

**Utah Judicial Council  
Committee on Court Forms**

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

\*The meeting is scheduled  
in Conference Rooms B & C

September 19, 2017  
12:00 p.m. - 3:00 p.m.

**Agenda**

- |   |                                    |
|---|------------------------------------|
| 1. Welcome and approval of minutes  | Randy Dryer                        |
| 2. Review and approve forms committee procedures                              | Randy Dryer                        |
| 3. Review essential treatment forms   | Jessica Van Buren<br>Brent Johnson |
| 4. Review landlord tenant forms including<br>discussion on formatting in OCAP | Kim Allard                         |
| 5. Review debt collection and general forms                                   | Jessica Van Buren                  |
| 6. Review family law forms  | Stewart Ralphs                     |
| 7. Review adult adoption forms  | Jessica Van Buren                  |
| 8. Discuss Illinois report  | Randy Dryer                        |
| 9. Set meeting dates  | Randy Dryer                        |
| 10. Other Business  |                                    |
| 11. Adjourn   |                                    |

Approved

MINUTES  
Utah Judicial Council's Committee  
On Court Forms

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

August 24, 2017  
12:00 – 2:00 pm

ATTENDEES

Randy Dryer, Chair  
Kim Allard  
Cyndie Bayles  
Commissioner T. Patrick Casey  
Christina Cope  
Guy Galli  
Brent Johnson  
Nathanael Player  
Stewart Ralphs – by phone  
Judge James Taylor  
Jessica Van Buren  
Mary Westby

EXCUSED

Judge Elizabeth Lindsley

STAFF

Jeni Wood, Recording Secretary

GUESTS

Justice Deno Himonas

**I. WELCOME AND APPROVAL OF MINUTES**

Randy Dryer welcomed the committee members to the meeting. Mr. Dryer welcomed Justice Himonas to the meeting. Mr. Dryer welcomed Nathanael Player to the committee. Mr. Player is replacing Mary Jane Ciccarello, who retired. Mr. Dryer thanked Ms. Ciccarello for her service to the Forms Committee and the judicial system.

Justice Deno Himonas discussed how the LPP committee views paralegals in the community and how they relate to forms. Justice Himonas noted the LPP committee prefers the paralegals who prepare documents to sign them. Justice Himonas said the rules will address this. Justice Himonas stated the decision will be between the LPP and the client as to how they submit documents. Justice Himonas said if the LPP is ghost-writing for a client they would not sign the form. However, if the LPP completes a form for the client, then a discussion should occur between the LPP and the client as to how it will be signed and who will receive future notices.

Justice Himonas explained there will be training and testing to assist the LPPs. Mr. Dryer asked for confirmation on whether the forms should have a section where the LPP can indicate their appearance. Justice Himonas confirmed this. Justice Himonas believes the LPPs will also have e-filing access. Justice Himonas stated at this time LPPs will not be allowed to practice in court. Brent Johnson agreed with the path the process is heading. Justice Himonas said the work in the Forms Committee is very important and he is appreciative of the work. Mr. Dryer thanked Justice Himonas for his time.

The committee discussed the July 17, 2017 minutes. Commissioner Patrick Casey moved to approve the minutes with no changes. Stewart Ralphs seconded the motion and it passed unanimously.

## **II. REVIEW AND APPROVE STYLE GUIDE**

Jessica Van Buren said after hearing Justice Himonas's direction she will revise the style guide. Judge James Taylor said he would like to see the form immediately identify whether the LPP will be appearing or simply completing the form for the client. Judge Taylor noted the upper-left section would be the most logical place to identify that. Mary Westby suggested having a "notice" box as to who should receive future case-related documents. The committee agreed to place a third box in the upper-left hand corner to add "LPP."

Judge Taylor next addressed form numbering. Ms. Van Buren explained the various options. Ms. Van Buren noted LPPs will be aware they can only use "J" forms. Mr. Johnson said the committee can add numbering categories to the list in the future. Judge Taylor said a method needs to be established so people can send forms to the committee for review and possible revision. Mr. Johnson noted the procedures state the requests will go to the general forms subcommittee. Mr. Johnson said the general forms subcommittee will decide whether they will address the request or whether they will send the request to other subcommittees. Mr. Johnson said he does not expect very many outside sources requesting form changes.

Commissioner Casey would like to see some of the longer forms made to where someone can remove sections that do not apply, such as motions for temporary orders where the parties do not have children. Mr. Johnson asked whether there could be multiple forms to cover these scenarios, such as motions for temporary orders with children and motions for temporary orders without children. Cyndie Bayles agreed with creating multiple forms that are more specific. Mr. Dryer suggested approving the style guide presented to the committee today and then make revisions in the future as necessary. Ms. Van Buren said she would like to continue to distribute paper forms to self-represented litigants. After brief discussion, the committee agreed paper forms should be available.

Judge Taylor moved to approve the style guide with the changes discussed. Commissioner Casey seconded the motion and it passed unanimously.

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

Mr. Dryer addressed the Forms Committee Procedures document. Mr. Dryer noted this is an internal document and can be amended in the future as need be.

Kim Allard moved to address this at the next meeting. Commissioner Casey seconded the motion and it passed unanimously.

### **IV. REVIEW LANDLORD/TENANT FORMS**

Ms. Allard stated the subcommittee has met five times. Ms. Allard said the subcommittee has finalized the forms as to content. Ms. Allard said Wayne Riches and Kirk Cullimore reviewed the forms. Ms. Allard noted the comments were similar between the two reviewers. Ms. Allard said the subcommittee addressed the comments received. Commissioner Casey asked whether there has been a focused plain language review. Ms. Allard noted the substantive content in the body of the form explains more detail. Nathanael Player said he believes the title of the notice to pay or vacate should be clear. The committee discussed and agreed to add an explanation on what "vacate the premises" means. The committee decided to leave the phrase in the title but to substitute the phrase with "move out" in the body of the notices. The committee then discussed the phrase "treble damages" and decided to add an explanation such as, "treble damages means three times the amount of rent, late fees, and property damage."

Mr. Dryer noted that each subcommittee will prepare the forms substantive content, then the forms will go through a plain language and style review by the Form and Format Subcommittee and then sent to the Forms Committee for final approval. Mr. Player would like to see an amendment to the bottom section of the notices where it addresses the website. After brief discussion the committee agreed to a small change. The committee addressed and made changes to the remaining landlord/tenant forms.

Ms. Allard will make the appropriate changes and distribute by email to the committee for review. Ms. Allard noted this should take about two weeks to complete.

### **V. REVIEW DEBT COLLECTION FORMS**

The committee discussed the purpose of the 10-day summons. The committee addressed proposed changes to this form. Guy Galli said he frequently receives calls about this summons when litigants are looking for a case that hasn't been filed yet.

Ms. Van Buren will work on these forms.

### **VI. REVIEW FAMILY LAW FORMS**

This item was tabled to the next meeting.

## **VII. REVIEW ADULT ADOPTION FORMS**

This item was tabled to the next meeting.

## **VIII. DISCUSS ILLINOIS REPORT**

This item was tabled to the next meeting.

## **IX. SET MEETING DATES**

The committee discussed meeting for three hours instead of two in the September meeting. Mr. Dryer will send out a Doodle notice to get feedback for the best dates for the October meeting.

Mr. Dryer said the subcommittees need to send out the forms immediately to Brent to distribute them to the committee when they are done and not addressing them for the first time at the committee meeting.

## **X. OTHER BUSINESS**

There was no other business discussed.

## **XI. ADJOURN**

There being no further issues, the meeting adjourned at 2:00 pm. The next meeting will be scheduled per the Doodle poll responses.

# **Forms Committee Procedures**

## **Section 1. Subcommittees**

### **Subcommittees**

- The Forms Committee will create and dissolve ad hoc subcommittees as appropriate.
- The chair of the Forms Committee, in consultation with General Counsel, shall appoint all subcommittee members. Once a subcommittee is formed, the chair of a subcommittee may recommend individuals for membership.
- The form and format/general forms subcommittee is the only standing subcommittee.
- The subcommittees shall meet on a regular basis to review existing forms and propose new forms. The subcommittees shall propose edits and submit proposed forms, in compliance with the style guide, to the form and format/general forms subcommittee.
- The subcommittees shall be responsible for distributing the proposed forms to outside sources, if any, for input and feedback prior to submission of the forms to the form and format/general forms subcommittee. The subcommittees shall report to the Forms Committee any outside sources whose input was sought.

### **Form and Format/General Forms Subcommittee**

The form and format/general forms subcommittee shall perform the following duties:

- Identify forms currently on the court's website and assign them to subcommittees and submit them to the Forms Committee as appropriate.
- Create a style guide, including a master numbering system and plain language instructions, that will apply to all forms. The guide will be distributed to the subcommittees and the subcommittees shall submit all proposed forms in the format required by the guide.
- Receive requests from third parties to create a form or to review and approve a proposed form. The subcommittee shall review the request, refer the request to an existing subcommittee, or recommend to the Forms Committee the creation of a new subcommittee to review the request. The Forms Committee will have final approval authority on all forms submitted by third-parties.
- Accept and review forms submitted by the subcommittees.
- Once the form and format/general forms subcommittee finalizes a form, the subcommittee will place the form in one of two form queues for review by the Forms Committee. One queue will consist of forms for the LPP program and the other queue will consist of all other forms.

## **Section 2. Form Review Process**

### **Style Guide**

Each subcommittee shall use and follow the style guide. All forms sent to the form and format/general forms subcommittee must be in the approved format.

### **Review of Forms**

- After the form and format/general forms subcommittee has completed its review of a form, the form will be submitted to the Forms Committee for final review and approval.
- The Forms Committee shall decide on a form-by-form basis whether any other groups should have input on the forms prior to final approval.

### **Final Approval of Forms**

- The Forms Committee shall determine which forms must or should go to the Judicial Council for approval. For those forms submitted to the Council for approval, the Forms Committee shall also include a recommendation to the Council on whether the forms should be approved effective immediately upon Council action or approved provisionally pending public notice. The approved form will include the approval date.
- Forms that do not require Judicial Council approval will show the committee's approval date. Once approved, the form and format/general forms subcommittee will edit the form to add the approval date. The form will be then posted on the courts' website and incorporated into OCAP, as appropriate.

### **Form Queue**

There will be two form queues. The form queues will be maintained by the form and format/general forms subcommittee.

- LPP Program Queue: This queue will contain the forms created by the various subcommittees for the LPP program. These forms will have been completed by the subcommittees and passed the review of the form and format/general forms subcommittee prior to being put in this queue. The forms in this queue will take priority over the forms in the other queue.
- Other Forms Queue: This queue will be general forms and other forms that are ready for full committee approval. These forms will have been completed by the subcommittees and passed the review of the form and format/general forms subcommittee prior to being put in this queue.

### **Forms Translation**

- The subcommittees shall make recommendations to the Forms Committee on which forms should be translated and the languages into which they should be translated.
- The Forms Committee shall make the final decision on which forms should be translated.
- The Forms Committee shall send the approved forms to the Court Interpreter Program Coordinator to be translated. Once translated the forms will be distributed as appropriate.

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Petitioner  
☐ Petitioner's Attorney (Utah Bar #: \_\_\_\_\_)

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
In the matter of essential treatment for

\_\_\_\_\_  
Respondent

**Petition for Essential Treatment and Intervention**

(Utah Code 62A-15-1203)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

**1. Venue**

I am filing my petition with this court because respondent (Choose one.):

☐ lives in this county.

☐ is present in this county.

**2. Information about respondent**

Legal name	
Date of birth (if known)	
Social security number (if known)	



Address and current location (if known)	
--	--

3. **Petitioner's relationship to respondent**

I am respondent's:

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> spouse     | <input type="checkbox"/> grandparent |
| <input type="checkbox"/> parent     | <input type="checkbox"/> child       |
| <input type="checkbox"/> stepparent | <input type="checkbox"/> sibling     |

4. **Guardian for respondent**

Respondent

- ☐ does not have a legal guardian
- ☐ has a legal guardian, and the guardian's name and address is (if known):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

5. **Substance use disorder**

Respondent is suffering from a substance use disorder that, if not treated, presents a serious harm to self or others. I state this based on these facts:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. **Essential treatment**

Respondent can receive essential treatment at the following local substance abuse authority or approved treatment facility or program (List at least one local substance abuse authority or approved treatment facility or program.):

---

---

7. ☐ **Proof of health insurance**

I am attaching proof of health insurance to provide for respondent's essential treatment.

8. I ask the court to schedule a hearing.

9. I ask the court to order two essential treatment examiners to examine the respondent before the hearing date. (Utah Code 62A-15-1202).

10. If the essential treatment examiners determine the respondent meets the criteria for essential treatment, I ask the court order the respondent to undergo essential treatment.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Petitioner's Printed Name \_\_\_\_\_

**Financial guarantee**

I \_\_\_\_\_ (name)  
agree to pay all treatment costs beyond those covered by the respondent's health insurance policy for all court-ordered treatment for respondent.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Petitioner's or Guarantor's Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of essential treatment for

\_\_\_\_\_  
Respondent

**Order on Request for Examination**  
(Utah Code 62A-15-1205)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The matter before the court is the petitioner's request for an examination in support of the Petition for Essential Treatment and Intervention.

Having considered the documents filed with the court, and now being fully informed,

**The Court Orders That:**

1. The assertions in the Petition for Essential Treatment and Intervention, if true,  
[ ] are sufficient to order the respondent to undergo essential treatment.  
[ ] are not sufficient to order the respondent to undergo essential treatment.  
The petition is dismissed.
2. [ ] Respondent shall be examined by two essential treatment examiners to determine:
  - whether the respondent meets each of the criteria described in Section 62A-15-1204;
  - the severity of the respondent's substance use disorder, if any;

- what forms of treatment would substantially benefit the respondent, if the examiner determines that the respondent has a substance use disorder; and
  - the appropriate duration for essential treatment, if essential treatment is recommended.
3.    ☐ The essential treatment examiners shall certify their findings to the court within 24 hours after the examination has been completed. The examination must be completed before the evidentiary hearing.
4.    ☐ The examinations are scheduled as follows:

**Examination one**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Examiner's name: \_\_\_\_\_

Facility name: \_\_\_\_\_

Address: \_\_\_\_\_

**Examination two**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Examiner's name: \_\_\_\_\_

Facility name: \_\_\_\_\_

Address: \_\_\_\_\_

5.    ☐ An evidentiary hearing will be held to determine whether the court should order the respondent to undergo essential treatment for a substance use disorder. The hearing will be held on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Room: \_\_\_\_\_ Judge: \_\_\_\_\_

Courthouse address: \_\_\_\_\_

- Respondent has the right to be represented by an attorney at their own expense.
- Respondent may request a preliminary hearing before submitting to the examination.

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Judge \_\_\_\_\_

**Clerk's Certificate of Mailing**

I certify that mailed a copy of this Order on Request for Examination on the following people.

Name	Address	Date
(Petitioner)		
(Respondent)		
(Respondent's Guardian (if any))		

\_\_\_\_\_  
Date

Clerk's  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Respondent  
☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
In the matter of essential treatment for

\_\_\_\_\_  
Respondent

**Request for Hearing on Petition for  
Essential Treatment and  
Intervention**  
(Utah Code 62A-15-1205)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

I ask for a hearing on the question of whether the court should order me to undergo an examination.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature ►

\_\_\_\_\_  
Petitioner's Printed Name

**Certificate of Service**

I certify that I filed with the court and served a copy of this Order on Petition for Essential Treatment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of essential treatment for

\_\_\_\_\_  
Respondent

**Order on Petition for Essential  
Treatment and Intervention**

(Utah Code 62A-15-1205)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The matter before the court is a Petition for Essential Treatment and Intervention. This matter is being resolved by a hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Petitioner (Choose all that apply.)

☐ was ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Respondent (Choose all that apply.)

☐ was ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.



**The Court Finds That:**

The essential treatment examiners' findings show:

1. There ☐ is ☐ is not clear and convincing evidence that respondent suffers from a substance use disorder.
2. There ☐ is ☐ is not clear and convincing evidence that respondent can reasonably benefit from the essential treatment.
3. There ☐ is ☐ is not clear and convincing evidence that respondent is unlikely to substantially benefit from a less-restrictive alternative treatment
4. There ☐ is ☐ is not clear and convincing evidence that Respondent presents a serious harm to self or others.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The Court Orders That:**

5. The Petition is ☐ granted ☐ denied.
6. ☐ Respondent is ordered to receive essential treatment at the following local substance abuse authority or approved treatment facility or program:  
\_\_\_\_\_  
\_\_\_\_\_
7. ☐ The initial period of respondent's treatment shall be up to \_\_\_\_\_ days, but not more than 360 days, and shall be reviewed by the essential treatment provider at least every 90 days.
8. ☐ The petitioner shall be the respondent's personal representative for purposes of the respondent's essential treatment.
9. ☐ \_\_\_\_\_ (name)  
is ordered to pay all of treatment costs beyond those covered by the respondent's health insurance policy for all court-ordered treatment for respondent.

Judge's signature may instead appear at the top of the first page of this document.

_____ Date	Signature ► Judge	_____ _____
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**Certificate of Service**

I certify that I filed with the court and served a copy of this Order on Petition for Essential Treatment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

## Landlord Tenant Notices – OCAP

1. THREE DAY NOTICE TO PAY OR TO VACATE
2. THREE DAY NOTICE TO COMPLY WITH LEASE OR VACATE
3. THREE DAY NOTICE TO VACATE FOR CRIMINAL NUISANCE
4. THREE DAY NOTICE TO VACATE FOR NUISANCE
5. THREE DAY NOTICE TO VACATE FOR ASSIGNING OR SUBLETTING CONTRARY TO RENTAL CONTRACT
6. THREE DAY NOTICE TO VACATE FOR COMMITTING WASTE ON PREMISES
7. THREE DAY NOTICE TO VACATE FOR ENGAGING IN UNLAWFUL BUSINESS ON OR IN THE PREMISES
8. THREE DAY NOTICE TO VACATE FOR LEASE VIOLATION WHICH CANNOT BE BROUGHT INTO COMPLIANCE
9. THREE DAY NOTICE TO VACATE FOR COMMITTING CRIMINAL ACT ON THE PREMISES
10. FIFTEEN DAY NOTICE TO VACATE
11. FIVE DAY NOTICE TO A TENANT AT WILL

## THREE DAY NOTICE TO PAY OR TO VACATE

This Notice is given to:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

This Notice is given by:

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

You are behind in your payments required by your rental agreement with your landlord.

You are required to either pay everything you owe as indicated below, or move out within three calendar days. (Utah Code 78B-6-802(1)(c)) Move out means leave the premises, take all your belongings and leave any keys or access cards.

1. Within three calendar days, you must pay the entire amount of money that is now owing to your landlord for rent. Calendar days includes weekend days and holidays, but does not include the day of service. The total amount due is \_\_\_\_\_.  
Rent is due for the following time period(s): \_\_\_\_\_
2. Within three calendar days, you must pay the entire amount of money that is now owing to your landlord for amounts due under the rental contract other than rent. Calendar days includes weekend days and holidays, but does not include the day of service. The total amount due is \_\_\_\_\_. The amounts due other than rent are as follows: \_\_\_\_\_  
\_\_\_\_\_
3. If you do not pay all of the money you owe within three calendar days, you must move out of the premises you have rented. Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not comply you may be determined by a court to be in "unlawful detainer" and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

\_\_\_\_\_  
Date

Plaintiff Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on  
\_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:  
☐ defendant's residence or ☐ defendant's place of business  
AND  
a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## THREE DAY NOTICE TO COMPLY WITH LEASE OR VACATE

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have violated your lease agreement as follows:

\_\_\_\_\_  
\_\_\_\_\_

You must do one of the following:

1. Within three calendar days, you must bring your lease violation into compliance. Calendar days includes weekend days and holidays, but does not include the day of service.
2. If you do not comply with your rental agreement within three calendar days, you must move out of the premises you have rented. (Utah Code 78B-6-802(1)(h)) Move out means leave the premises, take all your belongings and leave any keys or access cards.

If you do not comply you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

The court’s Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_

Printed Name

\_\_\_\_\_

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## THREE DAY NOTICE TO VACATE FOR CRIMINAL NUISANCE

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have committed a criminal nuisance because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

You are required to move out of the premises within three calendar days. (Utah Code 78B-6-1107) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

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\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name



## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## THREE DAY NOTICE TO VACATE FOR ASSIGNING OR SUBLETTING CONTRARY TO RENTAL CONTRACT

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have assigned or sublet your rental premises contrary to your rental contract as follows:

\_\_\_\_\_  
\_\_\_\_\_

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(d)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

The court’s Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## THREE DAY NOTICE TO VACATE FOR COMMITTING WASTE ON PREMISES

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have committed waste on the rental premises as follows:  
(Waste means damage beyond normal wear and tear.)

\_\_\_\_\_  
\_\_\_\_\_

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(d)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found  
at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

The court’s Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

**THREE DAY NOTICE TO VACATE  
FOR ENGAGING IN UNLAWFUL BUSINESS ON OR IN THE PREMISES**

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have engaged in unlawful business on or in the rental premises as follows:

\_\_\_\_\_  
\_\_\_\_\_

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(e)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

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\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
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- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

**THREE DAY NOTICE TO VACATE FOR LEASE VIOLATION  
WHICH CANNOT BE BROUGHT INTO COMPLIANCE**

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have committed one or more lease violations which cannot be brought into compliance. They are:

\_\_\_\_\_  
\_\_\_\_\_

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(c) through (g), Utah Code 78B-6-802(2)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

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\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_

Printed Name

\_\_\_\_\_



## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

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- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## THREE DAY NOTICE TO VACATE FOR COMMITTING CRIMINAL ACT ON THE PREMISES

This Notice is given to:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

This Notice is given by:

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

You have committed one or more criminal acts on the premises. They are:

\_\_\_\_\_  
\_\_\_\_\_

You are required to move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(g)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

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\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

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- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## THREE DAY NOTICE TO VACATE FOR NUISANCE

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You have committed a nuisance because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

You are required to move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(f)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

The court’s Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

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- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## FIFTEEN DAY NOTICE TO VACATE

This Notice is given to:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

This Notice is given by:

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

The last day of your rental period is \_\_\_\_\_.

You must move out of the premises on or before this date. (Utah Code 78B-6-802(1)(b)(I))  
Move out means leave the premises, take all your belongings and leave any keys or access cards.

If you do not move out of the premises you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found  
at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

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\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name

## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

## FIVE DAY NOTICE TO A TENANT AT WILL

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

You are a tenant at will. (This means you have no contractual right to remain in the premises.)

You are required to move out of the premises within five calendar days. (Utah Code 78B-6-802(1)(b)(ii)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: [www.utcourts.gov/howto/landlord/eviction.html](http://www.utcourts.gov/howto/landlord/eviction.html)

The court’s Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

\_\_\_\_\_  
Date

Plaintiff Signature ►

\_\_\_\_\_  
Printed Name



## RETURN OF SERVICE

This Notice was served upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here \_\_\_\_\_  
Name of person serving this notice

Sign here \_\_\_\_\_  
Name of person serving this notice

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner  
☐ Plaintiff/Petitioner's Attorney  
☐ Plaintiff/Petitioner's Limited License Paralegal

In the \_\_\_\_\_ Judicial District Court of Utah  
\_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Complaint for Unlawful Detainer  
(Eviction)**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

**Allegations and complaints**

Plaintiff \_\_\_\_\_ (name) alleges against defendant(s)  
\_\_\_\_\_  
\_\_\_\_\_ (name(s)).

1. Plaintiff is:
- ☐ an individual over the age of 18.
  - ☐ a partnership represented by an attorney.
  - ☐ a public agency represented by an attorney.
  - ☐ a corporation represented by an attorney
  - ☐ a trust represented by an attorney.

☐ a business represented by an attorney.  
☐ owner of the real property located at: \_\_\_\_\_

☐ other: \_\_\_\_\_

2. Defendant(s) are residents at (property address): \_\_\_\_\_

3. ☐ There is a contract for the rental of property at the above address. It is attached to the end of this document after the page labelled Exhibit 1.

4. Defendant(s) agreed: (Complete a, b, and c or d.)

☐ a. To rent the premises ☐ month-to-month ☐ other: \_\_\_\_\_

b. To pay rent of \$ \_\_\_\_\_ ☐ monthly ☐ other: \_\_\_\_\_

c. To pay rent on ☐ first of the month ☐ other: \_\_\_\_\_

☐ d. Other: \_\_\_\_\_

5. Defendant(s) was served with the following notice: (Check any that apply.)

☐ Three Day Notice to Pay or Vacate (Utah Code 78B-6-802(1)(c))

☐ Three Day Notice to Comply or Vacate (Utah Code 78B-6-802(1)(h))

☐ Three Day Notice to Vacate for

☐ assigning or subletting (Utah Code 78B-6-802(1)(d))

☐ committing criminal act (Utah Code 78B-6-802(1)(g))

☐ for criminal nuisance (Utah Code 78B-6-1107)

☐ committing waste on premise (Utah Code 78B-6-802(1)(d))

☐ lease violation(s) (Utah Code 78B-6-802(1)(c))

☐ nuisance (Utah Code 78B-6-802(1)(f))

☐ unlawful business on the premises (Utah Code 78B-6-802(1)(e))

☐ Five Day Notice to Tenant at Will (Utah Code 78B-6-802(1)(b)(ii))

☐ Fifteen Day Notice to Vacate (Utah Code 78B-6-802(1)(b)(i))

☐ Other: \_\_\_\_\_

6. On \_\_\_\_\_ (date), the rental period stated in the notice described in number 5 above expired. A copy of the notice served is attached as Exhibit 2.

7. Plaintiff is asking to evict defendant(s) for the following reasons: (Choose the correct reason and write in the reason stated in the eviction notice.)

☐ a. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6-802(1)(c))

Defendant(s) owes plaintiff \$\_\_\_\_\_ in unpaid rent, for the time period of \_\_\_\_\_ through \_\_\_\_\_ (date the notice expired). (Complete the itemized list in Exhibit 3.)

☐ b. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6- 811(2)(d))

Defendant(s) owes plaintiff \$\_\_\_\_\_ for contract amounts due, other than rent, as follows: \_\_\_\_\_

☐ c. **Three Day Notice to Comply or Vacate** (Utah Code 78B-6-802(1)(h))

Defendant has violated the parties' rental agreement as follows:

\_\_\_\_\_  
\_\_\_\_\_

☐ d. **Three Day Notice to Vacate for Assigning or Subletting**

(Utah Code 78B-6- 801(1)(d))

Defendant has sublet the premises in violation of the rental agreement as follows: \_\_\_\_\_

\_\_\_\_\_

☐ e. **Three Day Notice to Vacate for Committing Criminal Act**

(Utah Code 78B-6-802(1)(g))

Defendant has committed a criminal act as follows: \_\_\_\_\_

\_\_\_\_\_

☐ f. **Three Day Notice to Vacate for Criminal Nuisance** (Utah Code 78B-6-1107)

Defendant has committed criminal nuisance as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ g. **Three Day Notice to Vacate for Committing Waste on Premises**

(Utah Code 78B-6-802(1)(d))

Defendant has committed waste as follows: (Examples of waste are destruction of property, failure to maintain, trash) \_\_\_\_\_

- 
- ☐ h. **Three Day Notice to Vacate for Violation(s) that Cannot Be Brought into Compliance** (Utah Code 78B-6-802(1)(c))

Defendant has violated the parties' rental agreement by committing a violation that cannot be brought into compliance as follows: \_\_\_\_\_

---

- ☐ i. **Three Day Notice to Vacate for Nuisance** (Utah Code 78B-6-802(1)(f))

Defendant has permitted nuisance as follows: \_\_\_\_\_

---

- ☐ j. **Three Day Notice to Vacate for Engaging in Unlawful Business on or in the Premises** (Utah Code 78B-6-802(1)(e))

Defendant has engaged in unlawful business on or in the premises as follows: \_\_\_\_\_

---

- ☐ k. **Five Day Notice to Tenant at Will** (Utah Code 78B-6-802(1)(b)(ii))

Plaintiff served a Five Day Notice to Tenant at Will upon defendant(s) and incorporates that notice and the statements contained in the notice as part of this complaint.

- ☐ l. **Fifteen Day Notice to Vacate** (Utah Code 78B-6-802(1)(b)(i))

Plaintiff served a Fifteen Day Notice to Vacate upon defendant(s). It is attached.

