms should use "approved" or "ordered" by the judge. He has also seen "recommended" by the judge. Ms. Van Buren noted it might be a question for Judge Taylor as a district court judge. Ms. Ciccarello said additionally this should be addressed with Brent Johnson as legal counsel. Mr. Dryer will make a notation and discuss this with Brent Johnson and Judge Taylor. Ms. Westby noted it has to say either ordered or approved when a judge is signing.

Mr. Dryer questioned whether the certificates of service should allow for social media service. Ms. Ciccarello said the certificates follow rule 5. Ms. Van Buren said rule 5 allows for email but not for social media. The committee noted rule 4 allows for alternative service with the court's approval. Mr. Galli noted this isn't a common issue and sometimes creates misunderstandings. Mr. Dryer said he would like to see clarification as to all of the methods of service that are allowed. Christina Cope said the LPPs are aware of this and pro se litigants can discuss this with the judge. Mr. Galli noted the address or email listed is what the court uses as well. There were no changes to the certificate of service.

Mr. Dryer next discussed the forms numbering elements. Mr. Dryer suggested using "JC" for Judicial Council and "FC" for Forms Committee. Ms. Van Buren said the committee finalizes the forms and assigns the form number and therefore the committee will be aware of what the terms mean. There were no changes made.

Judge Lindsley recommends on page 5 where it states "State of Utah, in the interest of," that "State of Utah" be removed because the State of Utah isn't typically involved. The committee agreed and the change will be made.

Mr. Galli discussed the headings section on page 9. The headings are not listed as being numbered. Ms. Van Buren said some will be numbered but it's not required. Paragraph numbering is found on page 6 of the style guide. The committee agreed this is how it should be. There were no changes.

Mr. Dryer noted final action will be taken at the next meeting after Mr. Ishida returns with clarification. Ms. Van Buren will make changes to the style guide as addressed by the committee and resubmit the revised guide. Mr. Ralphs asked if this can be a committee vote by email. The committee agreed to vote by email on the final style guide. Judge Lindsley would like to see an email from Brent Johnson. Judge Lindsley said if someone is not comfortable to vote without discussion then they can indicate that at the next meeting. The responses can be: 1) I vote to approve the draft; 2) I wish to have further discussion at the next meeting. Mr. Dryer will send the email once he receives the information.

### **III. REVIEW AND APPROVE FORMS COMMITTEE PROCEDURES**

Mr. Dryer asked if the committee had any suggested revisions for the procedures. Mr. Dryer will address these at the next meeting when Brent Johnson can be here. Mr. Dryer stated if anyone has suggested changes to email those to Brent Johnson within five days. Once any changes have been addressed the procedures will be emailed to the committee members for approval.

### **IV. PROBATE FORMS, REVIEW AND APPROVE**

Mr. Dryer asked if there were any substantive comments. Mr. Ralphs noted there were only minor clerical changes to the forms since the last meeting. Mr. Dryer said one of the requirements in the style guide is a history of revisions. Mr. Dryer asked who has reviewed the forms. Mr. Ralphs noted the subcommittee has reviewed them as well as the style guide subcommittee. Mr. Dryer asked if these forms should be translated. Ms. Ciccarello said the self-help center has not received requests for these forms in other languages so she believes the forms should not be translated in any language other than Spanish. Ms. Ciccarello noted all filings must be completed in English and therefore asked what would be the purpose of the translated document. Mr. Galli said he has been instructed to not accept any documents unless they are in English. Mr. Galli said having the form in a bi-lingual format would be the only acceptable method. Mr. Ralphs asked about having the instructions translated and whether that would that help a litigant. Commissioner Casey said notices and summons should be translated in Spanish. Ms. Ciccarello said there is a significant difference in compliance when forms are available in a litigant's language. Mr. Dryer said the subcommittees should initially make the recommendation as to whether the forms are to be translated. Mr. Ralphs noted for this batch of forms they do not need to be translated.

Commissioner Casey moved to approve the forms without any changes and with no translation. Mr. Ralphs seconded the motion and the motion passed unanimously.

Ms. Van Buren noted if these are family law forms they need to go to the Judicial Council. However, if they are not then this committee can approve them. Mr. Dryer noted Brent Johnson needs to approve them. Mr. Dryer said it's his understanding that these are not LPP forms and therefore they do not need to go to the Judicial Council. The committee agreed.

## **V. SUBCOMMITTEE REPORTS AND FORM DISCUSSION**

### **DEBT COLLECTION**

Ms. Van Buren said there isn't much to report.

### **LANDLORD/TENANT**

Mr. Dryer noted Kim Allard is not here. Mr. Galli briefly discussed the forms. Mr. Galli said there are forms that are conditionally approved for evictions, complaints, answers, and counter-claims. Mr. Dryer said the forms were just barely added to the committee's agenda today so they will not be approved. The subcommittee will do a final review, ensure the forms are in compliance with the style guide, and then they will decide on whether they should be translated. These forms will be addressed at the next meeting.

### **FAMILY LAW**

Mr. Ralphs said they are still working on forms. They will be finalized at the subcommittees next meeting. They will make sure the forms are in compliance with the style guide. The committee briefly discussed the detail of document titles such as motions for temporary orders. Mr. Ralphs questioned if the title should be something like "motion for temporary orders in parentage." The committee agreed to use something more broad such as "motion for temporary order in domestic cases." Mr. Ralphs said he's recently seen more details in the title such as "temporary orders from March 3, 2016". Commissioner Casey said this helps a lot when he is referencing what the orders are for. Ms. Van Buren noted that when a litigant searches for a summons they can find several types of summons. The subcommittee will address these issues. The subcommittee will circulate and bring the temporary orders forms to the next meeting.

## **VI. DISCUSS ILLINOIS REPORT**

The committee did not address this.

## **VII. SET MEETING DATES**

The committee agreed to meet August 24, 2017 at noon.

## **VIII. OTHER BUSINESS**

Mr. Galli asked if the LPPs would generate forms through OCAP or can they go elsewhere for forms. Mr. Ralphs noted there are many forms approved for LPPs that will not be on OCAP. Ms. Van Buren said the form name indicates what the LPPs are allowed to use. Mr. Dryer asked about a letter from the OCAP Committee as to whether they need to review the forms before they are approved. Ms. Van Buren said Kim Allard is aware this committee has the authority to approve the forms. Commissioner Casey will address this with the chair of the OCAP Committee, Judge Morris.

Ms. Van Buren noted the more forms on the website the less pressure there is on the self-help center to provide assistance.

## **IX. ADJOURN**

There being no further issues, the meeting adjourned at 2:12 pm. The next meeting will be held August 24, 2017 at 12:00.