8. Defendant(s) did not comply with the notice(s) and is in unlawful detainer.
9. Plaintiff asks for an Order of Restitution to remove defendant(s) from plaintiff's property. (Utah Code 78B-6-811(1)(b) and 78B-6-812)
10. Plaintiff asks for a judgment upon proof at trial or upon plaintiff's affidavit in the event of defendant's default of any rent due and unpaid by defendant(s) through the date the notice expires as well as any unpaid amounts under the rental agreement. (Utah Code 78B-6-811)
11. Plaintiff asks for treble (three times) the following damages. (Utah Code 78B-6-811):

- a. rent and other money due under the contract for the time the tenant unlawfully detained the premises;
- b. physical damages beyond normal wear and tear (waste) caused by defendants to the plaintiff's property;
- c. the abatement (termination) of any nuisance caused by defendant(s) (Utah Code 78B-6-1107 through 1114).

[ ] 12. Plaintiff is entitled to a judgment for reasonable attorney's fees because the parties have a written lease or rental agreement which provides for attorney's fees. (Utah Code 78B-6-811)

### Requests for Relief

Plaintiff asks that this court:

1. Enter an Order of Restitution to remove defendants.
2. Grant plaintiff a judgment for unpaid rent, damages and other amounts due.
3. Grant other available relief.

\_\_\_\_\_

Date

Signature ►

Printed Name

## **EXHIBIT 1**

### **Rental Contract**

(Attach copy of written contract to next page.)

## **EXHIBIT 2**

### **Eviction Notice Served on Defendant**

(Attach copy of copy of eviction notice served on defendant to next page.)



### EXHIBIT 3

#### Itemized calculation of amounts defendant(s) owe at time of filing

a. Past due rent up to date notice expired	\$
b. Non-rent contract amounts	\$
c. Late fees	\$
d. Damages to premises	\$
e. Nuisance abatement	\$
f. Other damages (Specify below)	\$
<b>g. Total subject to trebling</b> (tripling) (Add lines d. through f.)	\$
<b>h. Total trebled</b> (Multiply line g. by 3)	\$
i. Attorney fees	\$
j. Service fees (eviction notice)	\$
k. Filing fees	\$
<b>l. Total claim amount at time of filing</b> (Add lines h. through k.)	\$

f. Other damages are as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner  
☐ Plaintiff/Petitioner's Attorney  
☐ Plaintiff/Petitioner's Limited License Paralegal

\_\_\_\_\_  
In the \_\_\_\_\_ Judicial District Court of Utah  
\_\_\_\_\_ County

Court Address \_\_\_\_\_

**Order of Restitution**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

To the defendants(s):

Within \_\_\_\_\_ calendar days following service of this Order of Restitution you are  
ordered to move out of the premises located at \_\_\_\_\_  
\_\_\_\_\_(address).

Move out means leave the premises, take all your belongings and leave any keys or access cards. You and any person claiming a right to occupy through you must move out and allow the plaintiff to regain possession of the premises.

If you do not follow this order, you may be forcibly removed from the property by the sheriff or a constable, using the least destructive means possible to remove you, your personal property and any persons who claim to have received a right to occupancy from you.

You have the right to a hearing to dispute the way this order may be enforced. A Request for Hearing Regarding Enforcement of an Order of Restitution must be served on you along with this order.

Your request for a hearing will not stop enforcement of this order unless the court has ordered a stay of this order and an appropriate bond has been posted in an amount approved by the court. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))

To the sheriff or constable:

If the defendant(s) are served with this order and fail to vacate the property as ordered, you are ordered to enter the premises by force using the least destructive means possible to remove the defendant(s), any personal property of the defendants and any persons claiming a right to occupancy from the defendant(s).

Judge's signature may instead appear at the top of the first page of this document.

	Signature ►
Date	Judge

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Defendant/Respondent

☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)

☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #: \_\_\_\_\_)

\_\_\_\_\_  
In the \_\_\_\_\_ Judicial District Court of Utah

\_\_\_\_\_ County

Court Address \_\_\_\_\_

**Request for Hearing Regarding  
Enforcement of an Order of  
Restitution**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

An Order of Restitution has been issued in this case and served upon me. I object to the way the order is being enforced and request a hearing to explain my objection to the court.

The Order of Restitution is being improperly enforced because:

(Briefly explain.)

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I understand:

- this request will not delay or stop enforcement of the Order of Restitution unless a delay is ordered by the court after I have posted a bond. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))
- the court will schedule the hearing I have requested within 10 calendar days after this request is filed or as soon after as practical.
- notice of the hearing will be mailed to all parties.
- I must provide the court with an address where I receive mail to ensure I am aware of the date, time and location the hearing.

_____	Defendant Signature ►	_____
Date	Printed Name	_____

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner  
☐ Plaintiff/Petitioner's Attorney  
☐ Plaintiff/Petitioner's Limited License Paralegal

\_\_\_\_\_  
In the District Court of Utah  
\_\_\_\_\_  
Judicial District \_\_\_\_\_ County  
Court Address \_\_\_\_\_

Affidavit of Damages	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

Plaintiff says:

**1. Agreement to Pay Rent** (Check one. Fill in blank if appropriate.)

- ☐ There is a lease or rental agreement. It is filed with the court or attached to this affidavit. As stated in paragraph \_\_\_\_ of the complaint, the parties' written agreement provides for defendant(s) to pay monthly rent of \$ \_\_\_\_\_. This amount includes late fees and other charges as provided in the contract, which are \$ \_\_\_\_\_.

☐ Defendant(s) did not sign a written lease or rental agreement. As stated in paragraph \_\_\_\_ of the complaint, the parties' oral agreement is that defendant(s) would pay monthly rent of \$\_\_\_\_\_.

☐ There was no agreement for defendant(s) to pay rent and no rent was ever paid.

## 2. Damages, Court Costs, Attorney Fees

a. Damages. (Check one. Fill in blank if appropriate.)

☐ Plaintiff does not claim damages against defendant(s).

☐ Plaintiff claims damages against defendant(s) as follows:

- i) Date notice ended \_\_\_\_\_
- ii) Date defendant moved out: \_\_\_\_\_
- iii) Days defendant in "unlawful detainer" \_\_\_\_\_
- iv) Per day rental value \_\_\_\_\_
- v) Total unlawful detainer damages \_\_\_\_\_  
(multiply line iii by line iv)

b. Court costs such as filing fees and service fees. Plaintiff's court costs to bring this action are \$\_\_\_\_\_.

c. Attorney fees. As of the date of this affidavit, plaintiff has incurred attorney fees to bring this action of \$\_\_\_\_\_. (Enter zero if plaintiff is has no attorney)

## 3. Rent owed

Defendant(s) owe(s) \$\_\_\_\_\_ for all rent incurred, but not paid before unlawful detainer. (Enter zero if no rent was supposed to be paid or the rent was fully paid.)

## 4. Damage to plaintiff's property (Check one. Fill in blank if appropriate.)

☐ Defendant(s) did not cause damage beyond normal wear and tear while in possession of plaintiff's property

☐ Defendant(s) caused the following damage beyond normal wear and tear while in possession of plaintiff's property (Briefly describe the damage.):

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff has paid \$\_\_\_\_\_ to repair the damage caused by defendant(s). Plaintiff is attaching an itemized list of costs plaintiff has already paid to repair the property. If plaintiff has not yet repaired the property, one or more bids or estimates of the costs of repair are attached.

**5. Other**

In addition to the amounts above, plaintiff is entitled to \$\_\_\_\_\_ from defendant(s) for the following. (Include only other damages allowed by statute or case law such as abating nuisance (Utah Code 78B-6-811(2)(e)). Proof is required.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Total Amount of Damages**

The total amount of damages claimed as stated above is \$\_\_\_\_\_.

\_\_\_\_\_  
Date  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

Certificate of Service			
I certify that I filed with the court and served a copy of this Affidavit of Damages on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		



### Certificate of Service

I certify that I filed with the court and served a copy of this Affidavit of Damages on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Defendant Signature ► \_\_\_\_\_  
 Date \_\_\_\_\_ Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Defendant/Respondent

☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)

☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #: \_\_\_\_\_)

In the \_\_\_\_\_ Judicial District Court of Utah  
\_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Defendant's Answer to Unlawful  
Detainer (Eviction)**

**☐ and Counterclaim**  
(Check if counterclaim.)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

Defendant(s) answer(s) plaintiff's complaint as follows:

1. Defendant agrees completely with everything stated in the following numbered paragraphs of the complaint. \_\_\_\_\_
2. Defendant disagrees with all or part of the following numbered paragraphs of the complaint. \_\_\_\_\_

3. Defendant does not have enough information to respond to the following paragraphs of the complaint. \_\_\_\_\_
4. Defendant denies every allegation not specifically admitted above.

**Affirmative Defenses** (Choose all that apply and complete the sentences in those sections.)

☐ **5. Improper eviction notice or service of the notice**

- ☐ a. Plaintiff's eviction notice is defective. It does not comply with Utah law for the following reasons: (Utah Code 78B-6-802) (List specific defects such as Notice to Vacate rather than a Notice to Pay or Vacate in a non-payment case.)

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- ☐ b. Plaintiff failed to properly serve the eviction notice. (Utah Code 78B-6-805) (Describe the specific ways in which the eviction notice was not served properly.)

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---

☐ **6. Grounds for eviction in complaint are different than grounds in the notice**

Plaintiff notified defendant in the eviction notice that tenant was being evicted on the grounds that: (Write reason given in notice.)

---

---

However, plaintiff said in the complaint that defendant is in unlawful detainer based on other grounds, namely (Write the allegation in the complaint.)

---

---

☐ **7. Defendant complied with notice**

Defendant complied with all demands in the eviction notice within the time

period allowed to maintain the rental relationship. (Describe what defendant has done, for example paying rent due, getting rid of a cat in violation of a no-pets clause, and how this complies with the demanded action in the notice.)

The defendant has:

---

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☐ **8. Defendant offered full payment as stated in the notice before expiration of notice but plaintiff rejected**

Defendant offered to pay the full amount of the rent due but the plaintiff refused. Defendant offered \$ \_\_\_\_\_.

☐ **9. Plaintiff did not limit damages**

Plaintiff did not use commercially reasonable efforts to re-rent the premises after defendant left.

☐ **10. No landlord-tenant relationship**

No landlord-tenant relationship exists between and plaintiff and defendant.

☐ **11. Defendant substantially complied with lease**

Defendant has substantially complied with the terms of the lease in the following ways and it would be unfair to forfeit the lease:

---

☐ **12. Plaintiff is not legally authorized to bring this action**

Plaintiff is not authorized to bring this action because: \_\_\_\_\_

---

---

☐ **13. Defendant is on active duty in the armed forces**

Defendant is on active duty in the armed forces of the United States and asserts the defenses in the Servicemembers Civil Relief Act.

☐ **14. Premises was turned over to plaintiff**

Tenant turned over the premises to plaintiff on \_\_\_\_\_ (date) by  
(Describe way in which premises was turned over to plaintiff, for example returning all keys.)

---

---

Plaintiff accepted the surrender of the premises. Defendant is not liable for rent under the agreement between the parties after \_\_\_\_\_ (date premises was turned over to plaintiff).

☐ **15. Plaintiff failed to provide an itemized calculation in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

☐ **16. Plaintiff failed to provide an explanation of the factual basis for the eviction in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

### Counterclaim

Defendant(s) counterclaim(s) and complain(s) of plaintiff as follows. (Choose all that apply and complete the sentences in those sections):

☐ **1. Bad conditions/repairs not done**

☐ a. Plaintiff has failed to maintain the premises in a fit and habitable condition and has created significant health and safety problems at the premises. Defendant complied with the Utah Fit for Premises Act (Utah Code 57-22-1) and gave written notice to plaintiff on \_\_\_\_\_ (date). That notice is attached. Plaintiff failed to remedy these problems within the time frame required by the Fit Premises Act. (Attach copy of notice given to landlord.)

☐ b. Defendant elected a rent abatement remedy.

☐ c. Defendant should be awarded an additional amount of damages for:  
(Specify additional damages, such as motel costs, restaurant costs, moving expenses, utility relocation costs, medical expenses.)

---

---

☐ **2. Landlord's conversion (taking or withholding) of tenant's property**

Plaintiff has converted defendant's property to his/her own use by:  
(Describe the details as to what property of defendant's was taken, when and how.)

---

---

The plaintiff had no lien or other legal authority to take the property.

Defendant is entitled to damages of \$\_\_\_\_\_, the fair market value of the property at the time of the plaintiff's conversion, based on the following list of items taken: (List items taken and fair market value.)

---

---

☐ **3. Retaliatory eviction**

Plaintiff started this case or refused to renew a lease after defendant made a reasonable and good faith complaint about a violation of the following protective housing statute(s). (Identify the statute, such as the Utah Fit Premises Act, Utah Code 57-22-1 et seq., local health department regulations, local fit premises ordinances.)

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On or about \_\_\_\_\_ (date), (Describe the nature of the complaint(s) made, the date, to whom it was made, and the retaliatory action taken, by whom, when, etc.)

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Defendant is not in breach of the rental agreement and is entitled to continued occupancy. Plaintiff's action should be dismissed as retaliatory. In addition, plaintiff should be ordered to repair code violations and should be barred from initiating further evictions against defendant until these repairs are made and defendant has had a reasonable opportunity to vacate. Plaintiff should also reimburse defendant for all expenses incurred as a result of Plaintiff's actions.

☐ **4. Constructive eviction**

Plaintiff has constructively evicted defendant by: (Describe the activities of plaintiff or activities done with plaintiff's consent which seriously breached defendant's right to peaceful possession and quiet enjoyment, for example, hiring workers to commence noisy remodeling at early morning hours.)

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These activities rendered the premises unsuitable for the purpose rented and required defendant to vacate the premises on \_\_\_\_\_ (date).  
Defendant is entitled to an offset of rent owing and additional damages for plaintiff's breach of the lease in the amount of \$\_\_\_\_\_, including: (List the specific damages, including costs of meals, lodging, higher rent at new location etc.)

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---

**[ ] 5. Landlord's abuse of access**

[ ] Plaintiff has repeatedly demanded unreasonable entry or/and has entered the premises in violation of the terms of the lease or the Fit Premises Act. (Utah Code 57-22-1) By so doing, plaintiff has abused the right of access.

**Request for Relief**

Defendant asks the court to:

1. Dismiss the plaintiff's complaint.
2. Award defendant damages for the claims above.
3. Grant other available relief.

\_\_\_\_\_  
Date

Defendant's Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

The plaintiff must respond to this counterclaim within 21 days to prevent a default judgment from being entered. (Utah Rules of Civil Procedure 12(a))

### Certificate of Service

I certify that I filed with the court and served a copy of this Defendant's Answer to Unlawful Detainer on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent  
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Plaintiff/Petitioner's Limited License Paralegal  
☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #: \_\_\_\_\_)

In the \_\_\_\_\_ Judicial District Court of Utah  
County \_\_\_\_\_  
Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Judgment for Plaintiff for Unlawful  
Detainer (Eviction)**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

This judgment follows (Check only one.):

- ☐ A ruling by the judge.  
☐ A stipulation of the parties.  
☐ Entry of a default certificate.

The court finds:

**Possession of the property**

- ☐ 1. The plaintiff is entitled to possession of the property in this case. If necessary an order of restitution will be issued by the court to direct the sheriff to remove the defendant from the property.

**Unlawful detainer**

- ☐ 2. The defendant was guilty of unlawful detainer of the property by remaining in possession of the property after \_\_\_\_\_ (date). Any previous right of the defendant to possession of the property after that date is declared forfeit (lost). The court finds the proper eviction notice was served, defendant failed to comply, and the defendant still occupies the premises.

3. The determination of unlawful detainer is based upon a failure of the defendant to:  
(Check all that apply.):

☐ a. Pay money owed under a lease to the date of unlawful detainer totaling \$\_\_\_\_\_.

☐ b. Fulfill promises in a lease, as follows: (Describe.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total amount due under the lease: \$ \_\_\_\_\_

**Damages**

4. In addition to money owed but not paid under the lease, the plaintiff is awarded damages in these amounts: (Check those that apply.)

☐ a. The reasonable value of possession of the property after unlawful detainer. \$ \_\_\_\_\_

☐ b. Harm or reduction in value to the property caused by defendant. \$ \_\_\_\_\_

- [ ] c. Cost to correct a harmful condition caused by the defendant.      \$ \_\_\_\_\_
- d. Total damages (Add 4a -4c.)      \$ \_\_\_\_\_
- e. As provided by statute, damages are trebled. (Multiplied by 3)
- Total damages trebled (times 3) = \$ \_\_\_\_\_

### **Attorney fees and costs**

5. The Plaintiff is awarded costs including: (Check those that apply.)

- [ ] a. Filing fees      \$ \_\_\_\_\_
- [ ] b. Costs incurred to serve notices and other documents      \$ \_\_\_\_\_
- [ ] c. Costs related to trial such as depositions and discovery      \$ \_\_\_\_\_
- [ ] d. Attorney fees      \$ \_\_\_\_\_

e. Total fees and costs (Add 5a-5d.) \$ \_\_\_\_\_

### **Order and Judgment**

6. It is the order and judgment of the court that the plaintiff be awarded judgment against the defendant:

7. The defendant is ordered to immediately surrender possession of the leased premises. An Order of Restitution may issue, if necessary to enforce this order.

8. The plaintiff is awarded judgment against the defendant as follows:

- |                               |          |
|-------------------------------|----------|
| a. Amount due under the lease | \$ _____ |
| b. Treble damages             | \$ _____ |
| c. Fees and costs             | \$ _____ |
| d. Total judgment             | \$ _____ |

This judgment may be supplemented by additional costs and fees incurred in proper efforts to enforce the judgment.

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am    ☐ Plaintiff/Petitioner                      ☐ Defendant/Respondent  
         ☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
         ☐ Plaintiff/Petitioner's Limited License Paralegal  
         ☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #: \_\_\_\_\_)

   In the \_\_\_\_\_ Judicial District Court of Utah  
   \_\_\_\_\_ County  
Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Judgment for Defendant for  
Unlawful Detainer (Eviction, no  
counter claim)**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

This judgment follows (Check only one.):

- ☐ A ruling by the judge.
- ☐ A stipulation of the parties.
- ☐ Entry of a default certificate.

The court finds:

The plaintiff has failed to establish that the defendant was guilty of unlawful detainer of the property.

**Attorney fees and costs**

The defendant has incurred costs including: (Check those that apply.)

- ☐ a. Costs incurred to serve notices and other documents      \$ \_\_\_\_\_
- ☐ b. Costs related to trial such as depositions and discovery      \$ \_\_\_\_\_
- ☐ c. Attorney fees      \$ \_\_\_\_\_

d. Total fees and costs (Add a-c.) \$ \_\_\_\_\_

**Order and Judgment**

It is the order and judgment of the court that the defendant be awarded judgment against the plaintiff as follows:

- a. the complaint of the plaintiff is dismissed..
- b. the defendant is awarded judgment against the plaintiff for costs and attorney fees in the amount of (Enter the amount in above in line "d".) \$ \_\_\_\_\_

This judgment may be supplemented by additional costs and fees incurred in proper efforts to enforce the judgment.

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Judge \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner  
☐ Plaintiff/Petitioner's Attorney  
☐ Plaintiff/Petitioner's Limited License Paralegal

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<b>Order Setting Amount of Plaintiff's Possession Bond</b>	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

☐ The motion to set an amount for a possession bond is granted. The amount of the possession bond is set at \$\_\_\_\_\_. (Utah Code 78B-6-808(1))

☐ The motion to set an amount for a possession bond is denied because:

\_\_\_\_\_  
\_\_\_\_\_

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____



## Property Bond

We own real property in Utah. We are not parties to this action. We jointly and severally undertake this obligation in that we promise to pay up to \$\_\_\_\_\_ for costs and damages if awarded to the plaintiff when ordered by the court. We have a net worth of more than the pledged amount and we pledge the property listed here as security for our promise to pay. We swear that the equity in the property is greater than this pledge. We understand and agree that should an amount become due under this bond which we do not pay that this bond may be used to foreclose or take the property from us to satisfy the debt.

Description of pledged property:

1. Street address is: \_\_\_\_\_  
\_\_\_\_\_
2. Property tax identification number of property is: \_\_\_\_\_
3. Choose one.

☐ Legal description of property being pledged to execute this bond is:

\_\_\_\_\_

OR ☐ Legal description is attached.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #1	_____
Date	Signature ►	
	Printed Name	_____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #2	_____
Date	Signature ►	
	Printed Name	_____

### Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner  
☐ Plaintiff/Petitioner's Attorney  
☐ Plaintiff/Petitioner's Limited License Paralegal

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Notice to Defendant of Plaintiff's  
Possession Bond**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The court has made an order which set an amount for a possession bond.

(Mark one and complete as appropriate.)

The bond has been posted by the plaintiff in the form of a ☐ bond, a copy of which is attached, or ☐ has paid cash in the amount of \$\_\_\_\_\_.

Unless you take some action, the plaintiff can now take possession of the premises which you are now occupying.

1. As the renter, you must do one of the following things within three (3) days of service of this notice. You may:
  - a. Vacate or move out the premises, or
  - b. Remain in the premises by paying back rent and costs demanded by plaintiff, or
  - c. Request a hearing, or
  - d. File a counter bond.

These actions are explained in more detail on the next page.

2. If you have questions about this notice or the law of this case, you should consult with an attorney. Information about free or low cost legal assistance is available at: [www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/). The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

	Plaintiff's Signature ►	
Date	Printed Name	

## Notice to Defendants

You must choose one of the following options:

1. **Move out of the premises.** Move out means leave the premises, take all your belongings and leave any keys or access cards. If you do not move out within three days after being served with the Notice of Owner's Possession Bond, the plaintiff has the right to have the sheriff or constable forcibly remove you and your property from the premises. If you do not intend to dispute the action, you should move out of the premises voluntarily within the three-day period. (Utah Code 78B-6-808)
2. **Pay the back rent, costs and remain in the premises.** If the eviction action is based only on the non-payment of rent or utilities, you may pay the back rent and any utility charges, along with any late fees and court costs within 3 days. This will reinstate the rental agreement and the complaint will be dismissed. This means you may stay in the premises on the same arrangement as before the eviction action was filed. If the eviction is based on some other violation, such as doing damage to the premises, paying back rent and costs will not allow you to remain in the premises. (Utah Code 78B-6-808)
3. **Request a hearing.** You may request a hearing within 3 days from the time you were served with the Notice of Owner's Possession Bond. A hearing will be scheduled by the court when there is time on the docket. At the hearing you must explain to the court why you should remain in possession of the premises. The judge will decide who should have possession. (Utah Code 78B-6-808)
4. **File a counter bond.** If you want to keep possession of the premises and do not agree with the plaintiff's complaint that you have violated the rental agreement, you may remain in the premises at least until the case is tried by filing a counter bond within 3 days of receiving the Notice. The procedure for filing this bond is to fill out a form called "Defendant's Motion to Set Amount for Counter Bond." This form must be signed by a judge who sets the amount of the bond. (Utah Code 78B-6-808)

After the judge sets the amount of the counter bond, you may file a cash bond; a corporate bond; a property bond; or certified bond. After filing the bond, you may remain in the premises until the trial is held.

The 3-day period does not include weekends, legal holidays, or the day of service. For example, if you are served with the Notice of Owner's Possession Bond on Friday, you will have until 5:00 pm the following Wednesday to file a response with the court. (Utah Rules of Civil Procedure Rule 6(a)).

### Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am    ☐ Defendant/Respondent

☐ Defendant/Respondent's Attorney (Utah Bar #:\_\_\_\_\_)

☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #:\_\_\_\_\_)

\_\_\_\_\_  
In the \_\_\_\_\_ Judicial District Court of Utah

\_\_\_\_\_  
County

Court Address \_\_\_\_\_

**Request for Hearing on Possession  
Bond**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

I am the defendant in this case. I reside in the premises described in the complaint. I demand a hearing to determine who should have possession of the property. I ask that a hearing be scheduled as soon as possible. (Utah Code 78B-6-808)

Defendant

Signature ► \_\_\_\_\_

\_\_\_\_\_  
Date

Printed Name \_\_\_\_\_

Certificate of Service			
I certify that I served a copy of this [document] on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
_____ (Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

☐ Mail                      ☐ Hand Delivery

☐ E-filed

☐ Email (Person agreed to service by email.)

☐ Left at business (With person in charge or in receptacle for deliveries.)

☐ Left at home (With person of suitable age and discretion residing there.)



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Defendant/Respondent

☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)

☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #: \_\_\_\_\_)

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Motion To Set Amount for  
Counterbond**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The court has set a possession bond in this case on \_\_\_\_\_ (date).

I ask that the court set an amount for a Counter Possession Bond. (Utah Code 78B-6-808(2)(b)) The bond should be in the amount of the probable costs of this legal action and actual damages that may result to plaintiff if defendant has improperly withheld possession of the premises.

The following information is supplied to assist in determining that amount.

1. Monthly rent: \_\_\_\_\_
2. Total unpaid rent: \_\_\_\_\_
3. Date of eviction notice: \_\_\_\_\_
4. Amount of plaintiff's bond: \_\_\_\_\_
5. Reason for not paying rent: \_\_\_\_\_
6. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

\_\_\_\_\_  
Date  
Sign here ► \_\_\_\_\_  
Typed or Printed Name \_\_\_\_\_

### Certificate of Service

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(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
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Sign here ►

Date

Typed or Printed Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Defendant/Respondent

☐ Defendant/Respondent's Attorney (Utah Bar #:\_\_\_\_\_)

☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #:\_\_\_\_\_)

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<b>Order Setting Amount of Defendant's Counterbond</b>	
Plaintiff _____	Case Number _____
v. _____	
Defendant _____	Judge _____

1. The court established a possession bond on \_\_\_\_\_ (date).

2. The court has reviewed a request to set an amount for a counterbond.

☐ The request is granted. The amount of the counter possession bond is set at  
\$\_\_\_\_\_. (Utah Code 78B-6-808(4)(b))

☐ The request is denied because: \_\_\_\_\_

---

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Judge \_\_\_\_\_

## Property Bond

We own real property in Utah and are not a party to this action. We jointly and severally undertake the obligation of this bond in the sum of \$ \_\_\_\_\_, and we shall pay all costs and damages which may be awarded to plaintiff, not exceeding the sum undertaken. We state that each of us has a net worth, above debts, more than the sum undertaken, and we pledge the property listed herein as security in the above action, and that the equity in the property is sufficient to cover this property bond, absent liens and encumbrances.

1. Location of real property being pledged to execute this bond is: \_\_\_\_\_

\_\_\_\_\_

2. Property tax identification number of property is: \_\_\_\_\_

3. (Choose one.)

☐ Legal description of property being pledged to execute this bond is:

\_\_\_\_\_  
\_\_\_\_\_

OR

☐ Property description is attached.

4. This bond is signed by all owners of record and is accompanied by the following:

- a. Copy of document vesting title in the owners;
- b. Copy of property tax statement for the current or previous year;
- c. Copy of current title report for the current or previous year;
- d. Copy of current title report or current foreclosure report;
- e. A written statement from each lien holder stating the current balance of the lien, the date the most recent payment was made, that the debt is not in default, and that the lien holder will notify the court if a default occurs or if a foreclosure process is commenced during the period this property bond is in effect.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Sign here ►  
\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Sign here ►  
\_\_\_\_\_  
Typed or Printed Name

On this date, I certify that \_\_\_\_\_ (name)  
who is known to me or who presented satisfactory identification, in the form of  
\_\_\_\_\_ (form of identification), has, while in my  
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Sign here ►  
\_\_\_\_\_  
Typed or printed name (Court Clerk or Notary Public)  
\_\_\_\_\_  
Notary Seal

### Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
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Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_



\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
Email

I am    ☐ Defendant/Respondent  
         ☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
         ☐ Defendant/Respondent's Limited License Paralegal (Utah Bar #: \_\_\_\_\_)

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

Defendant's Counterbond (Property)	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

On \_\_\_\_\_(date) the court ordered that the defendant may post a counterbond in the amount of \$ \_\_\_\_\_ in this case.

The bond is submitted with this pleading.

The bond is signed by two property owners who own real property in the State of Utah and who are not parties to this action.

The defendant requests that the court approve the bond.

Once this bond is approved:

1. The defendant must record the bond with the county recorder of the county in which the property is located.
2. The defendant must then file proof of that recording with the court for the bond to take effect.
3. Upon exoneration of the bond, the defendant or property owner must present a release of property bond to the court for approval.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
Defendant name

---

### **Approval**

This property bond is approved by the court.

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Judge \_\_\_\_\_

## Property Bond

We own real property in Utah. We are not parties to this action. We jointly and severally undertake this obligation in that we promise to pay up to \$\_\_\_\_\_ for costs and damages if awarded to the plaintiff when ordered by the court. We have a net worth of more than the pledged amount and we pledge the property listed here as security for our promise to pay. We swear that the equity in the property is greater than this pledge. We understand and agree that should an amount become due under this bond which we do not pay that this bond may be used to foreclose or take the property from us to satisfy the debt.

Description of pledged property:

1. Street address is: \_\_\_\_\_  
\_\_\_\_\_

2. Property tax identification number of property is: \_\_\_\_\_

3. Choose one.

☐ Legal description of property being pledged to execute this bond is:

\_\_\_\_\_

OR ☐ Legal description is attached.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #1	_____
Date	Signature ►	
	Printed Name	_____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #2	_____
Date	Signature ►	
	Printed Name	_____

### Certificate of Service

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\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner  
☐ Plaintiff/Petitioner's Attorney  
☐ Plaintiff/Petitioner's Limited License Paralegal

\_\_\_\_\_  
In the District Court of Utah  
\_\_\_\_\_  
Judicial District \_\_\_\_\_ County  
Court Address \_\_\_\_\_

Motion to Release Possession Bond	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

The plaintiff filed a possession bond in the sum of \$ \_\_\_\_\_ on \_\_\_\_\_ (date).  
The premises have been vacated or the court has made a final ruling on the issue of  
possession of the premises which eliminates the requirement for a possession bond.  
The plaintiff asks the court to release the possession bond.

\_\_\_\_\_  
Date  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am        ☐ Plaintiff/Petitioner  
              ☐ Plaintiff/Petitioner's Attorney  
              ☐ Plaintiff/Petitioner's Limited License Paralegal

\_\_\_\_\_  
In the \_\_\_\_\_ Judicial District Court of Utah  
   \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Order to Release Possession Bond**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The plaintiff has moved to have the possession bond posted on \_\_\_\_\_ (date)  
released. The motion is granted. It is ordered that plaintiff's bond in the sum of  
\$ \_\_\_\_\_ be exonerated and released to plaintiff.

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Judge \_\_\_\_\_

## **Judgment Creditor's Checklist for Identifying the Judgment Debtor's Property**

---

- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self-Help Center if you need more help:  
<http://www.utcourts.gov/selfhelp/contact/>.

### **(1) Ex Parte Motion for Hearing to Identify Judgment Debtor's Property**

- Print your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Paragraph (1): Print the date the judgment was entered and the amount of the judgment. Check whether the plaintiff/petitioner or defendant/respondent is the judgment debtor. (The judgment debtor is the person who owes the money judgment. The judgment creditor is the person entitled to be paid the money judgment.)
- Attach the required documents and forms: Proposed Order Scheduling Hearing and Answers to Questions About Debtor's Property.
- Date and sign the form.
- File the original form with the court.

### **(2) Order Scheduling Hearing to Identify Judgment Debtor's Property**

- Write your name and contact information at the top of the first page.
- Complete the heading exactly as it appears in the Judgment.
- Paragraph (1): Complete the same as Paragraph (1) in the Ex Parte Motion.
- Do not complete the rest of the form. Court staff will do this.

### **(3) Answers to Questions about Debtor's Property**

- Do not print your name and contact information at the top of the first page. The judgment debtor will do this.

- Do not check whether you are the plaintiff/petitioner or defendant/respondent. The judgment debtor will do this.
- Complete the heading exactly as it appears in the Judgment.
- On the last page, print your (or your lawyer's) name and the address where you want the debtor to send the Answers.

#### **(4) Serve the debtor**

After court staff have scheduled the hearing and signed the Order Scheduling Hearing to Identify the Debtor's Property, you must serve the debtor with:

- Order Scheduling Hearing to Identify Judgment Debtor's Property
- Answers to Questions about Judgment Debtor's Property

How you serve the debtor affects your rights if the debtor does not attend the hearing. If the debtor does not attend the hearing, you can ask the court to issue a Bench Warrant or an Order to Show Cause (why the debtor should not be held in contempt of court) subject to the following conditions.

- You can ask for a Bench Warrant if the Order Scheduling Hearing to Identify Judgment Debtor's Property was served on the debtor personally. See [Utah Rule of Civil Procedure 4\(d\)\(1\)](#).
- You can ask for an Order to Show Cause if the Order Scheduling Hearing to Identify Judgment Debtor's Property was served by some other method, such as mailed to the debtor or left with someone to give to the debtor.

If you have a constable, deputy sheriff or process server serve the debtor personally, they will complete a proof of service and file it with the court. Otherwise, complete the Certificate of Service and file it with the court.

- Whoever serves the documents on the debtor must complete a certificate of service and file it with the court. In the Third District Court, the certificate of service must be filed at least 5 days before the hearing, or the hearing will have to be rescheduled.

#### **(5) If the debtor serves satisfactory answers on you, cancel the hearing**

- If the debtor serves you with the Answers to Questions about Judgment Debtor's Property and you are satisfied with the answers, call the court to cancel the hearing.
- Notify the debtor that the hearing is canceled.
- If you do not cancel the hearing when one is not needed, or you don't notify the debtor that the hearing has been canceled, you may have to pay the debtor's costs to attend the hearing.



#### **(6) Hearing to Identify Property of the Judgment Debtor**

- Be sure to cancel the hearing and notify the debtor if the debtor serves you with the Answers to Questions about Judgment Debtor's Property and the answers satisfactory to you.
- If you have not received the answers or if you are not satisfied with them, prepare for the hearing by making a list of questions about the debtor's property. If you are not represented by a lawyer, be prepared to question the debtor yourself.

## Checklist for a Bench Warrant or an Order to Show Cause

---

- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self-Help Center if you need more help:  
<http://www.utcourts.gov/selfhelp/contact/>.

### (1) Bench Warrant or Order to Show Cause?

If the debtor does not attend the hearing to answer questions about his or her property, you can ask the court to issue a Bench Warrant or an Order to Show Cause (why the debtor should not be held in contempt of court) subject to the following conditions.

- You can ask for a Bench Warrant if the Order for Debtor to Attend Hearing to Identify Judgment Debtor's Property was served on the debtor personally.
- You can ask for an Order to Show Cause if the Order for Debtor to Attend Hearing to Identify Judgment Debtor's Property was served by some other method, such as mailed to the debtor or left with someone to give to the debtor.

### (2) Motion for a Bench Warrant/Order to Show Cause

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Check Motion for "Bench Warrant" or "Order to Show Cause" in the heading. (You may ask for a Bench Warrant only if the order scheduling the hearing was served on the debtor personally.)
- Complete Paragraphs (2), (4) and (6). There is nothing to add to the other Paragraphs but they must be true in order to qualify for a Bench Warrant or Order to Show Cause.
- Attach the required documents: Proposed Bench Warrant or Order to Show Cause
- Date and sign the form.
- File the original form with the judicial services representative.

### **(3) Bench Warrant**

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Complete Paragraph (1).
- Do not complete the rest of the form. The judicial services representative will do this.

### **(4) Order to Show Cause**

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Print the debtor's name in the blank on the "To" line.
- Complete Paragraph (1).
- Do not complete the rest of the form. The judicial services representative will do this.

### **(5) Serve the Bench Warrant/Order to Show Cause**

- The Bench Warrant must be served by a constable or deputy sheriff. The constable or sheriff will try to collect the bail that was ordered by the court. You can ask that the bail be forfeited to you.
- The Order to Show Cause does not have to be served by a constable or deputy sheriff, but it must be served on the debtor personally if you want to ask for a bench warrant if the debtor fails to attend the hearing.
- When a constable, deputy sheriff, or process server serves papers, they will prepare and file proof of service. They will charge a service fee unless the court has ordered that service fees be waived. However, the court cannot waive the service fees of a private process server.

### **(6) Hearing**

- Prepare for the hearing by making a list of questions about the debtor's property. If you are not represented, be prepared to question the debtor yourself.
- If the debtor does not attend after being personally served, you may ask the court to issue Bench Warrant. (Use the same process as described above. The court will usually set a higher bail for the second warrant.)
- If the debtor has posted bail, you can ask that the debtor forfeit the bail to you. If the debtor does not attend, you can ask the court to order that the bail be forfeited to you.

## **Checklist for Judgment Debtor to Answer Questions about his or her Property**

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- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self-Help Center if you need more help:  
<http://www.utcourts.gov/selfhelp/contact/>.

### **(1) Answers to Questions about Judgment Debtor's Property**

- If you do not answer these questions in writing, you will have to attend a hearing to answer the questions in court.
- Print your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment, if it has not already been completed.
- Print full and complete answers. If there is not enough space to give a full and complete answer, attach additional pages. Print the paragraph number of the question on the additional page.
- Date and sign the form.
- Serve the completed Answers on the creditor or the creditor's attorney. Do not file the completed Answers with the court.
- File with the court only a copy of the Certificate of Service showing when and how you served the Answers on the creditor or the creditor's attorney.
- If the creditor receives the Answers at least 3 days before the scheduled hearing and if the creditor is satisfied that you have answered the questions completely and truthfully, s/he will cancel the hearing. You must attend the hearing unless the creditor or the court informs you that the hearing has been cancelled.

### **(2) Attend the Hearing**

- You must attend the hearing unless the judgment creditor or the court notifies you that the hearing has been canceled.

- If you fail to attend the hearing, you might be held in contempt of court or a warrant might be issued for your arrest.
- The date and time for the hearing will be stated in the Order Scheduling Hearing to Identify Judgment Debtor's Property, Order to Show Cause or Bench Warrant.
- Bring to the hearing all records concerning your employment, bank accounts, vehicle ownership, real property, business entities and any other property in which you have an interest.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Ex Parte Motion for Hearing to  
Identify Judgment Debtor's Property**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

**Instructions**

Attach the following:

- Proposed Order Scheduling Hearing to Identify Judgment Debtor's Property
- Answers to Questions about Judgment Debtor's Property

I say as follows:

(1) On \_\_\_\_\_ (date) judgment in the amount of \$\_\_\_\_\_ was entered against ☐ plaintiff/petitioner ☐ defendant/respondent, who is the judgment debtor.

- (2) The judgment debtor has not fully satisfied this judgment.
- (3) I am unable to use the remedies provided by law for the collection of judgments because I do not have enough information about the debtor's property.
- (4) Under URCP 64(c)(2), I request that the court schedule a hearing and order the debtor to attend and answer under oath questions about the debtor's property and to bring to the hearing all records about employment, bank accounts, vehicles, real property, business entities and any other property in which the debtor has an interest.
- (5) I will serve the attached Questions about Judgment Debtor's Property with the order scheduling the hearing. If the debtor serves Answers to the questions on me at least 3 business days before the hearing, and if I am satisfied that the debtor has answered the questions fully and truthfully, I will cancel the hearing and notify the debtor of the cancellation.
- (6) Under URCP 64(c)(3), I request that the court order the judgment debtor not to sell, transfer or dispose of the debtor's non-exempt property.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Order for Debtor to Attend Hearing to  
Identify Judgment Debtor's Property**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

Having considered the Motion filed with the court and being fully informed,

**The Court Finds That:**

- (1) On \_\_\_\_\_ (date) judgment in the amount of \$\_\_\_\_\_ was entered against [ ] Plaintiff/Petitioner [ ] Defendant/Respondent, who is the judgment debtor.
- (2) The judgment debtor has not fully satisfied this judgment.
- (3) The judgment creditor is unable to use the remedies provided by law for the collection of judgments because the creditor does not have enough information about the judgment debtor's property.



- (4) The attached Questions about Judgment Debtor's Property are designed to obtain the information needed to collect the judgment.

**The Court Orders the Judgment Debtor to Take Notice That:**

The court has scheduled a hearing at the following date and time.

Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ [ ] a.m. [ ] p.m.  
Room \_\_\_\_\_ Judge \_\_\_\_\_  
Commissioner \_\_\_\_\_

- (6) You must attend the hearing and answer under oath questions about your property. You must bring with you all records concerning your employment, bank accounts, vehicles, real property, business entities and any other property in which you have an interest. You may be represented at the hearing by a lawyer.
- (8) If you fail to attend, you might be held in contempt of court and a warrant might be issued for your arrest.
- (9) If you do not speak or understand English, contact a judicial services representative at least 3 days before the hearing, and an interpreter will be provided.
- (10) If you have a disability requiring accommodation, including an ASL interpreter, contact the court at least 3 days before the hearing.
- (11) If you serve the judgment creditor with the attached Answers to Questions about Judgment Debtor's Property at least 3 business days before the hearing, and if the creditor is satisfied that you have answered the questions fully and truthfully, the creditor shall cancel the hearing and notify you and the court. Otherwise, you and the creditor must attend the hearing.
- (12) You must not sell, transfer or dispose of any non-exempt property. (For a list of exempt property, see Utah Code Section 78B-5-501 - 513, Utah Exemptions Act.)

Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Judge \_\_\_\_\_

By \_\_\_\_\_

### Certificate of Service

I certify that I served a copy of this Order for Debtor to Attend Hearing to Identify Judgment Debtor's Property on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Answers to Questions about  
Judgment Debtor's Property**

(Do not file with the court)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

**Instructions to the Judgment Debtor:**

- The court has scheduled a hearing at which you must appear and answer under oath questions about your property. If you fail to appear, you might be held in contempt of court and the court might enter a warrant for your arrest.
- If you answer the following questions in writing and serve the completed answers on the judgment creditor at least 3 business days before the hearing, the creditor may cancel the hearing and notify you.
- The hearing is canceled only if the creditor is satisfied that you have answered the questions fully and truthfully and notifies you that you do not have to appear. Otherwise, you must appear at the hearing.

- Answer the following questions in writing and serve the completed Answers on the creditor.
- Do not file the Answers with the court. File only the Certificate of Service with the court.
- Attach additional pages to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.

I say as follows:

(1) Identifying information.

My Full Name			
Address City, State, Zip			
Phone Number		Date of Birth	
Social Security Number		Driver's License Number	

(2) Income from employment.

☐ (A) I am employed by (List all employers.):

(a) Name of Employer (legal name and doing business as (dba))	Address of Employer
Name of Person Issuing Paycheck	Phone Number of Person Issuing Paycheck
Gross salary (before taxes and deductions) \$_____	
<input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

(b) Name of Employer (legal name and doing business as (dba))	Address of Employer
Name of Person Issuing Paycheck	Phone Number of Person Issuing Paycheck

Gross salary (before taxes and deductions) \$\_\_\_\_\_

☐ Hourly ☐ Weekly ☐ Bi-weekly ☐ Semi-monthly ☐ Monthly

☐ (B) I am self employed by:

Business Name (legal name and doing business as (dba))	Business Address
Name of Person Issuing Paycheck	Phone Number of Person Issuing Paycheck
Gross salary (before taxes and deductions) \$_____	
<input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

☐ (C) I am unemployed.

- (3) Other income. (Include periodic payments of non-exempt money, such as rental income, trust payments, etc.) I have the following income other than salary and wages.

Describe	Annual Amount	Source

- (4) Financial assets. I have an ownership interest in the following financial assets.

Asset	Holder (Name & Address)	Co-Owner (Name & Address)	Current Value
Bank, Credit Union or Savings and Loan Account Account number: _____			\$

Asset	Holder (Name & Address)	Co-Owner (Name & Address)	Current Value
Bank, Credit Union or Savings and Loan Account Account number: _____			\$
Stocks, Bonds, Securities, Money Market Fund Account number: _____			\$
Stocks, Bonds, Securities, Money Market Fund Account number: _____			\$
Profit Sharing Plan Account number: _____			\$
Profit Sharing Plan Account number: _____			\$
Money Owed to Me			\$
Cash			\$
Other (Describe)			\$
Other (Describe)			\$

(5) Real property. (Include your home, vacation home and investment property.) I have an ownership interest in the following real property.

Property	Mortgage or Lien Holder (Name & Address)	Co-Owner (Name & Address)	Current Value	Amount Owed
Home (Address)			\$	\$
Other Real Property (Address)			\$	\$
Other Real Property (Address)			\$	\$

(6) Personal property. I have an ownership interest in the following property.

Property (Such as vehicles, boats, trailers, equipment, etc.)	Lien Holder (Name & Address)	Co-Owner (Name & Address)	Current Value	Amount Owed
Vehicle (Year, Make, Model, License Number)			\$	\$
Vehicle (Year, Make, Model, License Number)			\$	\$
Other (Describe)			\$	\$
Other (Describe)			\$	\$

(7) Business interests. I have an ownership interest in the following businesses.

(a) Name (legal name and doing business as (dba))	Federal Employer Identification Number (FEIN)
Address of Main Office	Mailing Address, if different
Kind of business (check one): <input type="checkbox"/> Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Other (describe)	

(b) Name (legal name and doing business as (dba))	Federal Employer Identification Number (FEIN)
Address of Main Office	Mailing Address, if different
Kind of business (check one): <input type="checkbox"/> Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Other (describe)	

(8) Other property. (List any non-exempt property not identified above. For a list of exempt property, consult Utah Code 75B-5-501 to 503, Utah Exemptions Act). I have an ownership interest in the following property not identified above.

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I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_



**Notice to the Judgment Debtor:**

If you serve me (the judgment creditor) with the completed answers at least 3 business days before the hearing and if I am satisfied that you have answered the questions fully and truthfully, I will notify you and the court to cancel the hearing. Otherwise, you must appear at the hearing.

**Instructions to the Judgment Debtor:**

Do not send the completed Answers to the court. Send them and a copy of the Certificate of Service to:

Judgment Creditor (or Attorney) Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

File with the court a copy of the Certificate of Service on the next page showing when and how you served the completed Answers on the judgment creditor.

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Certificate of Service of Answers to Questions about Judgment Debtor's Property</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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I certify that I served a copy of the completed Answers to Questions About Judgment Debtor's Property on the following people. I declare under criminal penalty of Utah Code Section 78B-5-705 that this Certificate of Service is true and correct.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Motion for</b> <b><input type="checkbox"/> Order to Show Cause</b> <b><input type="checkbox"/> Bench Warrant</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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**Instructions:** Attach the proposed Bench Warrant or proposed Order to Show Cause

I say that:

- (1) I am the judgment creditor.
- (2) I have caused the following to be served on the debtor:  
☐ Order Scheduling Hearing to Identify Judgment Debtor's Property  
☐ Order to Show Cause

☐ Bench Warrant with bail set at \$ \_\_\_\_\_

- (3) Proof of Service is ☐ attached ☐ already on file with the court.
- (4) The debtor was ordered to attend a hearing on \_\_\_\_\_  
(date) at \_\_\_\_\_ (time) to answer questions under oath about his/her  
property. The debtor did not attend the hearing. The date and time for the  
hearing have passed.
- (5) The debtor has not served me with satisfactory Answers to Questions about  
Judgment Debtor's Property. I have not notified the debtor that her/his  
attendance at the hearing was excused.
- (6) Therefore, I request that the court issue:  
☐ an Order to Show Cause why the debtor should not be held in contempt;  
☐ a Bench Warrant, and that bail be set at \$ \_\_\_\_\_. If the debtor fails to  
appear at the hearing scheduled in the Bench Warrant, I request that any bail  
posted, up to the amount of the judgment, be forfeited to me in full or partial  
satisfaction of the judgment.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true  
and correct.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
Typed or printed name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the    ☐ Plaintiff/Petitioner  
                 ☐ Defendant/Respondent  
                 ☐ Attorney for the ☐ Plaintiff/Petitioner    ☐ Defendant/Respondent and my  
                 Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the ☐ District    ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Bench Warrant**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

The State of Utah to any peace officer in the State of Utah:

- (1)    On \_\_\_\_\_ (date),  
                 \_\_\_\_\_ (name) failed to attend  
                 a hearing in violation of a court order.
- (2)    You are therefore commanded to arrest the above-named person and bring  
                 him/her before this court, or, if court has adjourned, to deliver him/her to the  
                 Sheriff of this county until the court is next in session.
- (3)    Bail is set at \$ \_\_\_\_\_ cash.

- (4) This warrant is returnable and the above-named person is ordered to attend a hearing at this courthouse on the following date and time:

Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ [ ] a.m. [ ] p.m.  
Room \_\_\_\_\_ Judge \_\_\_\_\_  
Commissioner \_\_\_\_\_

- (5) The above-named person is ordered to attend the hearing and to answer under oath questions about his or her property.
- (6) The above-named person is ordered to bring all records concerning employment, bank accounts, vehicles, real property, business entities and any other property in which s/he has an interest.
- (7) Bail will be held in trust to secure the person's attendance. Upon the approval of the person or order of this court, bail may be forfeited to the judgment creditor in full or partial satisfaction of the judgment.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
Judge \_\_\_\_\_  
By \_\_\_\_\_

**I promise to attend the hearing.**

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
Debtor's Printed name \_\_\_\_\_

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
Email

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Order to Show Cause</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	---

The State of Utah to \_\_\_\_\_, (name of judgment debtor):

- (1) It appears from court records that you were served with an order to attend a hearing at this courthouse on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) to answer questions under oath about your property.
- (2) The date and time for the hearing has passed, and you did not attend the hearing. You did not file satisfactory Answers to Questions about Judgment Debtor's Property with the creditor, and the creditor did not notify you that the hearing was cancelled.
- (3) Disobedience of a lawful court order is contempt of court. You may be held liable for costs, and you may be punished by up to:
  - a \$500 fine or up to 5 days in jail or both. (Justice Court)
  - a \$1,000 fine or up to 30 days in jail or both. (District Court)

(4) Therefore, this court orders that:

- you personally attend a hearing at this courthouse at the following date and time to explain (“show cause”) why you should not be punished for contempt of court and to answer questions about your property; and that
- you bring with you all records concerning your employment, bank accounts, vehicles, real property, business entities and any other property in which you have an interest.

(5) The hearing is scheduled for:

Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ [ ] a.m. [ ] p.m.

Room \_\_\_\_\_ Judicial Officer \_\_\_\_\_

(6) If you do not attend the hearing, a warrant might be issued for your arrest.

(7) You may be represented by a lawyer.

(8) If you do not speak or understand English, contact the court at least 3 days before the hearing, and an interpreter will be provided.

(9) If you have a disability requiring accommodation, including an ASL interpreter, contact a judicial services representative at least 3 days before the hearing.

Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Judge \_\_\_\_\_

By \_\_\_\_\_

**I promise to attend the hearing.**

Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Debtor's printed name \_\_\_\_\_



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Motion to Correct Clerical Mistake  
Pursuant to URCP 60(a)**

☐ **Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

- (1) I ask that the court correct a clerical mistake in  
\_\_\_\_\_ (name of order,  
judgment or decree) entered on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name of judge).

- (2) The part of the order that has the clerical mistake says (Copy exactly the part of the order you want to be corrected):

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- (3) This is a mistake because (Examples of clerical mistakes include: spelling or math mistakes, mixing up party names or designation.):

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- (4) The corrected part of the order should say (Write what the corrected language should be):

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- (5) I ask that this order correcting this error be entered to take effect on the date the original order was entered.

- (6) ☐ The other party agrees with this motion, and I have attached their stipulation.

- (7) ☐ I request a hearing on this motion.

☒ I do not request a hearing.

I have not included any non-public information in this document.

I declare under criminal penalty of the State of Utah Code Section 78B-5-705 that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Typed or Printed Name

**Certificate of Service**

I certify that I served a copy of this Motion to Correct Clerical Mistake on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date

Typed or Printed Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Motion to Correct Clerical Mistake  
Pursuant to URCP 60(a)**

☐ **Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

- (1) I ask that the court correct a clerical mistake in  
\_\_\_\_\_ (name of order,  
judgment or decree) entered on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name of judge).

- (2) The part of the order that has the clerical mistake says (Copy exactly the part of the order you want to be corrected):

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- (3) This is a mistake because (Examples of clerical mistakes include: spelling or math mistakes, mixing up party names or designation.):

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- (4) The corrected part of the order should say (Write what the corrected language should be):

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- (5) I ask that this order correcting this error be entered to take effect on the date the original order was entered.

- (6) ☐ The other party agrees with this motion, and I have attached their stipulation.

- (7) ☐ I request a hearing on this motion.

☒ I do not request a hearing.

I have not included any non-public information in this document.

I declare under criminal penalty of the State of Utah Code Section 78B-5-705 that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Typed or Printed Name

<b>Certificate of Service</b>			
I certify that I served a copy of this Motion to Correct Clerical Mistake on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Co-Petitioner's Name

\_\_\_\_\_  
Co-Petitioner's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

**We are the Petitioners**

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

\_\_\_\_\_  
Adoptee

**Verified Joint Petition for Adoption  
of an Adult**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

**We are the petitioners and we want to adopt**

\_\_\_\_\_ (name of adoptee),  
who is an adult.

- (1) Utah has jurisdiction under Utah Code Section 78B-6-105.
- (2) The case is filed in this county because (Choose all that apply but at least one must apply):
- [ ] We reside in this county.
- [ ] We are not residents of this state and the proposed adoptee was born in this county.

- ☐ The proposed adoptee resides in this county on the day on which this petition is filed.
- ☐ A parent of the proposed adoptee resides in this county on the day on which the petition is filed.

(3) The full name of the adult to be adopted (the “adoptee”) is:

First name	Middle name	Surname on birth certificate	Married surname (if any)

- (4) The adoptee was born on \_\_\_\_\_ (date).
- (5) The adoptee was born in \_\_\_\_\_ (city, county and state, OR city and country).
- (6) The adoptee lives in \_\_\_\_\_ (city, state).
- (7) The adoptee is not a vulnerable adult under Utah Code Section 78B-6-115~~7~~.
- (8) (One of these must apply):
- ☐ The adoptee is citizen or national of the United States.
- ☐ The adoptee is not a citizen or national of the United States but is legally in the United States. (Attach written evidence from the United States Citizenship and Immigration Services showing that the adoptee was admitted into the United States for permanent residence, was admitted into the United States temporarily in one of the lawful nonimmigrant categories, or was legally paroled into the United States.)
- (9) The adoptee consents to this adoption.
- (10) The adoptee is
- ☐ not married.
- ☐ married, and ☐ the adoptee’s spouse has waived in writing notice of the adult adoption proceeding.
- (11) We are married and we both consent to this adoption.
- (12) Co-petitioner \_\_\_\_\_ (name) was born on \_\_\_\_\_ (date) and is at least ten years older than the adoptee.



Co-petitioner \_\_\_\_\_ (name) was born on \_\_\_\_\_ (date) and is at least ten years older than the adoptee.

- (13) ☐ We ask the court to waive the requirement to provide notice of the adoption once ordered to the adoptee's legal parents for the following reasons:

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- (14) ☐ The adoptee's name should remain the same as in paragraph #3 above.

- ☐ The adoptee will take our family surname as the adopting parents, and therefore the adoptee's name should be changed on the adoptee's birth certificate to:

First name	Middle name	New surname	Married surname (if any)

- (15) We ask the court to enter a decree declaring us to be the legal parents of

\_\_\_\_\_  
(name of adoptee).

- (16) ☐ We ask the court to order that the adoptee's birth certificate be amended to name \_\_\_\_\_  
(name of one of the adopting parents) as the adoptee's ☐ father ☐ mother.

- ☐ We ask the court to order that the adoptee's birth certificate be amended to name \_\_\_\_\_  
(name of one of the other adopting parent) as the adoptee's ☐ father ☐ mother.

Co-Petitioner's Signature

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

I certify that \_\_\_\_\_, who is known to me or who presented  
satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily  
signed this document and declared that it is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date \_\_\_\_\_ Typed or printed name (Court Clerk or Notary Public) \_\_\_\_\_  
Notary Seal

Co-Petitioner's Signature

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

I certify that \_\_\_\_\_, who is known to me or who presented  
satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily  
signed this document and declared that it is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date \_\_\_\_\_ Typed or printed name (Court Clerk or Notary Public) \_\_\_\_\_  
Notary Seal

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the Petitioner

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

**Verified Petition for Adoption of an  
Adult**

\_\_\_\_\_  
Adoptee

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

I am the petitioner and I want to adopt

\_\_\_\_\_ (name of adoptee),

who is an adult.

(1) Utah has jurisdiction under Utah Code Section 78B-6-105.

(2) The case is filed in this county because (Choose all that apply but at least one must apply):

☐ I reside in this county.

☐ I am not a resident of this state and the proposed adoptee was born in this county.

☐ The proposed adoptee resides in this county on the day on which this petition is filed.

☐ A parent of the proposed adoptee resides in this county on the day on which the petition is filed.

(3) The full name of the adult to be adopted (the “adoptee”) is:

First name	Middle name	Surname on birth certificate	Married surname (if any)

(4) The adoptee was born on \_\_\_\_\_ (date).

(5) The adoptee was born in \_\_\_\_\_ (city, county and state, OR city and country).

(6) The adoptee lives in \_\_\_\_\_ (city, state).

(7) The adoptee is not a vulnerable adult under Utah Code Section 78B-6-1157.

(8) (One of these must apply):

☐ The adoptee is citizen or national of the United States.

☐ The adoptee is not a citizen or national of the United States but is legally in the United States. (Attach written evidence from the United States Citizenship and Immigration Services showing that the adoptee was admitted into the United States for permanent residence, was admitted into the United States temporarily in one of the lawful nonimmigrant categories, or was legally paroled into the United States.)

(9) The adoptee consents to this adoption.

(10) The adoptee is:

☐ not married.

☐ married, and ☐ the adoptee’s spouse has waived in writing notice of the adult adoption proceeding.

(11) I am:

☐ not married.

☐ not cohabitating in a relationship that is not a legally valid and binding marriage under Utah law.

☐ married, and

☐ my spouse consents to this adoption.

(12) I was born on \_\_\_\_\_ (date) and I am at least ten years older than the adoptee.

(13) ☐ My spouse was born on \_\_\_\_\_ (date) and is at least ten years older than the adoptee.

(14) ☐ I ask the court to waive the requirement to provide notice of the adoption once ordered to the adoptee's legal parents for the following reasons:

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(15) ☐ The adoptee's name should remain the same as in paragraph #3 above.

☐ The adoptee will take my family surname as the adopting parent, and therefore the adoptee's name should be changed on the adoptee's birth certificate to:

First name	Middle name	New surname	Married surname (if any)

(16) I ask the court to enter a decree declaring me to be the legal parent of

\_\_\_\_\_  
(name of adoptee).

(17) ☐ I ask the court to order that the adoptee's birth certificate be amended to name me, \_\_\_\_\_ (name of adopting parent) as the adoptee's ☐ father ☐ mother.

\_\_\_\_\_  
Sign here ► \_\_\_\_\_  
Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

I certify that \_\_\_\_\_, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

\_\_\_\_\_  
Sign here ► \_\_\_\_\_  
Date \_\_\_\_\_ Typed or printed name (Court Clerk or Notary Public) \_\_\_\_\_  
Notary Seal

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Petitioner  
☐ Attorney for the Petitioner and my Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of an Amendment of a Utah  
Vital Record of:

\_\_\_\_\_

**Verified Petition to Amend a Utah  
Vital Record**

Utah Administrative Code R436-3

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

(1) I ask the court to order an amendment of a

☐ birth certificate

☐ death certificate

issued by the Utah Department of Health Office of Vital Records.

(2) The subject of the vital records is \_\_\_\_\_.  
(name of the person whose vital record you want to amend).

(3) My relationship to the subject of the vital record is (state how you are related to the  
person whose vital record you want to amend): \_\_\_\_\_.

- (4) The subject of the vital record resides or resided (if the subject is deceased) in the county in Utah where this petition is filed, or the petition is filed in the Third Judicial District Court of Salt Lake County where the Utah Office of Vital Records is located.
- (5) The current vital record has this incorrect information (state the information exactly as it appears now on the vital record):  
\_\_\_\_\_  
\_\_\_\_\_
- (6) The information on the vital record should instead have this information (state the information exactly as you want it to appear on the vital record):  
\_\_\_\_\_  
\_\_\_\_\_
- (7) I ask the court to order the amendment of the information on the vital record for these reasons:  
\_\_\_\_\_  
\_\_\_\_\_
- (8) I have attached a copy of the current vital record or a denial letter from the Utah Office of Vital Records.
- (9) I have attached the following documentation to support my request to amend the vital record:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (10) The requested amendment of the vital record will not affect any right, title, or interest of anyone else, and I do not know of anyone else who should be notified of this petition.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Typed or Printed Name



On this date, I certify that \_\_\_\_\_ (name)  
who is known to me or who presented satisfactory identification, in the form of \_\_\_\_\_  
\_\_\_\_\_ (form of identification), has, while in my  
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Sign here ►

\_\_\_\_\_ **Date**

\_\_\_\_\_ **Typed or printed name (Court Clerk or Notary Public)**

\_\_\_\_\_ **Notary Seal**

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_  
Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

\_\_\_\_\_  
Adoptee

**Consent to Adoption by Adult  
Adoptee**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

**Do not sign this document without reading it. Do not sign it unless everything stated is true and correct. If you have questions, talk to an attorney.**

~~(1)~~ I make this statement free from duress and undue influence.

~~(12)~~ I am the adoptee, I am 18 or older, and I have the mental capacity to give consent.

~~(23)~~ I understand that, upon final decree of adoption,

\_\_\_\_\_ (petitioner)

[ ] and \_\_\_\_\_ (co- petitioner)

will be my legal parent(s), and I will be legally recognized as their child, and I may take the family name of my adoptive parent(s).

~~(34)~~ I consent that I be adopted by

\_\_\_\_\_ (petitioner)  
[ ] and \_\_\_\_\_ (co- petitioner)

(To be signed in front of the judge)

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Order on Motion to Correct Clerical  
Mistake Pursuant to URCP 60(a)**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

The matter before the court is a Motion to Correct Clerical Mistake. This matter is being resolved by: (Choose all that apply.)

[ ] The default of [ ] Plaintiff/Petitioner [ ] Defendant/Respondent.

[ ] The stipulation of the parties.

[ ] The pleadings and other papers of the parties.

[ ] A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Plaintiff/Petitioner

[ ] was present.

[ ] was not present.

[ ] was represented by \_\_\_\_\_ (name).

☐ was not represented.

Defendant/Respondent

☐ was present.

☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

**The Court Finds That:**

(1) ☐ There was no clerical mistake

☐ There was a clerical mistake in \_\_\_\_\_ (name of order) entered on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of judge).

(2) ☐ The part of the order that has the clerical mistake is:

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(3) ☐ The order should be corrected.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The Court Orders That:**

(4) The Motion to Correct Clerical error is:

☐ denied

☐ granted

(5) ☐ The moving party will correct the order to say:

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Approved as to form.

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date Defendant/Respondent or Attorney

Certificate of Service			
I certify that I served a copy of this Order on Motion to Correct Clerical Mistake on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Date \_\_\_\_\_  
 \_\_\_\_\_  
 Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_  
Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of An Amendment of a Utah  
Vital Record of:

**Order on Verified Petition to Amend  
a Utah Vital Record**

Utah Administrative Code R436-3

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

(1) Petitioner asked the court to order an amendment of a

[ ] birth certificate

[ ] death certificate

issued by the Utah Department of Health Office of Vital Records.

**THE COURT FINDS:**

(2) The subject of the vital records is \_\_\_\_\_.  
(name of the person whose vital record is to be amended).

(3) The petitioner's relationship to the subject of the vital record is:

\_\_\_\_\_.



- (4) The subject of the vital record resides or resided (if the subject is deceased) in the county in Utah where the petition was filed, or the petition was filed in the Third Judicial District Court of Salt Lake County where the Utah Office of Vital Records is located.
- (5) The requirements of Utah Administrative Code R436-3  
☐ have been met.  
☐ have not been met.
- (6) All the notices required by law ☐ have ☐ have not been given.
- (7) The petitioner ☐ provided ☐ did not provide sufficient documentation to support the request for an amendment of the vital record.
- (8) ☐ No objections to the requested amendment were made.  
☐ Objections to the requested amendment were made by:
- 
- (9) ☐ Other findings (if any):
- 
- 
- 

**THE COURT CONCLUDES:**

- (10) ☐ It does not appear  
☐ It appears  
to the satisfaction of the court that the allegations in the petition are true and sufficient and that the petition should be granted.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**THE COURT ORDERS:**

- (1) The Petition is ☐ denied.  
☐ granted, and

- (2)    ☐    The current vital record has this incorrect information (state the information exactly as it appears on the vital record):

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- (3)    ☐    The information on the vital record is amended to (state the information exactly as it should now appear on the vital record):

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- (4)    ☐    The petitioner may present this order to the Utah Department of Health Office of Vital Records so that the vital record shall be amended as ordered.

\_\_\_\_\_  
Date

Sign here ► \_\_\_\_\_  
Judge \_\_\_\_\_

**Certificate of Service**

I certify that I served a copy of this Order on Verified Petition to Amend a Utah Vital Record on the following people (only if there were other interested parties in this case).

Person's Name	Method of Service	Served at this Address	Served on this Date
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Petitioner

☐ Attorney for the Petitioner and my Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of An Amendment of a Utah Vital  
Record of:

\_\_\_\_\_

**Request for Hearing on Petition to  
Amend a Utah Vital Record**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

I request a hearing on my Petition to Amend a Utah Vital Record.

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

\_\_\_\_\_  
Adoptee

**Waiver of Notice of Adoption by  
Adult Adoptee's Spouse**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

(1) ~~I make this statement free from duress and undue influence.~~

(12) I am the spouse of the adult adoptee.

(23) I voluntarily waive my right to be notified of hearings and served with papers in this case.

\_\_\_\_\_  
Sign here ►

Date

\_\_\_\_\_  
Typed or Printed Name

I certify that \_\_\_\_\_, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

\_\_\_\_\_  
Sign here ►

Date \_\_\_\_\_  
Typed or printed name (Court Clerk or Notary Public)

\_\_\_\_\_  
Notary Seal

**Certificate of Service**

I certify that I served a copy of this Waiver of Notice on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Petitioner or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date

Typed or Printed Name

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_  
Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

\_\_\_\_\_  
Adoptee

**Consent to Adoption and Waiver of  
Notice by Petitioner's Spouse**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

~~(1) I make this statement free from duress and undue influence.~~

(12) I am the spouse of the petitioner, and I have the mental capacity to give consent.

(23) I voluntarily waive my right to be notified of hearings and served with papers in this case.

(34) I voluntarily consent that my spouse adopt

\_\_\_\_\_ (name of adoptee).

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

I certify that \_\_\_\_\_, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

\_\_\_\_\_  
Sign here ►

Date      Typed or printed name (Court Clerk or Notary Public) \_\_\_\_\_

Notary Seal



<b>Certificate of Service</b>			
I certify that I served a copy of this Consent on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Petitioner or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Petitioner

☐ Attorney for the Petitioner and my Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
In the Matter of an Amendment of a Utah Vital  
Record of:

**Notice of Hearing on Petition to  
Amend a Utah Vital Record**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

- (1) I am the Petitioner in this case. I have asked the court to amend a Utah vital record. A copy of my Petition to Amend a Utah Vital Record is attached.
- (2) The court has scheduled a hearing on this petition at the following date and time.
- Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ [ ☐ a.m. [ ☐ p.m.
- Room \_\_\_\_\_ Judge \_\_\_\_\_
- (3) If you have any objections to this petition, file them in writing with the clerk of this court and mail a copy to me at the address at the top of this document.

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

<p align="center"><b>Certificate of Service</b></p> <p>I certify that I served a copy of this Notice of Hearing on the following people.</p>			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_  
Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

\_\_\_\_\_  
Adoptee

**Agreement of Adoption of an Adult**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

Petitioner \_\_\_\_\_ (name) agrees

to the adoption of \_\_\_\_\_  
(adoptee), and promises to treat adoptee in all respects as petitioner's own lawful child.

Executed in open court.

\_\_\_\_\_  
Date Sign here ► \_\_\_\_\_

Typed or Printed Name of Petitioner \_\_\_\_\_

\_\_\_\_\_  
Date Sign here ► \_\_\_\_\_

Judge \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of an Amendment of a Utah Vital  
Record of:

**Consent to Petition to Amend a  
Utah Vital Record**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

- (1) I have received and read a copy of the Petition to Amend a Utah Vital Record in this matter.
- (2) My relationship to the subject of the vital record to be amended is \_\_\_\_\_.
- (3) I agree with the petition and the requested amendment and I have no objections to the entry of an order making the requested amendment.

I declare under criminal penalty of State of Utah Code Section 78B-5-705 that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

Sign here ►

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

### Certificate of Service

I certify that I served a copy of this Consent to Petition to Amend a Utah Vital Record on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date

Typed or Printed Name

**This is a private record.**

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the matter of the adoption of

\_\_\_\_\_  
Adoptee

**Findings of Fact and Conclusions of  
Law on Petition for Adoption of an  
Adult**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

Having considered the documents filed with the court, the evidence and the arguments,  
and now being fully informed,

**The Court Finds That:**

- (1) \_\_\_\_\_ (petitioner)  
[ ] and \_\_\_\_\_ (co- petitioner)  
want(s) to adopt \_\_\_\_\_.  
(adoptee's full first, middle, birth surname, and any married surname).
- (2) Adoptee's date of birth is \_\_\_\_\_.
- (3) Utah has jurisdiction under Utah Code Section 78B-6-105.

- (4) The case is properly filed in this county because (Choose one)
- ☐ Petitioner resides in this county.
  - ☐ Petitioner is not a resident of this state, and the proposed adoptee was born in this county.
  - ☐ The proposed adoptee resides in this county on the day on which this petition is filed.
  - ☐ A parent of the proposed adoptee resides in this county on the day on which the petition is filed.
- (5) (Choose one or all that apply.):
- ☐ The petitioner is at least 10 years older than the adoptee.
  - ☐ The petitioner is not married.
  - ☐ The petitioner is not cohabitating in a relationship that is not a legally valid and binding marriage under Utah law.
  - ☐ The petitioner is married and their spouse is at least 10 years older than the adoptee.
- (6) The adoptee is: (Choose one)
- ☐ is considered a citizen or national of the United States by the United States Citizenship and Immigration Services.
  - ☐ is not considered a citizen or national of the United States by the United States Citizenship and Immigration Services.
- (7) The adoptee has consented to this adoption.
- (8) The adoptee's spouse: (Choose one)
- ☐ The adoptee does not have a spouse.
  - ☐ has waived in writing notice of the adoption proceeding.
  - ☐ has not waived notice and was served with notice pursuant to Utah Code Section 78B-6-116.
- (9) The petitioner's spouse: (Choose one)
- ☐ The petitioner does not have a spouse.
  - ☐ has consented in writing to this adoption.
  - ☐ has not consented and was served with notice pursuant to Utah Code Section 78B-6-116.
  - ☐ is the co-petitioner.



- (10) ☐ The requirement to provide notice of the adoption once ordered to the adoptee's legal parents is waived for good cause.

**The Court Concludes That:**

- (11) The requirements of the Title 78B, Chapter 6, Part 1, Utah Adoption Act, have been met.
- (12) Petitioner(s) should be declared the legal parent(s) of the adoptee. The adoptee and the petitioner(s) should have all the rights and duties of the relationship of child and parent.
- (13) ☐ The adoptee will take the family surname of the petitioner(s) and the adoptee's name should be changed on the adoptee's birth certificate to:

First name	Middle name	New surname	Married surname (if any)

☐ The adoptee will not take the family surname of the petitioner(s).

- (14) The adoptee's birth certificate should be amended and the name of the adopting parent(s) \_\_\_\_\_ (petitioner)
- ☐ and \_\_\_\_\_ (co- petitioner)
- should appear as the adoptee's ☐ mother and/or ☐ father.

\_\_\_\_\_  
Date

Sign here ► \_\_\_\_\_  
Judge \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of the Adoption of

\_\_\_\_\_  
Adoptee

**Adoption Decree**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The matter before the court is the Petition to Adopt an Adult. This matter is being resolved by (Choose all that apply):

☐ The pleadings and other papers of the parties.

☐ A hearing held before this court on \_\_\_\_\_ (date).

Petitioner

☐ was present

☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

Petitioner

☐ was present

☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

Adoptee

☐ was present

☐ was not present.

☐ was represented by \_\_\_\_\_

☐ was not represented.

☐ Others present were: \_\_\_\_\_

☐ Any necessary consents and waivers of notice were given.

☐ There were no objections.

Having considered the documents filed with the court, the evidence and the arguments,  
and now being fully informed,

**The Court Orders That:**

(1) The adoptee is adopted by

\_\_\_\_\_ (petitioner)

☐ and \_\_\_\_\_ (co- petitioner)

and is their child.

(2) The adoptee and

\_\_\_\_\_ (petitioner)

☐ and \_\_\_\_\_ (co- petitioner)

have all the rights and duties of the relationship of child and parent.

(3) Notice to the adoptee's legal parents of the adoption order is

☐ waived for good cause, or

☐ is not waived.

(4) ☐ The adoptee's family surname is changed. The adoptee's birth certificate shall be amended and the adoptee's name shall now be:

First name	Middle name	New family surname	Married surname (if any)

☐ The adoptee will not take the family surname of the petitioner(s).

- (5) ☐ The adoptee's birth certificate shall be amended and the adopting parent(s)

\_\_\_\_\_ (petitioner)

☐ and \_\_\_\_\_ (co-petitioner)

shall appear as the adoptee's ☐ mother and/or ☐ father.

\_\_\_\_\_  
Date

Sign here ► \_\_\_\_\_  
Judge \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the    ☐ Petitioner  
                 ☐ Attorney for the Petitioner and my Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the District Court of Utah  
                 \_\_\_\_\_ Judicial District \_\_\_\_\_ County  
Court Address \_\_\_\_\_

In the Matter of the Adoption of:	<b>Request for Hearing on Petition to Adopt an Adult</b>
_____ Adoptee	_____ Case Number
	_____ Judge

I request a hearing on my Petition to Adopt an Adult.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Typed or Printed Name

<b>Certificate of Service</b>			
I certify that I served a copy of this document on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
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	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the [ ] Petitioner  
[ ] Attorney for the Petitioner and my Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of the Adoption of:

\_\_\_\_\_  
An Adult.

**Notice of Hearing on Petition to  
Adopt an Adult**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

(1) I am the Petitioner in this case. I have asked the court to adopt an adult. A copy of my Petition to Adopt an Adult is attached.

(2) The court has scheduled a hearing on this petition at the following date and time.

Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ [ ] a.m. [ ] p.m.

Room \_\_\_\_\_ Judge \_\_\_\_\_

(3) If you have any objections to this petition, file them in writing with the clerk of this court and mail a copy to me at the address at the top of this document.

I declare under criminal penalty of the State of Utah Code Section 78B-5-705 that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name \_\_\_\_\_



Certificate of Service			
I certify that I served a copy of this document on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Interested Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Petitioner

☐ Respondent

☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is

\_\_\_\_\_

\_\_\_\_\_  
In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

**Objection to Commissioner's  
Recommendation and Memorandum  
in Support (Rule 108 of the Utah  
Rules of Civil Procedure)**

☐ Hearing Requested

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

- (1) On \_\_\_\_\_ (date), Commissioner \_\_\_\_\_  
(name) held a hearing in the above-named case.
- (2) I object to this recommendation of the commissioner (Copy exactly the specific  
recommendation you object to. Identify the numbered paragraph if there is one. ~~Attach additional  
sheets if needed.~~):
- \_\_\_\_\_

---

---

I ask the judge to instead make the following order (Write what you think the order should say instead):

---

---

---

---

I object to the recommendation because (Briefly explain succinctly and with particularity the specific reasons why that specific recommendation is incorrect. ~~Attach additional sheets if needed.~~):

---

---

---

---

- (3) [ ] I object to this recommendation of the commissioner (Copy exactly the specific recommendation you object to. Identify the numbered paragraph if there is one. ~~Attach additional sheets if needed.~~ If there is no additional objection, leave blank.):
- 
- 
- 
- 

I ask the judge to instead make the following order (Write what you think the order should say instead):

---

---

---

---

I object to the recommendation because (Briefly explain succinctly and with particularity the specific reasons why that specific recommendation is incorrect. Attach additional sheets if needed.)

If you have more objections, attach additional sheets following the format in (2) and (3) above.

- (4) [ ] There has been a substantial change of circumstances since the commissioner's recommendation (Required only if you are asking the judge to consider new evidence. Provide an explanation of the substantial change.):

- (5)    ☐    I request a hearing.
- ☐    I do not request a hearing.

I have not included any non-public information in this document.

I declare under criminal penalty of the State of Utah Code Section 78B-5-705 that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name

Certificate of Service			
I certify that I served a copy of this Objection to Commissioner's Recommendation and Memorandum in Support on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Objection to Form of Order**  
(URCP Rule 7 of the Utah Rules of  
Civil Procedure)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

(1) I am the ☐ plaintiff/petitioner ☐ defendant/respondent.

(2) I object to the form of the order called \_\_\_\_\_  
(name of order) that was provided to me by:

- ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the Plaintiff/Petitioner  
☐ Attorney for the Defendant/Respondent

(3) I am filing this objection with the court within seven days of service.

I specifically object ~~as follows~~ to the form of the order in:

(4) Paragraph number \_\_\_\_.

(State what language does not accurately reflect the Court's decision.)

---

---

---

---

I ask the judge to use the following language instead:

---

---

---

(5) Paragraph number \_\_\_\_.

(State what language does not accurately reflect the Court's decision.)

---

---

---

I ask the judge to use the following language instead:

---

---

---

(6) Paragraph number \_\_\_\_.

(State what language does not accurately reflect the Court's decision.)

---

---

---

I ask the judge to use the following language instead:

---

---

---

[Attach additional sheets if needed.]

~~(7) I request a hearing or further review to resolve the Objection to Form of Order.~~

I have not included any non-public information in this document.

I declare under criminal penalty of the State of Utah Code Section 78B-5-705 that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

_____	Sign here ►	_____
Date	Typed or Printed Name	_____



Certificate of Service			
I certify that I served a copy of this document on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date

Typed or Printed Name



# Advancing Access to Justice in Illinois



**2017 – 2020 Strategic Plan**

May 2017

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# EXECUTIVE SUMMARY

With this document, the Illinois Supreme Court Commission on Access to Justice (ATJ Commission) presents its proposed plans for FY 2017-2020 to the Illinois Supreme Court for review and approval.

Since its establishment by the Illinois Supreme Court in 2012, the ATJ Commission has been involved in many projects and efforts to expand access to justice for unrepresented and vulnerable litigants across Illinois. The ATJ Commission has worked in partnership with local courts, circuit clerks, other Supreme Court committees and commissions, legal aid funders, and the private bar. The ATJ Commission also receives extensive staff support from the Administrative Office of Illinois Courts and, in particular, the Civil Justice Division.

This strategic plan builds on the existing work of the ATJ Commission and the growing national momentum towards enhancing access to justice and improving the court user experience with a focus on removing barriers for self-represented litigants.<sup>1</sup> In 2015, the National Conference of Chief Justices passed Resolution 5, reaffirming the commitment to meaningful access to justice for essential civil legal needs in all state courts. Today, more than 35 states have active Access to Justice Commissions. The priorities contained in this strategic plan reflect values that have taken root across the country, and create an opportunity for Illinois' court system to innovate and improve access to justice.

The ATJ Commission's goal under the strategic plan is to make data-informed decisions to prioritize initiatives for the ATJ Commission and to ensure that all work is responsive to the ever-changing needs of courts and communities throughout Illinois. In its first few years of operation, the ATJ Commission began collecting data to better understand the landscape at the circuit court level, including the following:

1. The number of self-represented plaintiffs/petitioners and defendants/respondents in all civil cases by case type and county;
2. The number of limited scope appearances filed in all civil cases by case type and county; and
3. The number of language access services provided by language, case type, and interpreter certification status in each county.

The data paints a clear picture of a changing judicial system in two significant ways. First, no longer do the majority of civil cases involve disputes with legal counsel representing each side's interests. In 2015, 93 of Illinois' 102 counties reported that more than 50% of civil cases involved a self-represented litigant on at least one side. In some case types, that number rose as high as 80%, and that remained true in jurisdictions from all four corners of the State. Poverty plays a significant role in this trend as the poverty rates in Illinois are at their highest levels in almost fifty years, with nearly one in three residents living in or near poverty. However, these self-represented numbers include not just those Illinois residents living in or near poverty, but also working class and modest means residents who still struggle to pay the rising costs of private attorneys.

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<sup>1</sup> Self-represented litigants, sometimes referred to as *pro se* litigants or unrepresented litigants, are individuals who appear in court without legal representation. This term encompasses all such individuals regardless of the circumstances that led to their self-represented status. While some litigants affirmatively chose to advocate on their own behalf in court, the vast majority find themselves without legal representation due to circumstances beyond their control. The inability to find an attorney and the inability to pay for an attorney are regularly cited as the single biggest drivers of self-representation.

Second, it is no longer true that all litigants, witnesses and family members involved in civil, criminal and juvenile cases speak English fluently. According to the latest U.S. Census data, one of every five Illinois residents has limited English proficiency, meaning she speaks a language other than English at home. Over 185,000 court events across Illinois involved the assistance of an interpreter in 2015, with the highest frequency in traffic (44%), felony (19%), and domestic violence cases (7%).

These demographic shifts profoundly challenge the judicial system. In a 2016 survey conducted by the ATJ Commission's Committee on Court Guidance and Training, 86% of judges and 98% of circuit clerks reported that the presence of self-represented litigants has made their work more complicated. Cited challenges include time constraints, inadequate referrals and resources in the courthouse, lack of familiarity with court process, unrealistic expectations, and incomplete or incorrect forms. Such shifts will continue to challenge the judicial system unless it can adapt to meet them head on by asking and answering challenging questions. If more than half of the users of the civil court system are unrepresented by counsel, is it still feasible to require strict adherence to rules of civil procedure, discovery, and evidence? Considering the changing face of court participants, is it time to update antiquated terminology and legal jargon which grew from a system that historically was designed and operated for litigants with lawyers? Are there court procedures that can be simplified or handled remotely to increase access to the courts and decrease unnecessary court visits?

The ATJ Commission intends to rise to these challenges and views this strategic plan as an opportunity to confront some of these questions and make recommendations to address them. The ATJ Commission has already worked to lay a strong foundation in many areas including standardized forms, language access, and court guidance and training. Yet, much more work is needed to continue enhancing access to justice while balanced against limited resources and capacity.

## Principles and Key Initiatives to Promote Meaningful Access to the Courts

The ATJ Commission has identified 10 priority initiatives for FY 2017-2020, informed by five guiding principles – plain language, process simplification, procedural fairness, equal access, and continuous improvement. Some of the initiatives continue existing work. Other initiatives represent new or expanded areas of focus for the ATJ Commission. While many of these initiatives relate to multiple guiding principles, each initiative is detailed only under one guiding principle for clarity.

The ATJ Commission will pursue the proposed initiatives by providing leadership, oversight, and in some situations, financial resources. In addition, the ATJ Commission will continue to prioritize evaluating and identifying mechanisms for regular input from judges, court staff, and court users about how to improve the court system and evaluate the effectiveness of the ATJ Commission's initiatives.

## A. Plain Language Principle

Court users should have access to a wide variety of plain language resources designed to help them understand and exercise their civil and procedural rights and reduce the number of barriers encountered while using the court system.

For many litigants, the legal system can seem opaque and feel intimidating. Self-represented litigants face unfamiliar legal terminology and jargon in addition to complicated court procedures and substantive law, which can increase the anxiety around the process of going to court. The majority of self-represented litigants would prefer to have an attorney, but many cannot afford one and so must attend court alone.

Courts can enhance access to justice and reduce the challenges self-represented litigants present to the court system by making plain language court forms an essential component of the justice system. Courts can further promote access by supporting Illinois JusticeCorps and other initiatives that present self-represented litigants with the opportunity to get legal and procedural information from trained staff within the courthouse.

The ATJ Commission has concluded that self-represented litigants would benefit from on-the-ground ambassadors, or “Self-Represented Litigant Coordinators” who could implement the ATJ Commission’s work locally, collect feedback and suggestions for future activities, and help to identify new resources and tools to assist self-represented litigants. Such a program would formalize a feedback loop that is critically important to ensure that the available tools are being used and are helpful for court staff and self-represented litigants. By creating space for more effective communication between the ATJ Commission and the court personnel on the ground, the ATJ Commission could ensure that the diverse needs of the State are better understood and addressed by its work.

**The following initiatives describe the ATJ Commission’s ongoing and proposed work in furtherance of this principle:**

- **Initiative 1: Develop, automate, and translate standardized, plain-language legal forms** and other resources for areas of law frequently encountered by self-represented litigants into commonly spoken languages.
- **Initiative 2: Support the continued and expanded use of court-based facilitators/navigators**, including JusticeCorps, and evaluate the effectiveness of these services as a means to assist self-represented litigants and contribute to the efficient operation of the Illinois courts and study how to make facilitators/navigators most effective.
- **Initiative 3: Evaluate the self-help services that are currently available through courts in Illinois**, including court websites, and recommend policies that promote effective and efficient services.

## B. Process Simplification Principle

Court users should find that court procedures and policies are streamlined and efficient and communicated in plain language to allow for a positive user experience with the court system while still preserving substantive and procedural fairness and due process rights.

The numbers of self-represented litigants require creative thinking about how to best ensure that everyone has meaningful access to the court system. By focusing on the needs and experiences of the court users—especially those who are unrepresented—the ATJ Commission hopes to develop and propose innovations and changes that would increase efficiency and reduce frustration for litigants, courts and court staff. The ATJ Commission will also pay special attention to the unique needs of suburban and rural communities by continuing its efforts to support and simplify the use of remote technology that can be used in some situations to connect attorneys, interpreters, and litigants with the court system in a cost-effective and efficient manner.

The ATJ Commission is aware that the impending arrival of statewide mandatory e-filing will create new challenges and opportunities for both self-represented litigants and the court personnel who interact with them. The ATJ Commission desires to play an active role in communication with the Supreme Court and its e-Policy Advisory Board to raise awareness of the unique needs of self-represented litigants with respect to e-filing and some potential challenges that may arise for litigants who have limited access to computers, smart phones, credit cards, or bank accounts.

### The following initiatives describe the ATJ Commission's ongoing and proposed work in this area:

- **Initiative 4: Evaluate and recommend policies to enable remote access to the court system**, which will allow litigants to have meaningful access to the justice system without having to make multiple time-consuming and expensive trips to the courthouse; promote remote access technologies that also enable remote interpreting services for limited English proficient litigants in courts that often cannot locate an in-person interpreter.
- **Initiative 5: Research and make recommendations to simplify court procedures and processes** that are frequently encountered by self-represented litigants, with the goal of making those processes and procedures easier for court users to understand and comply with, while possibly reducing the number of court visits necessary to complete a case.

### C. Procedural Fairness Principle

Court users should have access to a court system that serves as a fair, impartial, and transparent forum in which they are addressed with dignity, respect, equality, and professional courtesy by all judges, circuit clerks, and other court staff.

While the ATJ Commission has made significant progress in recent years in enhancing access to justice, front-line court staff, trial court judges and the private bar are often unaware of new tools (like standardized forms or translated resources) or policies (like the Court Patron Policy) when they have been introduced. Working closely with the Court's Communications Department and the Court Services and Judicial Education Divisions of the AOIC as well as the Court's Committee on Equality, the ATJ Commission will focus on improved outreach using several different approaches.

**The following initiatives describe the ATJ Commission's ongoing and proposed work in furtherance of this guiding principle:**

- **Initiative 6: Develop guidelines and promote training opportunities for judges** who encounter significant numbers of self-represented and limited English proficient litigants in their courtrooms, consistent with Rule 63(A)(4) of the Illinois Code of Judicial Conduct.
- **Initiative 7: Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs** – to enable them to assist self-represented and limited English proficient litigants in a consistent, ethically permissible manner.



## D. Equal Access Principle

Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.

Large and increasing numbers of Illinois residents are unable to access free or affordable legal services and/or proceed on their own in a system that historically has been designed and operated for litigants with lawyers. Providing meaningful access to justice requires addressing the systematic barriers that make it exceedingly difficult for unrepresented litigants or those otherwise vulnerable, including those with limited English proficiency, to address even very simple legal matters in court. In identifying this guiding principle, the ATJ Commission recognizes that we must work with the ATJ Commission's partner organizations, local courts, and bar associations to increase access to free and affordable legal services and access to interpreters and translated legal information.

The following initiatives describe the ATJ Commission's ongoing and proposed work in this area:

- **Initiative 8: Develop language access resources and language assistance services through recruiting and training interpreters** to achieve court certification, promoting the use of qualified interpreters in court proceedings and building awareness in limited English proficient communities about language access in the courts.
- **Initiative 9: Identify, develop and promote the implementation of court policies and rules that promote legal representation**, including limited scope representation, in partnership with bar associations, civil legal aid and pro bono organizations and other community groups.
- **Initiative 10: Develop community based programming to increase trust of the court system** through educating community stakeholders about the access to justice resources that are available to help people access the court system.

To provide visual detail about how the ATJ Commission's initiatives relate to cost and staff time, see the below chart. Specifics are provided in the body of the Plan as to how each priority will be approached.

Many of the Commission's initiatives require significant support from the AOIC Civil Justice Division staff. The chart below illustrates each initiative and the amount of staff time required by each (shades of blue), in addition to the amount of money allocated in the budget for the initiative, if any. The chart also indicates initiatives (\*) that can only be accomplished if the AOIC Civil Justice Division has additional staff capacity.

#### Amount of staff time

 Small  Medium  Large

	Year One	Year Two	Year Three
<b>Initiative 1</b>	\$50K	\$50K	\$50K
<b>Initiative 2</b>	\$263K*	\$263K*	\$263K*
<b>Initiative 3</b>			
<b>Initiative 4</b>	\$10K	\$20K*	\$10K*
<b>Initiative 5</b>	\$1K		\$5K
<b>Initiative 6</b>			
<b>Initiative 7</b>			
<b>Initiative 8</b>			
<b>Initiative 9</b>	\$5K	\$5K	\$10K
<b>Initiative 10</b>			

\* Assumes additional staff capacity

## E. Continuous Improvement Principle

The ATJ Commission should strive for continuous improvement and increased capacity to best meet the diverse and constantly evolving needs of court users.

Over the next three years, the ATJ Commission should constantly evaluate and reflect on its work to ensure that each initiative is achieving the desired outcome and that the ATJ Commission has adequate resources to ensure effective implementation of its programs. Regular evaluation should be an integral component of each initiative to ensure that the work of the ATJ Commission and the AOIC is effective and responsive to the needs of court patrons and court staff alike. The AOIC and ATJ Commission should also take affirmative steps to increase capacity for change by developing strong local partnerships to promote the work of the ATJ Commission regionally and increasing staff and volunteer capacity when necessary.

**The following concepts shall be incorporated into all of the ATJ Commission's work and should guide each of the initiatives listed above:**

- **User Experience:** In designing and implementing all of the above initiatives, the ATJ Commission and the AOIC should consider the perspective of court users in an effort to continuously improve the court system.
- **Ongoing Evaluation:** Broad-based implementation and continuous feedback and evaluation will be necessary to meet each of the principles and initiatives set out by this strategic plan and achieve the desired progress. To that end, the ATJ Commission will engage in ongoing evaluation of each initiative to identify program successes and deficiencies. When possible, the ATJ Commission will make ongoing modifications and improvement and collect and analyze statewide data above program efficacy and to better understand the population which it aims to serve.
- **Building Capacity:** The ATJ Commission and AOIC should conduct periodic reviews of staff and volunteer capacity to effectively implement and evaluate all initiatives when practical, the ATJ Commission and the AOIC should take steps to increase capacity and develop local support to ensure effective implementation of all initiatives.

The ATJ Commission has no full-time staff and while it benefits from the immeasurable contributions of its members and volunteers, many of its accomplishments would not have been possible without the assistance of the AOIC staff. Since the last strategic plan was drafted in 2014, the AOIC has increased the size of its Civil Justice Division, which now includes four full-time staff members and one administrative assistant. The staff attorneys within the Division primarily focus their work on language access, standardized forms, and resources for self-represented litigants.

This strategic plan contains many ambitious projects—aiming to continue or expand all of the ATJ Commission's current initiatives while introducing several new ones. The current demographics of the State's courts are straining existing resources, and demand innovation to creatively respond to these changes. To effectively administer all of the proposed initiatives and to achieve the desired outcomes, the ATJ Commission has concluded that the Civil Justice Division will require a corresponding growth in staff over the coming years.

To that end, this strategic plan proposes the addition of two new staff positions and one new administrative position to the Civil Justice Division over the next several years.

- The first proposed staff position is an **Appellate Resource Specialist** who would be tasked with focusing exclusively on resources for self-represented litigants in civil appeals. Preliminary data shows that nearly one in three civil appeals in the First Appellate District is filed by a self-represented litigant; and yet there are almost no legal aid or self-help resources available to assist unrepresented litigants with their appeals. The Appellate Resource Specialist could provide one-on-one procedural assistance via phone and e-mail, develop new self-help resources both in person and online, cultivate relationships with bar associations and law schools to coordinate a rotating series of monthly clinics across the five appellate districts where litigants could meet with an attorney or law students to have their questions answered, and conduct specialized training for appellate clerks and justices on best practices for self-represented litigants and limited English proficient litigants.
- The second proposed staff position is a part-time **Administrative Assistant**. One ongoing priority area for the ATJ Commission is improving remote access technology throughout the State to connect litigants with remote interpreters. The Civil Justice Division is proposing the establishment of a centralized work station in Chicago. If successful, this program would require an Administrative Assistant to oversee the program by keeping schedules, communicating with interpreters and court staff, and maintaining the workspace technology.
- The third proposed staff position is a **User Experience/JusticeCorps Officer** who could focus on efforts to improve the court user experience through a variety of initiatives including e-filing and court navigation. This person would coordinate with the Illinois Bar Foundation, The Chicago Bar Foundation, all of the participating trial courts, and the Serve Illinois Commission to oversee the proposed expansion of Justice Corps and facilitate better coordination with other ATJ Commission initiatives and Supreme Court programs including e-filing.

With adequate support and staff, the ATJ Commission can continue its work to ensure that all residents of Illinois have full and meaningful access to the judicial system.

## Conclusion

The ATJ Commission seeks to promote meaningful access to the Illinois courts by removing barriers and enhancing the perception of the courts as a source of fair and impartial justice that is available to all. To achieve this goal, the ATJ Commission lays out in detail its proposed initiatives in Section VI of this Strategic Plan.

The strategic plan serves two purposes: (1) to detail the work of the ATJ Commission over the past several years and (2) to set forth the plans for the ATJ Commission for the next three years. In this way, this strategic plan is both backwards- and forward-looking. As such, the full strategic plan provides the context and data underlying its activities, a brief history of what the ATJ Commission has accomplished since submitting its last strategic plan in 2014, and its proposed activities and goals for FY 2017-2020.

This strategic plan would not have been possible without the advice and guidance of The Chicago Bar Foundation, the Illinois Equal Justice Foundation, the Illinois Bar Foundation, the Lawyers' Trust Fund of

Illinois, and the AOIC Civil Justice Division. These entities share the ATJ Commission's commitment to access to justice and have provided invaluable assistance for this report. The ATJ Commission also recognizes and thanks the members of the Strategic Planning Committee for their significant contributions: Sophia Akbar, Dave Anderson, Leslie Corbett, Carolyn Clift, Bob Glaves, Danielle Hirsch, David Holtermann, Hanna Kaufman, Mark Marquardt, Dina Merrell, Samira Nazem, Jennifer Nijman, Justice Mary K. Rochford, Alison Spanner, Chief Judge Michael Sullivan, Kelly Tautges, Stacey Weiler and Zach Zarnow. Lastly, the ATJ Commission thanks Julie Bauer and Nicole Perez at Winston & Strawn for their help with the design and layout of this strategic plan.

The ATJ Commission is grateful for this opportunity to share its vision with the Illinois Supreme Court for review and consideration. The ATJ Commission welcomes the Court's guidance and looks forward to continued collaboration in the years ahead.

Chair: **The Honorable Mary K. Rochford**, First District Appellate Court

- **Carolyn Clift**, Attorney **Jeffrey Colman**, Jenner & Block LLP
- **The Honorable Michael Fiello**, Circuit Court of Jackson County
- **The Honorable Thomas Harris, Jr.**, Fourth District Appellate Court
- **The Honorable Leonard Murray**, Circuit Court of Cook County
- **The Honorable Gina Noe**, Clerk of the Circuit Court of Marshall County
- **The Honorable Daniel Pierce**, First District Appellate Court
- **The Honorable Michael Sullivan**, Chief Judge of the Circuit Court of McHenry County
- **Jennifer Nijman**, Nijman Franzetti LLP
- **The Honorable Debra Walker**, Circuit Court of Cook County

Liaison: **The Honorable Thomas Kilbride**, Illinois Supreme Court

*Respectfully submitted by the Illinois Supreme Court Commission on Access to Justice,*

# I. INTRODUCTION

The Illinois Supreme Court Commission on Access to Justice (“ATJ Commission”) was founded in 2012 to enhance access to justice efforts, with specific direction to complement existing efforts and to coordinate and collaborate with other civil legal aid funders and service providers. That intention was reflected in Rule 10-100, which designates that each of these four organizations appoint one member to the ATJ Commission and states that: “(t)he purpose is to make access to justice a high priority for everyone in the legal system and, to the maximum extent possible, the ATJ Commission is intended to complement and collaborate with other entities addressing access to justice issues.”

The ATJ Commission’s strategic focus on access to the Illinois courts recognizes that the Court and the ATJ Commission are best positioned to make improvements within the courts. Other organizations devote significant resources each year to supporting pro bono and legal aid programs that provide legal representation to those most in need. The ATJ Commission can most effectively complement those efforts by concentrating on what happens within the justice system itself, directing its attention and resources in ways that are complementary, rather than duplicative, of these existing efforts outside the courts.

Finally, the existence and ongoing work of the AOIC Civil Justice Division strengthens the ATJ Commission’s focus on access to the courts. The division has successfully integrated much of the ATJ Commission’s work into judicial branch operations which coordinate with other divisions of the AOIC to promote meaningful access to justice. The core goals of the ATJ Commission and the Civil Justice Division will help make the entire justice system more fair and efficient for litigants, judges, circuit clerks, court personnel, and all other stakeholders.

## II. STATEMENT OF PRINCIPLES

The promise of equal justice is not realized for those who have no meaningful access to the justice system. Illinois courts have the primary leadership responsibility to ensure access to the courts. The Illinois Supreme Court established the ATJ Commission to “promote, facilitate, and enhance access to justice, with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable.” The push for equal justice is an ongoing and constantly evolving one. While the ATJ Commission has had many successes in its first few years of existence, its work is not done.

**To this end, the ATJ Commission sets forth the following Statement of Principles to guide its work in the coming years:**

- **Plain Language Principle:** Court users should have access to a wide variety of plain language resources designed to help them understand and exercise their civil and procedural rights and reduce the number of barriers encountered while using the court system.
- **Process Simplification Principle:** Court users should find that court procedures and policies are streamlined and efficient to allow for a positive user experience with the court system while still preserving substantive and procedural fairness and due process rights.
- **Procedural Fairness Principle:** Court users should have access to a court system that serves as a fair, impartial, and transparent forum in which they are addressed with dignity, respect, equality, and professional courtesy by all judges, circuit clerks, and other court staff.
- **Equal Access Principle:** Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.
- **Continuous Improvement Principle:** The ATJ Commission should strive for continuous improvement and increased capacity to best meet the diverse and constantly evolving needs of court users.

### III. THE NEED FOR ACCESS TO JUSTICE

To understand the size and scope of the justice gap in Illinois, one must first look at the diversity of the nearly thirteen million residents of the state. They reside in all four corners of the State, from the urban core of Chicago to the rural farming communities of Southern Illinois. They include individuals of every conceivable race, ethnicity, age, gender, sexual orientation, nationality, immigration status, disability status, military status, income level, and educational level. They speak English, Spanish, Polish, Korean, Arabic, Urdu, Swahili, American Sign Language, and many other languages. The diversity of Illinois is reflected daily in the court system, and the varying backgrounds and needs of the state's residents must be considered when contemplating access to justice.

Figure 1 on page 14 maps just a few of the many kinds of diversity within Illinois that must be considered when discussing access to the courts.<sup>2</sup> In Cook County, for example, 42.4% of residents live in renter-occupied housing while in Clinton County, on the other side of the state, only 17.3% of residents do. Kendall County has one of the youngest populations in the state while Carol County has one of the oldest. In five counties, over 10% of the population does not have a vehicle which may impede ability to access the courts. More than 22% of Illinois' population—or 2,684,946 people—speak a language other than English at home.

One other type of diversity tied to court access is poverty. Almost one-third of Illinois lives in or near poverty.<sup>3</sup> While 1.7 million residents live below the Federal Poverty Level (FPL), another 2.1 million people live just above it.<sup>4</sup> These individuals face a different access to justice barrier as they are unlikely to qualify for legal aid or *pro bono* services that often tie eligibility to the FPL, but may not have financial resources to hire private attorneys as their wages have stagnated while attorney hourly rates have increased.<sup>5</sup> The justice gap is increasingly a problem not just for the poor, but also for modest means and middle class families.

It is no surprise that against this background, the number of Illinois residents appearing in court without an attorney has soared. This trend is not isolated to any one circuit, county, or case type. In 2015, AOIC statistics showed that 93 of the 102 counties in Illinois reported that more than half of their civil cases had at least one self-represented litigant. These startling numbers mirror similar trends nationally.<sup>6</sup> In urban, suburban, and rural communities throughout the State, more and more litigants are attending court without an attorney.

In the court setting, self-represented litigants face countless challenges and barriers. Many are logistical and have little to do with the specifics of the case. These challenges can include taking time off from work, arranging childcare, paying for parking, navigating public transportation, or requesting disability accommodations to attend court. Other barriers—such as limited English proficiency or low literacy skills—can affect a litigant's ability to fully understand their legal case. Once litigants are in the courtroom, they may face confusing paperwork, indecipherable legal jargon, aggressive opposing counsels, and seemingly endless procedural

2 Maps were created by the Self Represented Litigation Network using data from the U.S. Census Bureau's 2014 American Community Survey. For more information, see <https://srln.maps.arcgis.com/apps/MapJournal/index.html?appid=7bed22dba4ec45f281b766181b862156>.

3 Buitrago, K., Rynell, A., & Tuttle, S. (2017, March). Cycle of Risk: The Intersection of Poverty, Violence, and Trauma in Illinois. Heartland Alliance. Available at [www.heartlandalliance.org/povertyreport](http://www.heartlandalliance.org/povertyreport).

4 The Federal Poverty Level is the indicator used by the United States government to determine who is poor. The 2016 FPL defines poverty for an individual as an annual income of \$11,880 or less and for a family of four as an annual income of \$24,300 or less. For more information on the FPL, see <https://aspe.hhs.gov/poverty-guidelines>.

5 Wall Street Journal, *More Strapped Litigants Skip Lawyers in Court*, July 22, 2010. Available at <http://www.wsj.com/articles/SB10001424052748704229004575371341507943822>.

6 The Self Represented Litigation Network estimates 60% of civil litigants nationwide are self-represented. See <http://www.srln.org/>.



Figure 1: Mapping Diversity in Illinois

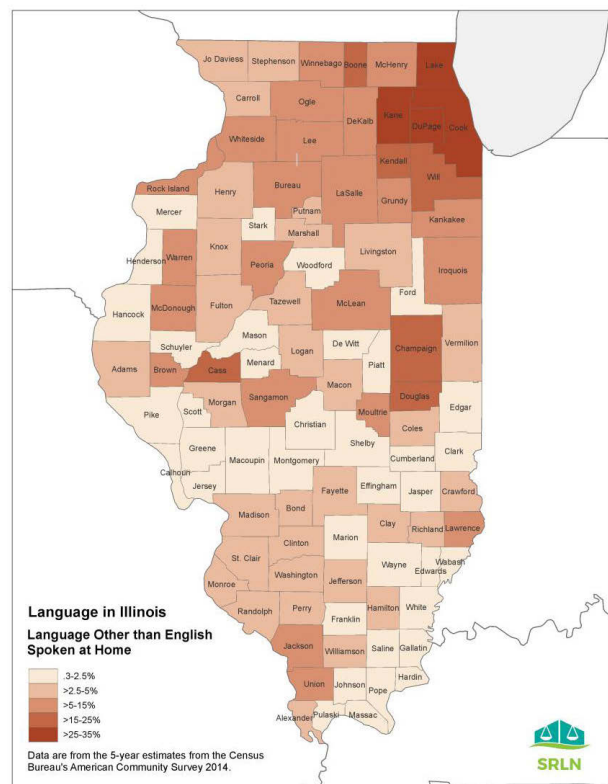
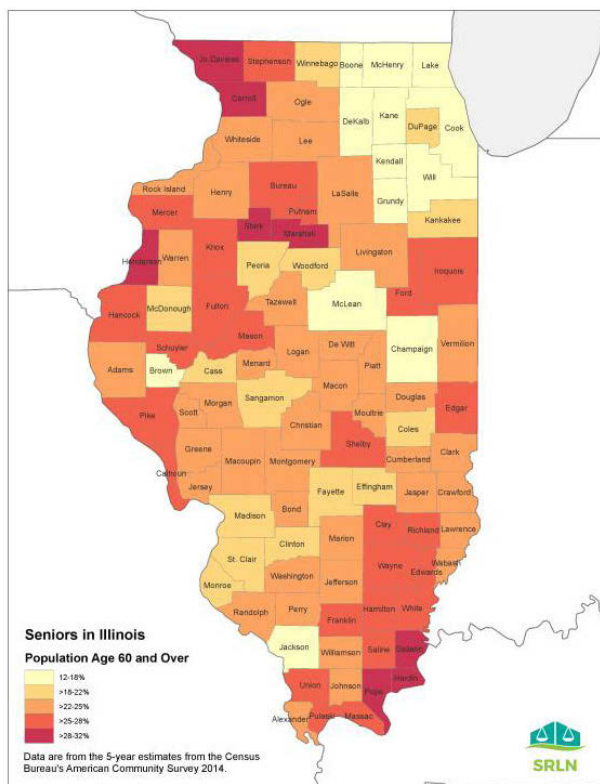
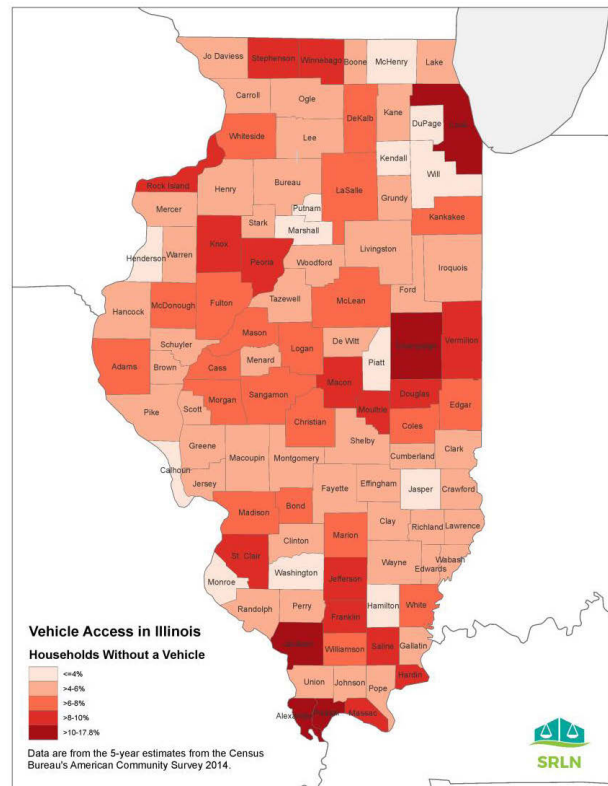
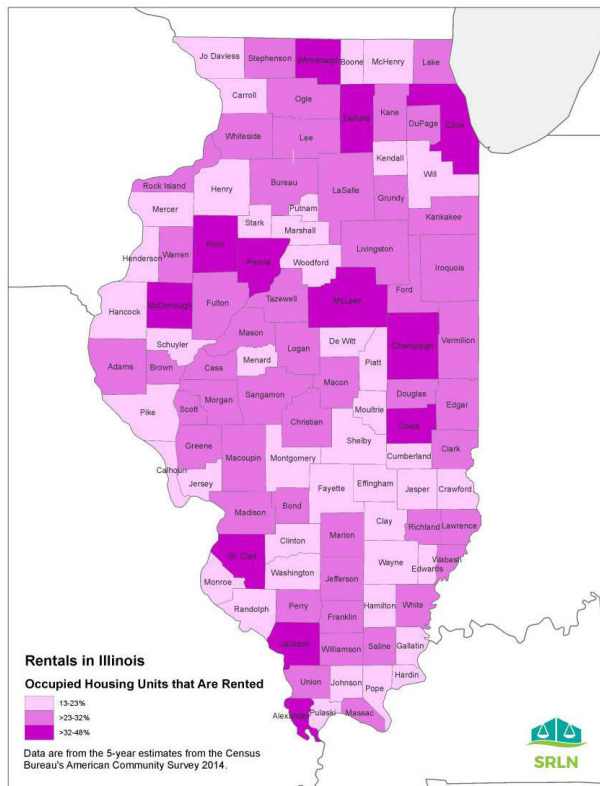
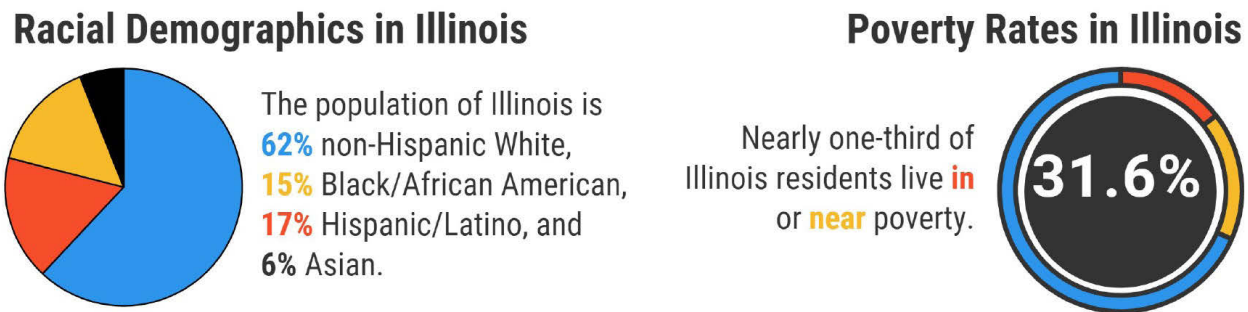


Figure 2: Race and Poverty in Illinois



hurdles. These issues can be compounded by the stress and fear of being in court or by the physical or mental disabilities experienced by many Illinois residents.

Self-represented litigants simultaneously pose a number of challenges for court staff and judges. In a 2016 survey conducted by the Court Guidance and Training Committee, 86% of judges and 98% of circuit clerks reported that the presence of self-represented litigants create additional challenges. Judges and clerks cited many of the same challenges when encountering self-represented litigants including time constraints, inadequate referrals and resources in the courthouse, and the litigants' incomplete or incorrect forms, lack of familiarity with the court process, and unrealistic expectations.

The vast majority of self-represented litigants are not self-represented by choice. A 2016 report prepared by the Institute for the Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have had legal representation, but were unable to find or afford an attorney.<sup>7</sup> Providing legal representation for all litigants through legal aid or *pro bono* attorneys is simply not a workable solution. There are fewer than 400 legal aid attorneys in the entire state providing free legal services for the poorest Illinois residents. Seven of Illinois' 24 judicial circuits have no legal aid offices located within their boundaries.<sup>8</sup> Outside of Cook County, only one legal aid attorney exists for every 10,000 low-income residents.<sup>9</sup> While *pro bono* attorneys are vitally important for increasing legal aid capacity, there are not enough of them to fill the unmet need. Limited scope representation is one tool that may help bridge the gap in the future, but is not yet widely used.

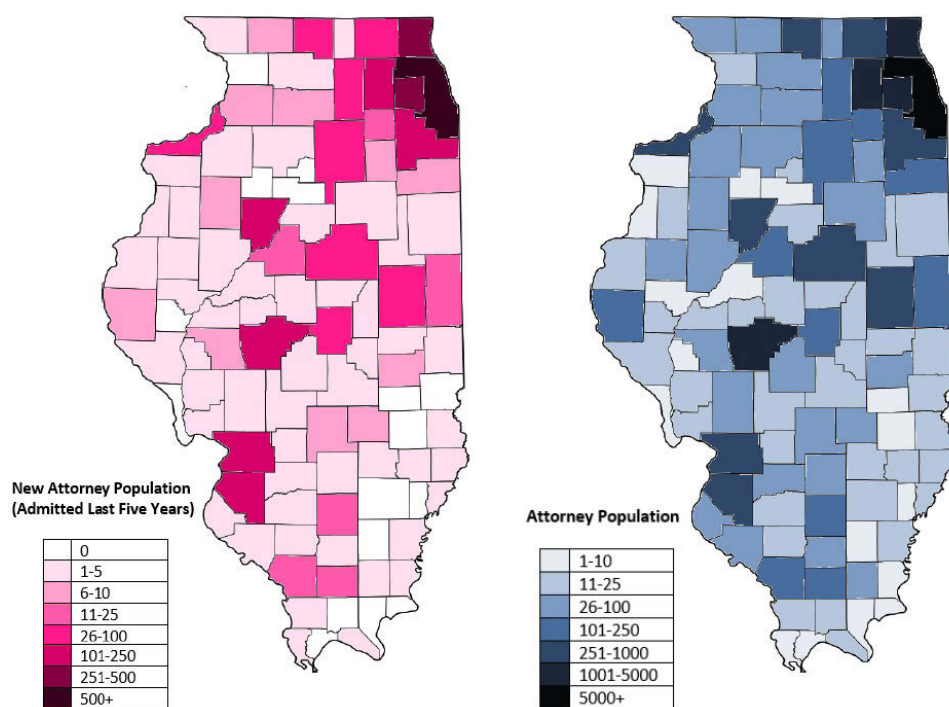
Many communities face an additional barrier in that there are not enough attorneys of any kind, let alone legal aid or *pro bono* attorneys. Figure 3 on page 16 also show the uneven distribution of the state's 60,000 attorneys, a discrepancy that is becoming more pronounced each year. Cook County and the six collar counties contain 65% of the state's population and 90% of the state's attorneys. On the other end of the spectrum, 52 counties admitted fewer than five new attorneys in the last five years and 16 counties didn't admit any. The aging and shrinking legal communities in these areas create an additional barrier to justice and further highlight the need for many of the initiatives set forth in this plan.

<sup>7</sup> *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18. Available online at [http://iaals.du.edu/sites/default/files/documents/publications/cases\\_without\\_counsel\\_research\\_report.pdf](http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf).

<sup>8</sup> Illinois Supreme Court Commission on Access to Justice, *Access to Justice in Illinois*, November 2014, page 6.

<sup>9</sup> *Id.*

Figure 3: Attorney Population in Illinois



In response to Illinois' diversity and the growing number of self-represented and limited English proficient litigants, the courts must continue to take bold action. A court system that was designed by and for attorneys must adapt to the changing litigation landscape to ensure that all litigants truly have meaningful access to justice. The ATJ Commission recognizes that resources are limited, and that any proposed reforms must be reasonable, practical and cost-effective. To that end, the ATJ Commission has proposed a balanced range of initiatives—some big, some small; some cost-neutral, some costly—designed to achieve greater access to justice in Illinois.

## IV. ATJ COMMISSION ACCOMPLISHMENTS

Since its formation in 2012, the ATJ Commission has worked diligently to reduce the many barriers to justice. Below is a list of the priorities identified in the 2014 strategic plan with an update as to what has been done and what remains ongoing.

### 1. Develop and automate standardized, plain language legal forms

The Forms Committee has established ten subcommittees: appellate, divorce, adult expungement/sealing, juvenile expungement/sealing, landlord/tenant, mortgage foreclosure, name change, orders of protection, procedures and small claims. In 2014, the Civil Justice Division added a Forms Officer to oversee the development of new standardized forms and to serve as liaison to the Forms Committee and its subcommittees. Under her leadership, the Forms Committee has finalized over 25 suites of forms, ranging in topics from an appellant's brief to a motion to stay a foreclosure sale to a petition for dissolution of marriage/civil union (without children). Dozens more form suites are currently in various stages of development. Through a partnership with Illinois Legal Aid Online (ILAO), many approved forms have been automated and can be completed through a guided interview on its website. All standardized forms are also available in fillable form, along with step-by-step instructions, on the Supreme Court's website.<sup>10</sup>

### 2. Translate standardized, plain language legal forms into the most common language other than English

The AOIC—through an outside vendor—has translated selected forms into the six most common languages spoken in Illinois: Spanish, Polish, Arabic, Russian, Mandarin Chinese, and Korean. This process is iterative and ongoing as new forms are approved and current forms are updated. All translated forms are available on the [Supreme Court's website](http://www.illinoiscourts.gov/CivilJustice/Multiple_Languages/default.asp).<sup>11</sup>

### 3. Support the continued and expanded use of court-based facilitators/navigators (including Illinois Justice Corps)

Illinois JusticeCorps now operates in 10 courthouses in nine counties across all of the state's five appellate districts. In 2015, a consulting firm, Philliber Research Associates (PRA), conducted an external assessment of the effectiveness of the JusticeCorps program, and concluded that JusticeCorps volunteers have robust contacts with litigants at all sites and provide valuable assistance to litigants across the state.

### 4. Research and make recommendations for technology to enable remote access to the court system

The Process Simplification/Remote Access Committee, in collaboration with the Forms Committee, is in the process of developing a remote appearance form suite to expand the use of Supreme Court Rule 185 which permits for telephonic appearances in some circumstances. The Remote Access Committee has also retained a nationally recognized consultant, John Greacen, to develop a best practices manual for remote appearances and explore technology options to allow for remote appearances. In addition, the Committee collaborated with the Circuit Court of Cook County on remote appearance pilot programs in civil mental health hearings and probate matters.

<sup>10</sup> <http://www.illinoiscourts.gov/forms/approved/>

<sup>11</sup> [http://www.illinoiscourts.gov/CivilJustice/Multiple\\_Languages/default.asp](http://www.illinoiscourts.gov/CivilJustice/Multiple_Languages/default.asp)

### 5. Develop guidelines and promote training opportunities for judges

The Court Guidance and Training Committee worked with the Illinois Judicial Conference Committee on Education to develop a best practices manual on access to justice for judges. The bi-annual 2016 Education Conference incorporated several access to justice topics in its curriculum including sessions on standardized forms, best practices for interacting with self-represented litigants, language access, procedural fairness, and implicit bias. In addition, the annual New Judge Training also included similar sessions on access to justice.

### 6. Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs

The Court Guidance and Training Committee developed a series of guidelines for circuit clerks, court staff, and court volunteers to clarify the distinction between legal information and legal advice. The ATJ Commission and the AOIC conducted multiple trainings for the Illinois Association of Court Clerks (IACC) on access to justice initiatives. In addition, AOIC staff conducted training sessions for several individual counties at the invitation of circuit clerks and court administrators.

### 7. Evaluate and recommend policies to ensure that existing self-help centers and current and future court websites continue to serve as a useful resource for self-represented litigants

The AOIC contracted with Illinois Legal Aid Online (ILAO) to conduct an assessment of existing legal self-help centers across the state and provided a report to the ATJ Commission. In August 2016, the AOIC convened a discussion with the ATJ Commissioners and volunteers, legal aid funders and ILAO to review the results of the report and to identify next steps for the

legal self-help centers, recommendations that have been folded into this strategic plan.

### 8. Develop language access resources for litigants with limited English proficiency

The AOIC's Language Access Coordinator was moved within the Civil Justice Division and has worked with the Language Access Committee to create new language access resources including multilingual signage providing notice of interpreter services in six languages and bench cards for judges and court staff. The Language Access Committee added several new members including representatives from community organizations to assist with identifying and promoting additional language access resources.

### 9. Research and make recommendations to simplify some court procedures and processes

The AOIC has begun researching court simplification procedures in other states and has held conversations locally to identify areas particularly well-suited to process simplification. On a national level, the AOIC is co-chairing a working group on Process Simplification through the Self-Represented Litigation Network<sup>12</sup> to lead national conversations on the topic and to identify best practices from other states. The AOIC drafted a report on small claims mediation services in Illinois and used the research to develop a draft list of best practices and model rules for counties interested in starting new mediation programs.

<sup>12</sup> The Self Represented Litigation Network is a national network of lawyers, judges, court staff, law librarians, and other stakeholders who focus on developing new strategies and solutions for assisting self-represented litigants through the court process. AOIC staff members participate in a variety of SRLN working groups. See <http://www.srln.org/>.

**10. Study the experiences of judges, court staff, and litigants with self-help assistance and evaluate its impact on judicial efficiency**

The AOIC added a Self-Represented Litigant Services Specialist to engage in conversations with court administrators in each judicial circuit to better understand the existing resources for self-represented litigants and to identify the greatest areas of need. The ATJ Commission and the AOIC collected a report from each circuit on the current services available for self-

represented litigants including web content, procedural guides, special self-represented litigant calls, mediation services, help desks, or any other creative solutions in use locally. The information collected through these reports and conversations will allow the AOIC to identify statewide trends and gaps and to facilitate the sharing of best practices and resources between circuits, and can inform the ATJ Commission's future work.



## V. INITIATIVES FOR ENSURING MEANINGFUL ACCESS TO THE COURTS

To take action on each of the ATJ Commission's guiding principles— plain language, process simplification, procedural fairness, and equal access – the ATJ Commission has identified 10 priority initiatives for FY 2017-2020. Some of these initiatives are continuations of existing work, while some of the initiatives represent new or expanded areas of focus. Many of these initiatives serve multiple guiding principles; but to be easier to follow, each initiative is only detailed under one guiding principle.

The ATJ Commission will pursue the proposed initiatives by providing leadership, oversight, and in some situations, financial resources. In addition, the ATJ Commission will continue to prioritize evaluating and identifying mechanisms for regular input from judges, court staff, and court users about how to improve the court system and evaluate the effectiveness of the ATJ Commission's initiatives and other self-help court-based programs.

### A. Plain Language Principle

Court users should have access to a wide variety of plain language resources designed to help them understand and exercise their civil and procedural rights and reduce the number of barriers encountered while using the court system.

Courts can enhance access to justice and reduce the challenges self-represented litigants place on the court system by making plain language court forms an essential component of the justice system. The ATJ Commission will also continue to support Illinois JusticeCorps and other initiatives that present self-represented litigants with the opportunity to get legal and procedural information from trained staff within the courthouse, including the launch of a new “Self-Represented Litigant Coordinator” program. Lastly, changing demographics and technology demand that the ATJ Commission devote more time to developing web-based resources. A large majority of Americans now own a smart phone, and that number holds steady across all income and racial groups.

Initiatives 1, 2 and 3 describe some of the ATJ Commission's ongoing and proposed work in furtherance of the Plain Language Principle, and are detailed below.

#### Initiative 1:

- **Develop, automate, and translate standardized, plain-language legal forms and other resources** into commonly spoken languages for areas of law frequently encountered by self-represented litigants.

Per Rule 10-101 and M.R. 25401, the Illinois Supreme Court created a process for developing standardized forms that must be accepted by all state court in Illinois. To facilitate the development process, a Forms Officer oversees and coordinates the work of the Forms Committee and the 10 drafting subcommittees to ensure consistency, plain language and the production of high quality legally sufficient forms, with little to no duplication of effort.

Once forms are approved, they are currently automated into A2J Author or Hot Docs and translated into our State's most common languages.<sup>13</sup> In addition, written self-help material and (as appropriate) multi-media tools are being created in conjunction with the simplified forms to assist court users, including self-represented litigants and users with limited English proficiency, pursue their cases in court.

To ensure the continued development of plain language standardized forms with instructions and helpful legal information, the ATJ Commission intends to:

- Continue finalizing and updating suites of instructions, forms, and orders in at least the following case types: appellate, expungement/sealing, divorce, eviction, mortgage foreclosure, name change, orders of protection, procedural forms, small claims, and civil forfeiture;
- Continue translating standardized forms into Spanish, Polish, Korean, Mandarin Chinese, Russian, Arabic, and other languages as appropriate;
- Continue to automate standardized forms;
- Foster an on-going dialogue and education campaign with circuit clerks, judges, advocates and the public about the availability of statewide standardized forms and their usefulness;
- Encourage circuit clerks, court personnel, and judges to make standardized forms easily available;
- Study and evaluate how standardized forms are being used across the state and their role in increasing judicial efficiency; and
- Collaborate with all state courts to ensure standardized forms work with the e-filing process.



### Definition of Success for Initiative 1:

*Forms are standardized, written in plain language, simple, self-explanatory, actionable, multi-lingual, accessible, fillable, savable, printable, and available in both electronic and print versions. Moreover, self-help information is available, simple, easy to understand, consistent across courts and technologies, and able to provide a roadmap of court procedure. Judges, circuit clerks, court staff, legal aid attorneys, and other stakeholders are familiar with the standardized forms and other self-help resources and regularly refer self-represented litigants to them.*

<sup>13</sup> Automated forms are much easier for self-represented litigants to use, by guiding users through the process of providing the relevant information to their case in a simple, plain-language, question-and-answer format. A litigant's answers are inserted in the appropriate places throughout the document. The resulting form is more comprehensive than documents typically provided by individuals who are representing themselves. Once a form has been automated, the marginal cost to provide access to this tool is a fraction of a cent, making these forms a cost-effective investment.



**Initiative 2:**

- **Support the continued and expanded use of court-based facilitators/navigators**, including JusticeCorps, and evaluate the effectiveness of these services as a means to assist self-represented litigants and contribute to the efficient operation of the Illinois courts and study how to make facilitators/navigators most effective.

Facilitators or navigators are trained individuals (usually non-lawyers) who provide legal information and procedural guidance to court users, but do not provide legal advice or representation. In some cases, the appropriate individual will be a trained volunteer, such as a member of the Illinois JusticeCorps program or a senior citizen docent. In other cases, the appropriate individual will be a staff person such as a circuit clerk, law librarian, or self-help center navigator. While court staff regularly answer questions and offer other assistance to self-represented litigants, there are practical benefits to having designated persons to assist self-represented litigants. One new project proposed by the ATJ Commission is a plan to formalize a statewide network of self-represented litigant coordinators from existing staff personnel to think more strategically about collaborative solutions to the challenges faced and posed by self-represented litigants.

To support and expand the use of court-based facilitators and navigators to assist self-represented litigants the Commission's JusticeCorps Steering Committee and the AOIC Civil Justice Division will engage in the following activities:

- Continue to fund and support JusticeCorps at current locations and explore possible expansion to new sites, including the 7th, 16th, 18th, 22nd and 23rd judicial circuits. For letters of support from each proposed expansion site, see Appendix 3. For more information on JusticeCorps in general, see in-text box;
- Explore the possibility of moving JusticeCorps within the AOIC to facilitate better coordination with the ATJ Commission's other initiatives and address the need for courthouse navigators with the advent of e-filing;
- Identify a cadre of court staff from around the state to fill the position of Self-Represented Litigant Coordinators (SRLCs) for their local circuit. Conduct regular meetings and training sessions between the SRLCs to facilitate the exchange of ideas across circuits and more efficient resource development. For more information on this project, see in-text box on page 23;

**Illinois JusticeCorps**

Illinois JusticeCorps, first launched at the Daley Center in 2009 and now located in ten courthouses, trains volunteers to act as guides for self-represented litigants. Student volunteers help court patrons navigate the courthouse maze and connect them with resources inside and outside the courthouse in an effort to make the experience more welcoming and efficient. JusticeCorps volunteers receive intensive training on how to provide legal information and referrals, courthouse operations, and the challenges and needs of self-represented litigants. Depending on the site, JusticeCorps members may offer more intensive assistance including assisting with forms (without giving legal advice), explaining court procedure, and providing targeted referral information to community resources. The ATJ Commission, in partnership with the Chicago Bar Foundation and the Illinois Bar Foundation, oversees and funds the operations of the JusticeCorps program together with matching AmeriCorps funding from the Serve Illinois Commission. For more information about Illinois Justice Corps, see *Appendix 3*.

- Continue to develop and promote signage and other resources to facilitate easier navigation of the courthouse;
- Develop ongoing training opportunities for SRLCs and collaborate with JusticeCorps fellows and other stakeholders when possible; and
- Develop and implement self-help resources for self-represented litigants in civil appeals in partnership with the ATJ Commission Appellate Committee and the Appellate Lawyers Association, the First Appellate District Self-Represented Litigants Working Group and other stakeholders.

### Self-Represented Litigant Coordinators

To promote better statewide communication and collaboration on access issues, the ATJ Commission will lead an effort to identify and train a statewide network of court staff dedicated to working on issues affecting self-represented litigants, or Self-Represented Litigant Coordinators (SRLCs).

Specifically, the ATJ Commission proposes that a SRLC Steering Committee launch a pilot program offering grant money to five circuits to designate an existing staff person to serve as a SRLC, a key resource for self-represented litigants in the courthouse. The SRLCs will identify, develop, and implement new tools and resources for self-represented litigants and work with local stakeholders and community organizations to facilitate better communication and collaboration in supporting self-represented litigants. Additionally, SRLCs can learn from one another's successes, share resources, and work to provide the best possible services for self-represented litigants. The AOIC staff and the ATJ Commission will take a leadership role in supporting and training the SRLCs and leading the statewide conversation about self-represented litigant services. For more information about the SRLC program, see *Appendix 2*.



### Definition of Success for Initiative 2:

*Illinois JusticeCorps will continue in all existing sites and expand to additional sites. Some circuits will have received funding to designate Self-Represented Litigant Coordinators from existing staff. The AOIC and Commission will have created a network of these individuals and established the framework for them to share resources and ideas through ongoing training and dialogue. The expansion of facilitators and navigators will continue to track the geographic diversity of the state.*

**Initiative 3:**

- **Evaluate and recommend policies to ensure that self-help services and court websites serve as a useful resource for self-represented litigants.**

The ATJ Commission will pursue options for sharing content best practices, suggested language, and links to available helpful content for court websites. For areas of law that have a high volume of unrepresented litigants, the ATJ Commission envisions that, in addition to standardized forms, other resources could be given to litigants at the outset of their cases, such as: a glossary of relevant legal terms; a “process map” that would allow litigants to chart their progress; and a checklist of necessary documents and a step-by-step list of actions. As part of its work supporting self-help centers, the ATJ Commission will help identify model self-help resources for local courts to adapt and develop including, for example, the DeKalb Circuit Clerk’s Mobile App and the Kane County’s Law Library website.<sup>14</sup> The ATJ Commission will also provide input to the AOIC as it undertakes an overhaul of the Supreme Court’s website with an eye towards self-represented litigant users.

To more effectively use technology to share legal information, referrals, and resources with self-represented litigants, the Commission’s Website Committee and the AOIC Civil Justice Division will undertake the following activities:

- Create a customizable web template with sample language and best practices for self-represented litigants to be shared with circuit clerks and judicial circuits;
- Post updated information and new resources (including standardized forms) on the AOIC website as they become available;
- Identify and promote new resources from across the state that leverage technology to assist self-represented litigants, including self-represented litigants in civil appeals;
- Coordinate education and outreach efforts to raise awareness of web-based resources and drive traffic to the Supreme Court’s revamped website; and
- Collaborate with other AOIC staff to redesign the Supreme Court website with a dedicated section for self-represented litigants, informational videos, and other resources.

**Definition of Success for Initiative 3:**

*Basic information including hours of operation, parking and transportation, court security, disability accommodations, and language access resources can be found online in a mobile-ready format for every judicial circuit in Illinois. All court users can easily locate information about their local courthouse operations with access to self-help information, standardized forms, referrals, and other access to justice tools. Court users can also easily navigate the self-help resources on the Illinois Supreme Court website.*

<sup>14</sup> [www.kclawlibrary.org](http://www.kclawlibrary.org)

## B. Process Simplification Principle

Court users should find that court procedures and policies are streamlined and efficient and communicated in plain language to allow for a positive user experience with the court system while still preserving substantive and procedural fairness and due process rights.

The main focus of self-help efforts, both nationally and in Illinois, has been on preparing self-represented litigants to navigate complex and confusing court procedures as if they were lawyers. However, as the typical court user is now more likely to be a self-represented litigant, an alternative approach would be to simplify and streamline some court processes and procedures to make the court system more responsive to their needs.

An example of successful process simplification is the recent revision of Supreme Court Rule 12(b) to eliminate the requirement for a self-represented litigant to file a notarized affidavit with her proof of service. Over the next three years, the ATJ Commission will focus on a small number of civil case types to identify potential recommendations to remove similar procedural or rule-based hurdles and reduce frustration for litigants, courts, and court staff.

Initiatives 4, 5, and 6 describe some of the ATJ Commission's ongoing and proposed work in this area, and are detailed below.

### Initiative 4:

- **Evaluate and recommend policies to enable remote access to the court system, which will allow litigants to have meaningful access to the justice system and promote technologies that also enable remote interpreting services for limited English proficient litigants.**

Certain technologies can facilitate remote access by connecting courts with litigants who are unable to attend court dates in person because of distance, disability, incarceration, or any other reason, or connecting legal aid and *pro bono* attorneys from larger judicial circuits with clients in other areas of the state. A "satellite courthouse" could provide litigants and attorneys with a more convenient or safer location to appear before a judge in the courtroom, particularly in the domestic violence context. Technology could also be used to facilitate remote language interpreter services for courts that do not have access to in-person language interpreters for limited English proficient litigants.

To address the challenges of distance, cost, and resource distribution, the ATJ Commission and its Remote Access Committee propose furthering the use of remote technologies by doing the following:

- Evaluate the findings of research consultant John Greacen<sup>15</sup> to determine low-cost and efficient technology providers and best practices for remote appearances using phone and video technology across the state;
- Advance video remote interpreting (“VRI”) pilot in five counties: Cook, DeKalb, Kendall, McLean, and Champaign;
- Pilot a “satellite courthouse” at a domestic violence service provider, or other amenable site, in Winnebago County;
- Use a technical assistance grant from the State Justice Institute and consultants from the National Center for State Courts (“NCSC”) to evaluate the benefits and challenges associated with using VRI, and offer recommendations for its appropriate use in court settings;
- Partner with the Forms Committee to finalize and promote a suite of forms designed to promote and simplify the use of remote appearances pursuant to Supreme Court Rule 185; and
- Recommend changes to Supreme Court Rule 241 to promote and simplify the use of video and other technologies in the courthouse.



#### Definition of Success for Initiative 4:

*More court users can participate in court proceedings remotely, when appropriate. Courts can access qualified interpreters in many languages through remote technology in courtrooms and other areas of the courthouse as needed, within a reasonable amount of time. The remote technologies employed are reliable, efficient, cost-effective, and do not compromise the quality of communications and court proceedings.*

<sup>15</sup> John Greacen, currently a principal of Greacen Associates, LLC, wrote the seminal article on the difference between legal information and legal advice for court staff in 1995 and continues to publish regularly on the topic. He has evaluated programs to assist self-represented litigants in Alaska, Arizona, Arkansas, California, Florida, Maryland, Minnesota, and Virginia. Mr. Greacen was a consultant to the Florida and Utah judicial branch committees tasked with developing strategic plans for providing assistance to self-represented litigants. He has done research on communications in court hearings involving two self-represented litigants. Mr. Greacen was also the editor of the California Benchbook on Self-Represented Litigants and the author of the benchbook chapter on judicial ethics. He has made educational presentations on best practices for self-represented litigants across the States.

**Initiative 5:**

- **Research and make recommendations to simplify court procedures and processes that are frequently encountered by self-represented litigants, with the goal of making those processes and procedures easier for court users to understand and comply with, while possibly reducing the number of court visits necessary to complete a case.**

The Illinois Supreme Court has approved rules to simplify and streamline court procedures in small claims matters,<sup>16</sup> and to limit and simplify discovery in certain types of cases.<sup>17</sup> Other types of cases that involve large numbers of unrepresented litigants may be amenable to similar simplification, which could make it less onerous for such litigants to follow required procedures, present their cases to the court, and obtain a procedurally fair outcome. The ATJ Commission proposes to gather information about simplification efforts in Illinois and in other jurisdictions, with the goal of evaluating the potential benefits of such efforts in additional areas of law.

The ATJ Commission and its Process Simplification Committee will undertake the following activities to explore large and small scale changes designed to simplify and streamline certain court processes:

- Develop a working group to study areas of law that may be particularly suitable for simplification, such as family law, and to identify potential simplification strategies;
- Participate in national conversations about simplification to learn about successes from other states and to explore their potential application in Illinois;
- Encourage development and growth of small claims mediation programs that can provide free mediation to self-represented litigants by creating model rules, identifying and sharing best practices, and offering training grants for new pro bono mediators; and
- Support McHenry County in implementing its grant from the National Center for State Courts to develop a system for triaging civil cases and creating a simplified pathway for civil cases and share best practices with other counties interested in implementing a similar triage system. For more information on this project, see *in-text box*.

### Civil Justice for All Grant

AOIC staff has partnered with the trial court leadership of the 22nd Judicial Circuit and received a grant from the National Center on State Courts to implement a civil triage program based on the findings of the Conference of Chief Justices' report *Achieving Civil Justice for All*. The underlying principles of the report are that courts must take a more active role in managing civil cases and courts must have a proportional approach to case management that pairs appropriate resources with a case based on its unique needs. For more information on the Civil Justice for All Grant, see *Appendix 4*.

<sup>16</sup> Illinois Supreme Court Rules 281 – 289

<sup>17</sup> Illinois Supreme Court Rule 222

**Definition of Success for Initiative 5:**

*Court users will find some cumbersome rules and procedures have been simplified and streamlined to improve access to the courts and compliance with procedural requirements. A triage system will be implemented in some pilot sites with high volume civil dockets with the goal of improving judicial efficiency while ensuring that litigants obtain a procedurally fair outcome. Simplification efforts will be evaluated regularly to determine if additional modifications are needed.*

### C. Procedural Fairness Principle

Court users should have access to a court system that serves as a neutral, accessible, transparent, non-biased, non-discriminatory forum in which they can seek and obtain a legal remedy and in which they are addressed with dignity, respect, and professional courtesy by all judges, circuit clerks, and other court staff.

Circuit clerks and judges have expressed a strong desire for more training and resource materials to help them better serve the growing populations of limited English proficient litigants and self-represented litigants. The 2016 survey conducted by the ATJ Commission's Court Guidance and Training Committee revealed that 73% of circuit clerks and 69% of judges presiding over civil cases encounter self-represented litigants on a daily basis. Data collected by the AOIC in 2015 also shows that 22% of Illinois residents are limited English proficient and in the last year nearly 188,000 court events required the use of an interpreter. By developing guidelines and identifying and sharing best practices, the Commission can improve the user experience in the courthouse while also easing the burden placed on judges, clerks, and other court staff.

The ATJ Commission will also build on the findings from the 2015 Illinois Judicial Conference Committee on Strategic Planning Court User Survey, which illustrated that there are many in our State who feel unwelcomed by and/or a lack of trust in our state's court system. This lack of community trust may be caused by a multitude of reasons, but the ATJ Commission seeks to prioritize community outreach—especially through non-profit organizations and social services partners—about the efforts of our court system to expand access to justice and highlight and promote available legal resources.

Detailed below are Initiatives 6 and 7 describing some of the ATJ Commission's ongoing and proposed work in furtherance of the Procedural Fairness Principle:

#### Initiative 6:

- **Develop guidelines and promote training opportunities for judges who encounter significant numbers of self-represented and limited English proficient litigants in their courtrooms, consistent with Rule 63(A)(4) of the Illinois Code of Judicial Conduct; and**

#### Initiative 7:

- **Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs – to enable them to assist self-represented and limited English proficient litigants in a consistent, ethically permissible manner.**



To ensure that meaningful, ongoing training and professional development opportunities are provided for court staff, especially circuit clerks and judges, the ATJ Commission's Court Guidance and Training Committee will engage in the following activities:

- Review and update all existing training materials, including the *Access to Justice Spiral* and *Self-Represented Litigants in Civil Matters: Suggested Best Practices and Relevant Court Rules*. Updates should reflect recent changes in the law and court procedure, address new challenges that have been identified, and summarize new policies and initiatives of the ATJ Commission;
- Identify and address gaps in existing training materials and resources, for both circuit clerks and judges, based on the results of the 2016 Court Guidance and Training survey results. Develop new materials as necessary;
- Develop new strategies for disseminating training materials with judges and clerks, in both paper and electronic formats. Provide new opportunities to engage in dialogue with judges and clerks about access to justice issues, with a focus on connecting with judges and clerks in between annual training sessions;
- Collaborate with the Illinois Association of Court Clerks to deliver training sessions for circuit clerks, with an emphasis on training new clerks on access to justice initiatives;
- Develop new resources and training guidelines for court staff surrounding mandatory e-filing and self-represented litigants;
- Collaborate with other entities including the Illinois Supreme Court Commission on Professionalism and the AOIC's Judicial Education Division to deliver ongoing training sessions for judges, circuit clerks, and other court staff about best practices for self-represented litigants. Continue current efforts to train judges on the concepts of procedural fairness and implicit bias, and develop supporting materials as necessary; and
- Educate judges and court staff about new and ongoing ATJ Commission initiatives as necessary.



### Definition of Success for Initiatives 6 and 7:

*Follow-up surveys show that judges and circuit clerks are equipped to face fewer challenges when interacting with self-represented litigants. Judges and circuit clerks are trained on and begin implementing best practices for access to justice, while being mindful of the four pillars of procedural fairness (voice, impartiality, neutrality, transparency).*

## D. Equal Access Principle

Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.

A 2016 report prepared by the Institute for the Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have had legal representation but were unable to find or afford an attorney.<sup>18</sup> Where possible, the ATJ Commission will strive to support initiatives that increase access to legal aid and *pro bono* attorneys, to establish new court-based *pro bono* projects, and to connect litigants with affordable legal representation including limited scope representation.

The ATJ Commission will also continue its work to ensure that all litigants have access to the court regardless of English language proficiency by using qualified interpreters. The AOIC began collecting data on interpreter usage in circuit courts in 2015, revealing that 45% of interpreters are used in traffic cases, 39% in criminal cases, and 12% in civil cases. In light of this recent data, future work on language access will likely address needs and challenges unique to traffic courts and criminal courts as well.

Initiatives 8, 9, and 10 describe some of the ATJ Commission's ongoing and proposed work in furtherance of the Equal Access Principle.

### Initiative 8:

- **Develop language access resources and language assistance services through recruiting and training interpreters to achieve court certification, promoting the usage of qualified interpreters in court proceedings and building awareness in limited English proficient communities about language access in the courts.**

Court interpreting is a sophisticated and demanding profession that requires much more than being bilingual. Unqualified interpreters can present incorrect evidence, affect the reliability of testimony, mislead judges, juries and attorneys, and worse yet, cause litigants to unknowingly waive their rights. To address these significant risks to the justice system, the AOIC trains judges and court personnel on the importance of providing qualified interpreters in civil and criminal cases, and also administers a court interpreter certification program to assess language proficiency and interpreting skills.<sup>19</sup> However, AOIC data reveals that only 30% of cases use qualified interpreters, so there is a great need for more interpreter recruitment and community education about access to interpreters.

<sup>18</sup> *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18 (available online at [http://iaals.du.edu/sites/default/files/documents/publications/cases\\_without\\_counsel\\_research\\_report.pdf](http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf)).

<sup>19</sup> As of this writing, the AOIC Interpreter Registry includes over 200 interpreters that have demonstrated the skills necessary for court interpreting in 15 languages, and over 140 interpreters have started the certification process in 12 languages and are preparing for oral exams. The AOIC also reimburses courts that use interpreters on the Registry to incentivize the usage of qualified interpreters.

To further this work, the ATJ Commission's Language Access Committee will pursue the following:

- Develop a language access “marketing strategy” to inform LEP communities about the availability of interpreter services for all cases;
- Recruit qualified interpreters to pursue certification, particularly in rural areas and for languages that have little or no representation on the AOIC Interpreter Registry;
- Promote the usage of qualified interpreters and the importance of language access to judges and court personnel through trainings; and
- Develop translated resources for limited English proficient litigants.



#### **Definition of Success for Initiative 8:**

*All court users with limited English proficiency are aware of and have access to qualified interpreters for court and court-annexed proceedings and have access to information about other available language access resources (e.g., multi-lingual standardized forms, signage).*

**Initiative 9:**

- **Identify, develop, and promote the implementation of court policies and rules that promote legal representation, including limited scope representation, in partnership with bar associations and other community groups.**

Limited scope representation permits attorneys to assist a self-represented litigant in a civil case without undertaking full representation of the client on all issues related to the legal matter for which the attorney is engaged. The ATJ Commission's Limited Scope Representation Committee will collaborate with circuit courts and bar associations to innovate new strategies for connecting private attorneys with modest means litigants for all or part of their cases as provided by the limited scope representation rules approved by the Supreme Court in 2013. The ATJ Commission would also consider ways to support and expand court-based *pro bono* programs that offer legal information and advice through partnerships with legal aid agencies, *pro bono* organizations, and local bar associations. All of these activities would increase opportunities for court users to access some form of legal assistance for essential civil legal needs.

The ATJ Commission will engage in the following activities:

- Promote the expanded use of limited scope representation through training and education activities for judges, attorneys, and court staff. For more information on this project, see *in-text box*;
- Collaborate with the Forms Committee to promote the use of standardized forms for Limited Scope Representation;
- Pilot a new legal assistance program designed to provide limited assistance to self-represented litigants in civil appeals;
- Identify additional opportunities to support and expand the use of court-based *pro bono* programs in collaboration with The Chicago Bar Foundation, the Illinois Bar Foundation and the Public Interest Law Initiative, among others;
- Coordinate with local bar associations to promote limited scope representation through referral panels, practice groups, and ongoing training;
- Continue to educate judges, circuit clerks, court staff, and attorneys on recent rule changes regarding limited scope representation;

### Limited Scope Representation

The growing number of self-represented litigants in Illinois includes many modest means litigants who earn too much to qualify for legal aid and *pro bono* services, but too little to pay for market rate attorneys. Many of these litigants can benefit from limited scope representation whereby they retain an attorney for a portion of a case, but not for its entirety, significantly reducing their overall legal costs. In 2013, the Illinois Supreme Court authorized several new rules to clarify and expand the role of limited scope attorneys who can now act nimbly, entering and exiting cases quickly to meet client needs, without being burdened by the cumbersome process of withdrawing from a case under the general appearance rules. The ATJ Commission has participated in a number of education efforts to raise awareness of these rules among various stakeholders including circuit clerks, judges, and attorneys. To further promote the use and understanding of the limited scope representation rules, the ATJ Commission will collaborate with bar associations to conduct comprehensive training on the rules and create referral panels of limited scope attorneys. These efforts will help connect self-represented litigants with more cost-effective options for legal assistance.

- Begin collecting quarterly data on the use of limited scope appearances to gain a better understanding of how this tool is used and where; and
- Analyze data from the ABA Pro Bono Survey Project, which is collecting statewide data on the prevalence of pro bono participation and to gain a better understanding of the motivating factors in the decision to do (or not do) pro bono work.



#### Definition of Success for Initiative 9:

*All court users are able to access some form of legal information or advice either through help desks, legal aid attorneys, pro bono attorneys, or private representation. Attorneys, judges, and court staff are familiar with limited scope representation rules and litigants are easily able to find private attorneys offering limited scope services.*

**Initiative 10:**

- **Develop community based programming to build trust of the court system through educating community stakeholders about the access to justice resources that are available to help people use the court system.**

Courts are not immune to the problem of declining confidence in government and other public institutions. To help build and/or increase trust and confidence in the courts, particularly among marginalized communities, the ATJ Commission should take an active role in facilitating conversations and other outreach activities that can bridge the gap between the courts and the communities they serve.<sup>20</sup> While these principles have long been incorporated into the ATJ Commission's work, this area will have a renewed focus in the coming years and should inform all of the ATJ Commission's other initiatives.

To foster community trust and engagement with the courts, the ATJ Commission's Community Trust Committee will pursue the following activities:

- Create and administer court user surveys to receive feedback on the court user experience and perceptions of procedural fairness (e.g., survey self-help center users, those who receive assistance from Illinois JusticeCorps, jury pools, or court users in a high volume court setting, such as traffic court);
- Host a "listening tour" in select locations across the state to bring together social service providers, community organizations, legal aid providers, healthcare providers, and others to learn about the information gaps and challenges they face in providing legal information to their clients and to share referral information and other helpful resources;
- Host community engagement sessions with court users to learn about the barriers they face and discuss how the courts can better meet their needs; and
- Develop a public relations strategy and maintain a communication feedback loop with the community.

**Definition of Success for Initiative 10:**

*Courts, together with the ATJ Commission and other partners, regularly reach out in new ways to enhance public trust and confidence, and increase access to courts and courthouses in ways that reflect local community needs. Courts partner with local social service networks so that court users receive current information about resources and referrals for wrap-around services and in turn, social service providers better understand how to engage with the court system and provide information and referrals to their clients.*

<sup>20</sup> See, e.g., [http://ppc.unl.edu/wp-content/uploads/1999/11/ptc\\_survey\\_meaning.pdf](http://ppc.unl.edu/wp-content/uploads/1999/11/ptc_survey_meaning.pdf)

## E. Continuous Improvement Principle

The ATJ Commission should strive for continuous improvement and increased capacity to best meet the diverse and constantly evolving needs of court users.

Over the next three years, the ATJ Commission should constantly evaluate and reflect on its work to ensure that each initiative is implemented with the user experience in mind to achieve the desired outcome. The ATJ Commission should also periodically take inventory of its capacity to ensure it has adequate resources to ensure the effective implementation of its initiatives. Regular evaluation should be an integral component of each initiative to ensure that the work of the ATJ Commission and the AOIC is effective and responsive to the needs of court patrons and court staff alike. The AOIC and ATJ Commission should also take affirmative steps to increase capacity for change by developing strong local partnerships to promote the work of the ATJ Commission regionally and by increasing staff and volunteer capacity when necessary.

The following concepts shall be incorporated into all of the ATJ Commission's work and should guide each of the initiatives listed above:

**User Experience:** Ensuring access to justice for court users and maximum efficiency for the court itself requires the courts to shift focus from looking in (the perspective of those who work within the courts) to looking out (adding the perspective of those who use the courts). In designing and implementing all of the above initiatives, the ATJ Commission and the AOIC should consider the perspective of court users in an effort to continuously improve the court system. When possible, the ATJ Commission and the AOIC should strive to make courthouses, websites, and self-help resources more accessible and inviting to all users. The ATJ Commission will also coordinate with the Supreme Court and the e-Policy Advisory Board to ensure that new court policies, such as mandatory e-filing, consider the experience of all users including self-represented litigants. The ATJ Commission anticipates it will play an active role in communicating with the Supreme Court and its e-Policy Advisory Board to address potential challenges that may arise for litigants who have limited access to computers, smart phones, credit cards, or bank accounts.

**Ongoing Evaluation:** Broad-based implementation and continuous feedback and evaluation will be necessary to meet each of the principles and initiatives set out by this strategic plan and achieve the desired progress. To that end, the ATJ Commission will engage in ongoing evaluation of each initiative to identify program successes and deficiencies. When possible, the ATJ Commission will make ongoing modifications and improvements and collect and analyze statewide data about program efficacy to better understand the population which it aims to serve.

**Building Capacity:** The ATJ Commission has no full-time staff and, while it benefits from the immeasurable contributions of its members and volunteers, many of these accomplishments would not have been possible without the assistance of the AOIC staff. Since the last strategic plan was drafted, the AOIC has increased the size of its Civil Justice Division which now includes four full-time staff members and one administrative assistant. The staff attorneys within the division primarily focus their work on language access, standardized forms, and resources for self-represented litigants, but they often work on other initiatives as they arise. The ATJ Commission and AOIC should conduct periodic reviews of staff and volunteer capacity to effectively implement and evaluate all initiatives when practical, the ATJ Commission and the AOIC should take steps to increase capacity and develop local support to ensure effective implementation of all initiatives.



## Proposed Increases to Staff Capacity

The strategic plan laid out herein is an ambitious one. It aims to continue or expand all of the ATJ Commission's current initiatives while introducing several new ones. The current demographics of Illinois and the access to justice crisis in the courts require both an expansion of the current work and bold new initiatives to supplement it. To effectively administer all of the proposed programs and to achieve the desired outcomes, the Civil Justice Division will need to see a corresponding growth in staff over the coming years. To that end, this strategic plan proposes the addition of three new staff positions and one new administrative position to the Civil Justice Division.

The first proposed staff position is an **Appellate Resource Specialist**, who would be tasked with focusing exclusively on assisting self-represented litigants in civil appeals. Despite the growing numbers of self-represented litigants in civil appeals, there are very few legal aid or self-help resources available to assist them. The addition of an Appellate Resource Specialist would allow for a systemic, flexible, and statewide approach to assisting self-represented litigants. The Appellate Resource Specialist's responsibilities would be varied and would include: responding to individual inquiries from litigants via phone, email, and the *Supreme Court Library* website; creating and updating self-help resources for each appellate district; training circuit clerks and appellate justice on best practices for self-represented litigants; establishing and managing appellate pro bono clinics or help desks in each appellate district; collecting and reviewing data on appellate self-represented litigants; and expanding existing ATJ Commission initiatives to appellate litigants when practical.

The second proposed staff position is a **JusticeCorps Officer** who could work with the current JusticeCorps sites and oversee the proposed expansion to additional sites throughout the state.<sup>21</sup> JusticeCorps is currently administered

by the Illinois Bar Foundation which employs the Programs Operations Director and the Regional Program Coordinator. However, there are many potential advantages to restructuring the program and moving it internally within the Court, and specifically within the AOIC's Civil Justice Division. Such a move would give the ATJ Commission a much stronger role in shaping and managing the program and would facilitate better coordination with other ATJ Commission initiatives and Supreme Court programs.

The last proposed staff position is an additional part-time **Administrative Assistant**. One ongoing priority area for the ATJ Commission is improving remote access technology throughout the state. Remote access technology can more efficiently and effectively connect litigants and attorneys with the court system by using phone and video technology. Language access is one additional area identified by the ATJ Commission that can use technology to reduce court expenses and time. Many areas of the State are underserved by qualified interpreters, and cases may be delayed as courts struggle to find them. The Civil Justice Division is proposing the establishment of a remote work station located at the Bilandic building or the AOIC office in Chicago where interpreters who are based in Chicago—with its large and diverse interpreter population—could connect with courthouses throughout the State using video conferencing technology. If successful, this program would require an Administrative Assistant to oversee the program by keeping the schedule, communicating with interpreters and court staff, and maintaining the workspace technology.

With adequate support and staff, the ATJ Commission can continue its work to ensure that all residents of Illinois have full and meaningful access to the judicial system. The next section outlines the specific initiatives and activities that the ATJ Commission will pursue over the next three years in furtherance of this goal.

<sup>21</sup> The following circuits have expressed interest in JusticeCorps: 7, 14, 16, 18, 22, 23.

## VI. RECOMMENDATIONS

The Illinois Supreme Court Commission on Access to Justice proposes to undertake a variety of initiatives to give all litigants meaningful access to the Illinois courts. Similar to the 2014-2017 strategic plan, the initiatives will include research, policy recommendations, collection and dissemination of best practices, and the creation of model programs and resources. In the next three years, the ATJ Commission will also evaluate the effectiveness of existing programs and resources, explore process simplification, support a grant program to develop Self-Represented Litigant Coordinators in select circuits, and conduct community outreach across the state to increase public trust and confidence in the courts.

The ATJ Commission will pursue the proposed initiatives by providing leadership, oversight, and when necessary, financial resources. The work of the ATJ Commission will be accomplished through the work of its committees; in collaboration with other relevant bench and bar entities; and/or by consultants hired for discrete purposes. In all its undertakings, the ATJ Commission will work in close coordination with the Illinois Supreme Court and the Administrative Office of the Illinois Courts.

The below are initiatives listed in order of priority for each budget year, in addition to anticipated expenditures in furtherance of those initiatives.

## YEAR ONE (July 1, 2017 – June 30, 2018)

### Priorities

1. Continue to develop, automate, and translate standardized plain-language legal forms and other resources
2. Embark on the CCJ Justice for All Grant with the Circuit Court of McHenry
3. Support the continued and expanded use of Illinois JusticeCorps and other facilitator and navigator programs
4. Launch the Self-Represented Litigant Coordinator program and identify the first round of participating local court staff
5. Continue to develop guidelines and promote training opportunities for court personnel – especially circuit clerks
6. Continue to develop guidelines and promote training opportunities for judges
7. Evaluate and recommend policies to enable remote access to the court system
8. Continue to develop language access resources and language assistance services through recruiting and training interpreters
9. Identify, develop and promote the implementation of court policies and rules that promote legal representation, including launching a limited scope panel with The Chicago Bar Association
10. Develop community based programming to increase trust of the court system
11. Evaluate the self-help services that are currently available through courts in Illinois

### Expenditures

Activity	Amount
Automating Standardized Forms	\$50,000
CCJ Triage Pilot	\$0
Self-Represented Litigant Coordinator Grants	\$105,000
Illinois JusticeCorps	\$158,000
Remote access technology pilot	\$10,000
Development of Child Support/Alimony Calculator	\$1,000
Community Trust Meetings	\$5,000
Conference Travel	\$5,000
Printing Signage	\$1,000
<b>Total</b>	<b>\$335,000<sup>23</sup></b>

23 The ATJ Commission's chief funding sources are cyclical; and as such, any reserve from SFY 2017-2018 would be used to help address cash flow issues in future years. *Pro hac vice* money comes in monthly installments, and the ARDC estimates the ATJ Commission's distribution to be approximately \$20,000/month. Similarly, the other main ATJ Commission revenue source comes from two Lexis/Nexis contracts (one print and one on-line) for pattern jury instructions, which are distributed quarterly, and the ATJ Commission will receive \$18,500/quarter for each of the two contracts.

## YEAR TWO (July 1, 2018 – June 30, 2019)

### Priorities

1. Continue to develop, automate, and translate standardized plain-language legal forms and other resources
2. Learn from Circuit Court of the McHenry civil pilot program in year one, research and make recommendations to simplify court procedures across the State in domestic relations and other civil case types
3. Support the continued and expanded use of Illinois JusticeCorps and other court-based facilitators and navigators
4. Continue working with the first round of Self-Represented Litigant Coordinators and conduct a training conference in Chicago for all participants. Identify the second group of participating circuits
5. Continue to develop guidelines and promote training opportunities for other court personnel – especially circuit clerks
6. Continue to develop guidelines and promote training opportunities for judges
7. Work to launch remote access domestic violence pilot and increase use of video remote interpreting in Illinois' courts
8. Develop community based programming to increase trust of the court system
9. Continue to develop language access resources and language assistance services through recruiting and training interpreters
10. Continue limited scope pilot with the Chicago Bar Association and explore additional avenues for expanded promotion of limited scope practice with bar associations and judicial education efforts

### Expenditures

Activity	Amount
Automating Standardized Forms	\$50,000
Self-Represented Litigant Coordinator Grants	\$105,000
Illinois JusticeCorps	\$158,000
Remote access technology pilot	\$10,000
Satellite courthouse	\$10,000
Conduct Community Trust Meetings with Public	\$5,000
Conference Travel	\$5,000
Printing Signage	\$1,000
<b>TOTAL</b>	<b>\$344,000</b>

## YEAR THREE (July 1, 2019 – June 30, 2020)

### Priorities

1. Continue to develop, automate, and translate standardized plain-language legal forms and other resources
2. Continue to research and make recommendations to simplify court procedures across the State in domestic relations and other civil case types
3. Support the continued and expanded use of Illinois JusticeCorps and other court-based facilitators and navigators
4. Continue working with the first and second group of Self-Represented Litigant Coordinators and conduct a training in Chicago for all participants
5. Continue to develop guidelines and promote training opportunities for other court personnel – especially circuit clerks
6. Continue to develop guidelines and promote training opportunities for judges
7. Learning from initial remote access domestic violence pilot, explore whether to add additional pilot sites and continue to increase use of video remote interpreting in Illinois' courts
8. Continue limited scope pilot with the Chicago Bar Association and explore additional avenues for expanded promotion of limited scope practice with bar associations and judicial education efforts
9. Continue to develop community based programming to increase trust of the court system
10. Continue to develop language access resources and language assistance services through recruiting and training interpreters

### Expenditures

Activity	Amount
Automating Standardized Forms	\$50,000
Self-Represented Litigant Coordinator Grants	\$105,000
Illinois JusticeCorps	\$158,000
Satellite courthouse	\$10,000
Small Claims Mediation Training Subsidies	\$5,000
Conference Travel	\$5,000
Printing Signage	\$1,000
PR Campaign for Community Trust	\$5,000
Regional Meetings Travel Budget	\$5,000
<b>TOTAL</b>	<b>\$344,000</b>

## VII. APPENDICES

1. Forms Approved by the Illinois Supreme Court Commission on Access to Justice
2. Proof of Concept Memo for the Self-Represented Litigant Coordinators Program
3. Illinois JusticeCorps Letters of Interest
4. Civil Justice Improvement Program
5. Trainings Conducted by the Illinois Supreme Court Commission on Access to Justice
6. Courthouse Interactions with Self-Represented Litigants: An Overview of Survey Results from Judges and Circuit Clerks
7. Proposal to Improve Access to Justice in Illinois through Limited Scope Representation
8. Proposals for Court-Based Assistance for Self-Represented Appellate Litigants

## 1. Forms Approved by the Illinois Supreme Court Commission on Access to Justice



# Resources for Access to Justice: Standardized Forms

### Which Forms Are Currently Available?

To date, the Illinois Supreme Court Commission on Access to Justice's Forms Committee has finalized the following forms and their corresponding instructions:

- *Procedural Forms*: Application for Waiver of Court Fees, Order for Waiver of Court Fees, Appearance Pro Se, Answer/Response to Complaint/Petition, Motion, Order, Notice of Court Date for Motion, Interpreter Request, and Proof of Service.
- *Expungement/Sealing*: Request to Expunge and Impound Criminal Records, Order to Expunge and Impound Criminal Records, Request to Seal Criminal Records, Order to Seal Criminal Records, and Notice of Filing for Expungement or Sealing.
- *Mortgage Foreclosure*: Mortgage Foreclosure Appearance and Answer, Motion to Stay Foreclosure Sale, Notice of Motion to Stay Foreclosure Sale, Order to Stay Foreclosure Sale, Motion to Vacate Default Judgment of Foreclosure, Notice of Motion to Vacate Default Judgment of Foreclosure and Order to Vacate Default Judgment of Foreclosure.
- *Divorce*: Dissolution of Marriage/Civil Union (No Children), Interim Fee Award Order and Financial Affidavit (Family & Divorce Cases).
- *Name Change*: Request for Name Change (Adult), Notice of Filing a Request for Name Change (Adult), and Order for Name Change (Adult).
- *Appellate Forms*: Application for Waiver of Court Fees, Proof of Service and Affidavit of Mailing, Appellant's Brief, and Appellant's Reply Brief.

### Are the Approved Forms Available in Languages Other than English?

- Forms and instructions are available in the following languages: Spanish, Polish, Russian, Arabic, Korean, and Mandarin Chinese

### Are More Forms Being Developed?

- Many more forms are currently being drafted in the areas of Civil Appeals, Divorce, Juvenile Expungement, Name Change (Minor), Orders of Protection, Procedures, and Small Claims. If you have suggestions for additional forms, please contact Alison Spanner, Forms Officer, at [aspanner@illinoiscourts.gov](mailto:aspanner@illinoiscourts.gov).

### Where Can I Get the Approved Forms?

- All approved forms and instructions are available on the Illinois Courts website at <http://www.illinoiscourts.gov/Forms/approved/>
- Many forms are also available on Illinois Legal Aid Online with a guided interview at <http://www.illinoislegalaid.org/>

## 2. Proof of Concept Memo for the Self-Represented Litigant Coordinators Program



### Supreme Court of Illinois ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

Michael J. Tardy  
Director

222 North LaSalle Street, 13<sup>th</sup>  
Floor  
Chicago, IL 60601  
Phone (312) 793-3250  
Fax (312) 793-1335

3101 Old Jacksonville Road  
Springfield, IL 62704  
Phone (217) 558-4490  
Fax (217) 785-3905

#### MEMORANDUM

**To:** ATJ Commission Strategic Planning Committee  
**From:** AOIC  
**Date:** December 8, 2016  
**Re:** Updated Proof of Concept Memo for Self-Represented Litigant Coordinators Program

This memorandum discusses a proposed new program to improve the efficiency of court procedures and to better serve the needs of the growing numbers of self-represented litigants in the Illinois courts. This proposal will be presented to the Strategic Planning Committee of the Illinois Supreme Court Commission on Access to Justice ("ATJ Commission").

#### I. An Overview of Self-Represented Litigant Data

The number of Illinois residents appearing in court without an attorney steadily grows, now numbering in the hundreds of thousands annually. The increase in the number of self-represented litigants is not unique to any one circuit, county, or case type. In fact, in 2015, over half of the state's 24 judicial circuits reported that 70% or more of litigants in civil matters were self-represented. Data collected by the AOIC also shows that in five different case types—Dissolution, Municipal, Small Claims, Orders of Protection, and Family—50% or more of litigants statewide are self-represented. The trend towards self-representation in Illinois mirrors similar trends nationally.

The large volume of self-represented litigants poses a number of challenges for both circuit clerks and judges, as well as for the litigants themselves. In a 2016 survey conducted by the ATJ Commission's Committee on Court Guidance and Training, 86% of judges and 98% of circuit clerks reported that the presence of a self-represented litigant created new challenges. However, the vast majority of self-represented litigants are not self-represented by choice. A 2016 report prepared by the Institute for the



Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have legal representation, but were unable to find or afford an attorney.<sup>1</sup>

Providing legal representation for all litigants is not a workable solution. The poverty rate in Illinois is at a fifty year high with nearly one in three Illinois residents living in or near poverty.<sup>2</sup> There are fewer than 400 legal aid attorneys in the entire state providing free legal services for the poorest Illinois residents, and seven of Illinois' 24 judicial circuits have no legal aid attorneys located in their boundaries.<sup>3</sup> Outside of Cook County, only one legal aid attorney exists for every 10,000 low-income residents.<sup>4</sup> Furthermore, working and middle class families are often finding themselves priced out of the legal market as wages have stagnated and attorney hourly rates have increased.<sup>5</sup>

In the current legal landscape, the "typical" court user is no longer an attorney. It is a self-represented litigant with no legal training and little to no prior experience navigating the court system. The Court must be proactive in addressing this demographic shift head on by innovating new solutions to improve and streamline the user experience of the self-represented litigant, while also alleviating the burden placed on court staff and judges by inexperienced and uninformed litigants.

## II. Currently Available Self-Help Resources

A number of statewide and local resources have been developed by various stakeholders to address the needs of self-represented litigants. These resources range in scope from "high touch" programs where a litigant can get customized legal advice from an attorney to very basic resources like self-help brochures and printed referral lists. There is little consistency across, and even within, the judicial circuits with respect to the types of resources available and the level of assistance offered to self-represented litigants. The following section provides a brief overview of the current self-help resources offered throughout the state.

### a. Legal Self-Help Centers

Between 2006 and 2012 legal self-help centers were set-up across the state to address the unmet civil legal needs of Illinois residents as highlighted in the 2005 study *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans*.<sup>6</sup> The report, published by the Lawyers Trust Fund of Illinois and The Chicago Bar Foundation, found that while half of low-income Illinois residents had legal needs, very few of them had access to legal assistance.<sup>7</sup> With the support of Joe Dailing, the Illinois Coalition for Equal Justice, and Illinois Legal Aid Online, 171 legal self-help centers were

<sup>1</sup> *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18 (available online at [http://iaals.du.edu/sites/default/files/documents/publications/cases\\_without\\_counsel\\_research\\_report.pdf](http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf)).

<sup>2</sup> Heartland Alliance, *Racism's Toll: Report on Illinois Poverty*, February 2016, page 7 (available online at [http://www.ilpovertyreport.org/sites/default/files/uploads/PR16\\_Report.pdf](http://www.ilpovertyreport.org/sites/default/files/uploads/PR16_Report.pdf)).

<sup>3</sup> Illinois Supreme Court Commission on Access to Justice, *Access to Justice in Illinois*, November 2014, page 6.

<sup>4</sup> Id.

<sup>5</sup> Wall Street Journal, *More Strapped Litigants Skip Lawyers in Court*, July 22, 2010 (available online at <http://www.wsj.com/articles/SB10001424052748704229004575371341507943822>).

<sup>6</sup> Available online at <http://ltf.org/wp-content/uploads/2013/02/legalneeds.pdf>.

<sup>7</sup> Id.

established statewide, with at least one located in each of the state's 102 counties.<sup>8</sup> The centers were located either in courthouses (27 locations) or public libraries (144 locations) and were funded primarily through grants from the Illinois Equal Justice Foundation.

The legal self-help centers are not a monolith, and the specific services offered vary quite widely based on community need, available funding, stakeholder engagement and patron volume. As identified in the attached report by Illinois Legal Aid Online, the baseline features of a legal self-help were originally identified as:

- In-person navigational assistance to help users access the Illinois Legal Aid Online (ILAO) self-help website<sup>9</sup>;
- At least one computer workstation with high speed internet access;
- A printer;
- Signage noting what service court staff can and cannot provide;
- Referral information for individuals seeking further assistance; and
- Ongoing training and support for self-help center guides.

Some centers incorporated additional features above and beyond the baseline requirements including dedicated staff, pro bono attorney hours, local website content, or court-specific printed materials.<sup>10</sup>

Now, ten years after the centers were first formed, three new sources of information have provided a picture of how the centers have evolved over time, and their strengths and weaknesses: (1) a 2016 report on legal self-help centers prepared by Illinois Legal Aid Online; (2) follow-up research conducted by an AOIC Civil Justice Division summer intern about the specific operations at each legal self-help center; and (3) Pew Survey data revealing a changing technology landscape with widespread access to mobile devices.

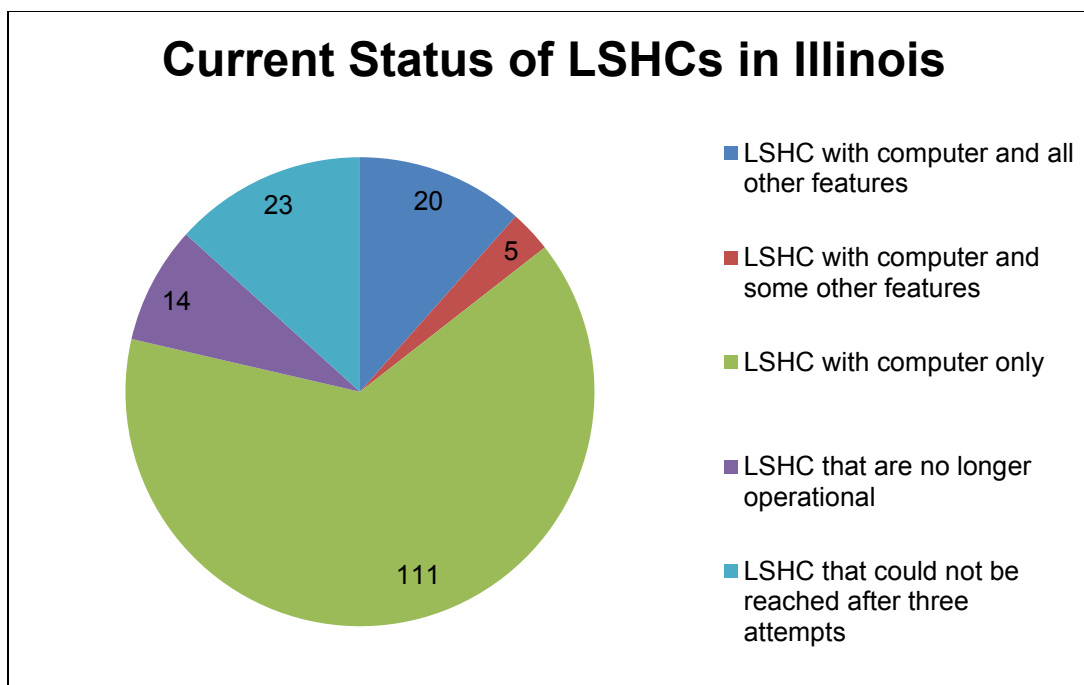
In the summer of 2016, the AOIC Civil Justice Division's intern reached out to all of the 171 legal self-help centers by phone and email to ascertain the status of each of the centers to help guide in the ATJ Commission's ongoing strategic planning efforts. The results of her research and the status of legal self-help centers are summarized below:

- 25 centers still operated at the same level, offering both navigational assistance and other resources for self-represented litigants such as referrals or printed materials.
- Another 37 centers have either ceased operation altogether, are unreachable, or no longer identify as a legal self-help centers due to staff turnover or a decrease in services.
- The vast majority of the centers (109 centers) only provide a point of access for self-represented litigants to web-based resources such as the ILAO website.

<sup>8</sup> A complete list of Legal Self-Help Centers can be found online at <http://www.illinoislegalaid.org/get-legal-help/lshc-directory>.

<sup>9</sup> <https://www.illinoislegalaid.org/>

<sup>10</sup> For examples of self-help centers that offer a higher level of service, please visit the Lake County Self-Help Center website at <http://www.19thcircuitcourt.state.il.us/1303/Center-for-Self-Representation> or the Kane County Self-Help Center website at <http://www.kclawlibrary.org/>.



This research shows that the majority of the centers have ceased functioning as anything more than a point of access for a computer with internet access, and very few centers continue to function at their originally intended level. Furthermore, the last decade has seen a significant increase in the number of individuals with access to internet either at home or on a smart phone, diminishing the value of self-help centers that function primarily as internet points of access. Pew Survey data shows that when the self-help center project launched in 2004, only 63% of Americans had access to internet at home.<sup>11</sup> By 2015 that number had increased to 84%.<sup>12</sup> Data also shows that the racial, economic, and geographic gaps in internet usage have diminished significantly over time. A large majority of Americans now own a smart phone, and that number holds steady across all income and racial groups. In fact, smart phone ownership rates are now highest among African American and Latino populations.<sup>13</sup>

Internet access alone is no longer enough to create an effective self-help center, and yet that is the defining characteristic of the overwhelming majority of the centers. The centers that have proven to be most successful over time have been those with dedicated staff or collaborative partnerships with JusticeCorps, legal aid providers, or local bar associations. A staff person with responsibility for managing the center can help it evolve to meet the ever-changing needs of the court staff and the local community. The current state of the legal self-help centers underscores that self-help services must evolve to be responsive to current needs.

#### **b. Court-Based Legal Advice Programs**

<sup>11</sup> <http://www.pewinternet.org/2015/06/26/americans-internet-access-2000-2015/>

<sup>12</sup> Id.

<sup>13</sup> <http://www.pewinternet.org/fact-sheets/mobile-technology-fact-sheet/>

Many courthouses have leveraged their partnerships with local legal aid agencies, pro bono attorneys, or bar associations to establish court-based legal advice programs for self-represented litigants. Broadly speaking, there are two models of court-based legal advice programs. The first, particularly common in Cook County, is the help desk model. Help desks provide a physical point in the courthouse where self-represented litigants can access legal information and advice on discrete areas of law such as guardianship, eviction, or expungement. Help desks are usually operated by local legal aid agencies, often with the support of attorney and law student volunteers. The services offered by help desks can vary greatly ranging from basic legal information to same day representation in court.

The second model is the pro bono model. Outside of Cook County where there are significantly fewer legal aid agencies in operation, this model is used almost exclusively. Most court-based pro bono programs have a similar structure; local attorneys are available at set times to provide brief legal advice in general civil litigation matters. Most of these programs operate in conjunction with the local bar association which recruits and schedules private attorneys to meet one-on-one with self-represented litigants at the courthouse. These programs are generally limited to a handful of days a month and may sometimes require advance registration.

At this time, no comprehensive statewide data exists about the number of court-based legal advice programs in operation. The AOIC is in the initial stages of compiling this information and hopes to have a better understanding of the current landscape in the coming months. The Public Interest Law Initiative (PILI) has collaborated with six judicial circuits to establish Judicial Circuit Pro Bono Committees tasked with promoting and supporting pro bono initiatives in their area.<sup>14</sup> However, it is immediately apparent there are many counties throughout the state without any court-based legal advice programs, and that even the counties currently hosting programs are still not able to meet the needs of all self-represented litigants.

### c. Illinois JusticeCorps

Illinois JusticeCorps was launched in Cook County in 2009, and has since expanded to 9 counties throughout the state.<sup>15</sup> At each site, in partnership with the Illinois and Chicago Bar Foundations, student volunteers act as docents for self-represented litigants and other court patrons, guiding them throughout the courthouse in an effort to make the experience more welcoming and efficient. JusticeCorps volunteers complete 300 hours of service over the course of one year and receive intensive training on how to provide legal information and referrals, how the courthouse operates, and the challenges and needs of self-represented litigants. Members are tasked with connecting court patrons with the clerk's office, law libraries, courtrooms, and various pro bono and legal aid programs in the area. Depending on the site, JusticeCorps members may offer more intensive assistance including assisting with forms (without giving legal advice), explaining court procedure, and providing targeted referral information to community resources. Each JusticeCorps site also hosts one full-time fellow who supervises other the volunteers and establishes court-specific priorities and procedures.

<sup>14</sup> More information about the Judicial Circuit Pro Bono Committees in the Third, Fifth, Sixth, Tenth, Eleventh, and Fourteenth Judicial Circuits can be found on PILI's website at <http://pili.org/pro-bono/judicial-circuit-committees>.

<sup>15</sup> Current JusticeCorps sites are located in Cook, Champaign, Kankakee, Knox, Lake, Madison, McLean, Will, and Winnebago counties.

Circuit/Courthouse Location	October 2015-June 2016 (9 months)		Total Instances of Assistance
	Information and Navigational Assistance	Self-Help Assistance and Legal Aid Referrals	
Cook/Chicago	26173	19834	46007
11 <sup>th</sup> Circuit/Bloomington	123	1202	1325
6 <sup>th</sup> Circuit/Champaign	4834	982	5816
3 <sup>rd</sup> Circuit/Edwardsville	5467	311	5778
9 <sup>th</sup> Circuit/Galesburg	180	426	606
12 <sup>th</sup> Circuit/Joliet*	1393	335	1728
21 <sup>st</sup> Circuit/Kankakee	1257	1199	2456
Cook/Markham	622	1481	2103
17 <sup>th</sup> Circuit/Rockford	1780	645	2425
19 <sup>th</sup> Circuit/Waukegan	3461	501	3962
<b>Total</b>	<b>45290</b>	<b>26916</b>	<b>72206</b>
* Joliet began operations in January 2016			

#### d. Illinois Legal Aid Online (ILAO) and Legal Answers

ILAO, mentioned earlier in the context of the self-help centers, operates a website that serves as the central source of self-help information in Illinois. The website, in operation since 2001, provides legal information, forms, and referrals for litigants in eight key areas of law. Millions of users visit the ILAO website every year in search of legal information. Recently, ILAO piloted an online legal assistance program, Legal Answers, with financial support from the Illinois Bar Foundation. The program is supported by the American Bar Association and uses the ABA's cloud-based software which has been provided at no cost to Illinois and a number of other states.

Legal Answers is an entirely web-based program which connects users from anywhere in the state with pro bono attorneys. Each user can submit up to three different legal questions per year about any type of civil case. Questions are posted to a queue where registered attorneys can review and respond via e-mail. The user posing the question and the responding attorney can then interact directly with any follow up questions and comments until the communication is completed. Legal Answers will offer much-needed assistance to rural communities which are underserved by legal aid and pro bono programs. It will also offer a new volunteer opportunity for private attorneys looking for flexible and discrete opportunities to engage in pro bono work. However, the answers are not provided in real time

and so the program will be of limited assistance to self-represented litigants in the courthouse looking for immediate guidance.

### III. Looking Ahead in Illinois

A review of the current self-help resources available in Illinois highlights many gaps in service. The only court-based, statewide program is the legal self-help center which primarily functions as a point of internet access, a service of diminishing value in an increasingly wired society. Higher touch programs, including Illinois JusticeCorps and onsite legal assistance, are scattered sporadically throughout the state and often rely on external partners whose ability to contribute financial and human capital may fluctuate over time. These programs are not always integrated effectively into the court system and have varying degrees of support from local court administration. ILAO is an immensely helpful baseline resource, but many litigants require human interaction or localized information to get timely, accurate answers to their questions.

The gold standard self-help center would combine the best of each of these programs. A 2008 guide produced by the Self-Represented Litigants Network (SRLN) offered a list of attributes required for a highly effective self-help center.<sup>16</sup> Many, if not most, of the items on the list are present in the existing resources, but the following stand out as areas where Illinois can improve its self-help centers:

- Regular training for self-help staff from attorneys, court personnel, and other knowledgeable stakeholders;
- Integration into all relevant aspects of court management and operations;
- Regular opportunities to get feedback from the bench on the impact and effectiveness of self-help services;
- Regular meetings with other units within the court;
- Ongoing outcomes evaluation and data collection;
- Integration into the larger legal services community; and
- Regular meetings with community-based service providers.

For a courthouse to effectively offer all of these program, it would need a dedicated staff person focused on addressing the needs of the growing self-represented litigant person. Whether this person is housed within a clerk's office, a law library, or a legal self-help center is not important. The critical requirement is simply that the person can take responsibility for understanding, connecting and expanding the various resources that exist to support self-represented litigants. A dedicated staff person can build relationships inside and outside the courthouse to prevent the existing resources from working in isolation and to encourage more holistic responses to legal problems. This person could also take responsibility for monitoring program outcomes and updating resource materials as necessary. For these reasons, the ATJ Commission will be best served by using its resources to cultivate a network of Self-Represented Litigant Coordinators (SRLCs) who can provide these functions as a way of continuing and expanding the work started by the legal self-help centers. The next two sections will outline how such a

<sup>16</sup> Self-Represented Litigation Network. *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources*, 2008, page 8, (available online at [http://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20\(2008\).pdf](http://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20(2008).pdf)).



model could work, first by studying an existing program in Colorado and second by proposing a new program in Illinois.

#### **IV. A Case Study: The Colorado Self-Represented Litigant Assistance Program**

When reviewing the national landscape of self-help programs, Colorado emerges as a clear leader with its Self-Represented Litigant Assistance Program. The Program began in 2012 with the support of the Chief Justice of the Colorado Supreme Court and the approval of the legislature which allocated funding for 14 full-time staff positions and \$60,000 for additional operating costs. The first cohort of Self-Represented Litigant Coordinators, or "Sherlocks" for short, included one statewide Sherlock Coordinator, one appellate Sherlock, and 12 district-level Sherlocks based in trial courts throughout the state. The Sherlocks were tasked with providing legal information, support, and referrals to self-represented litigants in all civil matters. Detailed guidance on permitted and prohibited activities came from Chief Justice Directive 13-01,<sup>17</sup> the contents of which largely mirror the Illinois Safe Harbor Policy.<sup>18</sup> The program has since expanded to include 40 full-time positions with at least one Sherlock in each of Colorado's 22 judicial districts and two or three in the more populous districts.

##### **I. Colorado "Sherlock" Program Structure**

A 2012 RFP solicited proposals from any judicial district interested in participating in the first round of Sherlock funding. The RFP provided little guidance, allowing broad discretion in how each District customized the role to meet local needs. All the Sherlocks split their time between direct services (providing one-on-one assistance to self-represented litigants) and resource development (creating new materials for self-represented litigants and developing partnerships with community organizations). However, the specific balance of time and primary focus areas varies in each District depending on local needs and the preference of the Chief Judge. All hiring decisions are made locally, and each Sherlock is supervised by the local court administrator or clerk of court. Roughly half of the districts hired attorneys, and the other half hired experienced court personnel. Generally speaking, in districts where the Sherlock is an attorney, there is a stronger focus on resource development, and in districts where the Sherlock is a non-attorney, the focus is more heavily on direct services.

The structure of the Colorado court system is similar to that of the Illinois courts. There are 22 judicial districts, some encompassing one densely populated county and some encompassing multiple rural counties. While each program operates autonomously, the statewide Sherlock coordinator works closely with each individual program to ensure consistency throughout the state and to share resources across districts. All the Sherlocks participate in bi-weekly conference calls, and the statewide coordinator has final approval over all documents before they are distributed to litigants. This ensures a consistent look and feel to all the self-help resource materials and prevents needless duplication of materials. The program has placed a high priority on ensuring consistency throughout the state in the types of resources and services provided to litigants.

The physical location of each Sherlock in the courthouse varies by county, but there are some constants. Every Sherlock has a private or semi-private area in which to communicate with litigants. Each area is

<sup>17</sup> Available online at [https://www.courts.state.co.us/Courts/Supreme\\_Court/Directives/13-01.pdf](https://www.courts.state.co.us/Courts/Supreme_Court/Directives/13-01.pdf).

<sup>18</sup> Available online at [http://www.illinoiscourts.gov/SupremeCourt/Policies/Pdf/Safe\\_Harbor\\_Policy.pdf](http://www.illinoiscourts.gov/SupremeCourt/Policies/Pdf/Safe_Harbor_Policy.pdf).

also equipped with public access computer terminals and printers available to litigants who need to access forms or additional resources. The ideal location is close to the clerk's office without physically being in it to avoid confusion and to stress the independent functions of the two offices. The center must be easily visible and accessible and have clear signage throughout the court.

Sherlocks based in rural areas are generally responsible for multiple counties or multiple districts. Those Sherlocks establish a "home base," usually in the busiest courthouse in the area, and travel to outlying areas once or twice a month for in-person meetings. The rest of the time they are available via phone or e-mail. Some districts have created remote access terminals which will allow the Sherlocks to connect via Skype with litigants in outlying courthouses.

Each district has leveraged its local resources and relationships in different ways to offer additional services for self-represented litigants. Some districts host pro bono clinics where private attorneys offer free consultations to self-represented litigants and information on how to get additional assistance. Some Sherlocks have developed close referral relationships with local legal aid agencies and will pre-screen and refer meritorious cases. One district is experimenting with a virtual pro bono pilot program that will connect pro bono attorneys in Denver with litigants in rural areas that lack pro bono resources. Some districts host regular events where outside speakers educate litigants on discrete areas of law like evictions and small claims. Every Sherlock is responsible for regularly updating and checking all resources and referrals available for accuracy. The Sherlocks balance both statewide efforts to promote consistency and local efforts to meet the individual needs of their communities.

## **V. A Proposal to assist Self-Represented Litigants in Illinois**

### **a. The Need for Local Innovation and Competition**

Since its inception in 2012, the ATJ Commission has been instrumental in spearheading a number of changes designed to improve the experience of self-represented litigants in the Illinois courts. Language access, standardized forms, limited scope representation and new pro bono rules offer some concrete examples of the state-level work that has been done. However, there are also real limitations to the top down approach when it comes to access to justice. There are well over 100 courthouses in Illinois scattered across 102 counties and 24 judicial circuits. The diversity of the State means that the populations served and resources needed vary wildly from county to county and courthouse to courthouse. To address the justice gap effectively, local partnerships are necessary and the ATJ Commission must support grassroots level work in addition to broader systemic changes to affect lasting change.

Many courts are already doing great work at the local level to better serve self-represented litigants. However, much of this work is under the "statewide" radar and there are not many formal opportunities for counties to share their experiences and resources. Better cross-circuit communication can encourage innovation and create the supportive environment needed to foster experimentation. Rather than operating independently, counties and circuits can communicate and collaborate about their local challenges and successes. Local, homegrown successes can serve as an inspiration to other localities facing similar problems and encourage a "race to the top" in providing the best possible support for self-represented litigants. One way to kick-start a statewide conversation about self-represented litigant services would be to create dedicated court staff working on these issues at the local level. This section



will outline a proposal to create and/or enhance staff positions with a heightened focus on self-represented litigants in a select number of counties throughout Illinois.

### **b. Statewide Network of Self-Represented Litigant Coordinators (SRLCs)**

Under this proposal, the AOIC and the ATJ Commission would offer grant money to five counties to designate a Self-Represented Litigant Coordinator (SRLC) tasked with addressing the needs of self-represented litigants. The goal of the project would be to create, train and support a statewide network of SRLCs who could support the staff in their courthouses by identifying and implementing new strategies for supporting self-represented litigants, with the ultimate goal of reducing the burden placed on court staff and judges and improving the self-represented litigant's experience in the courthouse. SRLCs would serve as a bridge, linking their courthouses with others throughout the State so they could partner to more efficiently develop new resources and programs.

The grants awarded under this proposal would not be large enough to fund an entirely new position. Instead, the SRLC would be an existing staff person from the chief judge's office or the law library who would spend a portion of their time working on these issues. By working to reduce the many challenges presented by self-represented litigants, the SRLC would reduce the workload of other staff members proportionately. This strategy of "specialization" has proved successful in other states, including New York, which recently implemented a similar program in the New York City Family Court by reorganizing existing staff to create positions dedicated to supporting self-represented litigants.

The SRLCs would facilitate the sharing of resources and best practices across county lines and judicial circuits to more effectively address the self-help service gaps seen throughout the State in a coordinated fashion. SRLCs would work to identify, develop, and implement new tools and resources in their local courthouses and would also work with other stakeholders to facilitate better communication and collaboration in addressing these issues. As SRLCs become aware of what their counterparts throughout the state are doing, they can learn from one another's successes, share each other's resources, and strive to provide the best possible services for self-represented litigants.

Each SRLC would be required to participate in the following activities:

- Attend an annual SRLC training in Chicago;
- Participate in monthly phone calls with the SRLC network to discuss emerging trends, local challenges, and recent successes;
- Create, modify, and update self-help resources for the courthouse (*e.g.*, referral sheets, tip sheets, courthouse signs);
- Submit regular updates to the AOIC about SRLC activities; and
- Partner with the ATJ Commission and AOIC to identify statewide needs and large scale solutions.

Beyond those activities, each SRLC's role would be unique within his or her courthouse and could be customized to meet the local needs of the community. Each SRLC would be expected to incorporate most, if not all, of the following tasks into his or her work:

- Identify new program needs (*e.g.*, mediation, remote access, dedicated *pro se* calls);

- Develop new partnerships with community organizations (e.g., bar association *pro bono* hours, volunteer greeters, information sessions from social service providers);
- Solicit ongoing feedback from litigants, judges, clerks, and other court staff about the effectiveness of self-help resources and programs;
- Facilitate effective communication between various offices within the courthouse (e.g., clerk's office, chief judge's office, law library, interpreters);
- Review quarterly data collected by the circuit clerk's office on self-represented litigants;
- Provide one-on-one legal information and referral information to self-represented litigants as appropriate; and
- Act as a liaison between self-represented litigants and other court staff akin to the position of the Court Disability Coordinator.

Each SRLC's time would be used differently depending on both local needs and the level of resources currently available in the courthouse. This role would be dynamic and could change over time as community and courthouse needs evolve.

### **c. Proposed Grant Application**

To launch the program in Illinois, the AOIC and ATJ Commission would release an RFP seeking applications from interested counties. The RFP would require the following:

- Application form
- Program narrative asking the applicant to explain why the county needs an SRLC, how they will fit into and support existing efforts, specific goals for the SRLC and potential partners to collaborate with the SRLC
- Letters of support from key stakeholders including the chief circuit judge, the local presiding judge (if applicable), and the circuit clerk;
- Statement of interest from the proposed SRLC explaining his or her interest in the position and qualifications; and
- Proposed budget

Successful applications would demonstrate the following: strong support from relevant stakeholders including the chief circuit judge, local presiding judge, and the circuit clerk, awareness of existing service gaps, and a willingness to think creatively about new solutions. The ideal SRLC would have extensive experience working within the court system, a high level of familiarity with both court procedure and local resources, and a high level of empathy and patience in working with self-represented litigants. All grantees would be required to submit periodic updates to the AOIC describing their work.

The maximum grant size would be \$20,000 and a travel stipend for attending the annual training in Chicago. The money could be used for a variety of purposes including:

- Increased compensation for the SRLC;
- New computers, scanners, telephones, and/or printers;
- Developing and printing new self-help resources;
- Hosting training sessions and community events related to SRLC activities

- Modifications to create an appropriate work space for the SRLC; and
- Other related purposes.

The proposed budget must provide an explanation of how the grant money would be spent in the desired county.

#### **d. Ongoing Support Provided by the AOIC and the ATJ Commission**

Grant recipients would receive training and support from the AOIC and the ATJ Commission to develop sustainable programs in their counties. Each SRLC would participate in an annual training in Chicago that would bring together self-help staff from throughout the state for intensive training on best practices for working with self-represented litigants, the safe harbor policy, and other relevant topics. SRLCs would also participate in monthly phone calls led by the AOIC's Self-Represented Litigant Services Specialist. These conversations would create an opportunity for SRLCs to share best practices and troubleshoot local challenges and would also promote consistency throughout the state in the types of services and resources available locally.

#### **e. Potential Coordination Between Illinois Justice Corps and Self-Help Navigators**

Counties that currently host Illinois JusticeCorps fellows would be invited to apply along with all other counties. In jurisdictions with Illinois JusticeCorps programs operating in their courthouses, the SRLC would work closely with JusticeCorps members to provide assistance to self-represented litigants. Justice Corps members could assist with simple questions and referrals, while leaving more complex or extended interactions and more systemic reforms and resource development for the SRLC. Due to their experience and training, SRLCs would be able to provide services above and beyond those of JusticeCorps fellow. SRLC would also create long-term consistency within the court that would support relationship building with community groups as well as easing the annual transition of JusticeCorps members.

SRLCs would be particularly well-positioned to cultivate relationships with local legal and social service providers and could assist JusticeCorps members in providing targeted referrals and communicating directly with service providers when appropriate. SRLCs could also collaborate with JusticeCorps members to develop new resources on an as-needed basis for the courthouse. Lastly, each SRLC would have a strong working relationship with the circuit clerk and chief circuit judge that would put them in the position to assist with data collection and reporting on the number of self-represented litigants in the courthouse. That information could be used to identify possible data-driven changes to court procedure and administration that could improve the user experience for self-represented litigants. JusticeCorps members could then assist with ground-level implementation.

### **VI. Overcoming Barriers and the Future of Self-Help**

Dedicated self-represented litigants court staff are becoming more common throughout the county, but are still quite rare in Illinois. A small handful of counties have taken it upon themselves to create comparable positions, but they are few and far between. The above proposal will help counties that want to innovate in this space overcome the barriers created by money and uncertainty. By offering financial assistance and training, participating counties can effectively leverage their existing resources

to create successful self-help centers and navigators. By establishing a statewide network of similarly positioned experts on issues facing self-represented litigants in the court who can communicate regularly, participating counties will benefit from having both the support of the AOIC and the experience of all the statewide SRLCs available to them.

This model will ideally prove to be sustainable even after the first two implementation years, and can serve as an inspiration for other counties. This could be the first step in creating a robust network of individuals focused exclusively on the needs of self-represented litigants who could share ideas and resource to encourage creativity and wider scale implementation of new programs. By creating a strong statewide community of SRLCs and a supportive space for courts to share best practices and experiences, Illinois can make great improvements to the court experience of all Illinois residents, especially the self-represented.

### 3. Illinois JusticeCorps Letters of Interest



**State of Illinois**  
Circuit Court  
Seventh Judicial Circuit

John W. Belz  
Chief Judge  
Sangamon County Complex  
Fifth Floor  
200 So. Ninth Street, Room 522  
Springfield, IL 62701

Counties:  
Greene Morgan  
Jersey Macoupin  
Scott Sangamon

February 21, 2017

Hon. Mary K. Rochford, Chair  
Supreme Court Commission on Access to Justice  
160 N. LaSalle Street, Suite S1605  
Chicago, IL 60601

Dear Justice Rochford:

Recently, through the Conference of Chief Judges, I've been made aware of the Illinois JusticeCorps and how it provides important and specific services to self-represented litigants within a jurisdiction. I'm writing to you, as the chair of the ATJ Commission, to show my interest in this program for the County of Sangamon.

The Sangamon County Courts, not unlike other courts throughout our State, have seen a steady increase in the number of self-represented litigants. I do not anticipate this trend to change in our near future. Therefore, I believe that JusticeCorps would be a great resource to begin offering our community and would like to further explore any potential expansion of this top priority within my jurisdiction.

Please feel free to contact me at your convenience with any questions that you may have.

Best regards,

Hon John W. Belz  
Chief Judge of the 7<sup>th</sup> Circuit

JWB/sm

Cc: Danielle Hirsch, via email

**16<sup>th</sup> Judicial Circuit**  
**County of Kane**  
**Office of the Chief Judge**  
**and Court Administrator**  
**KANE COUNTY JUDICIAL CENTER**  
 37W777 Route 38, Suite 301  
 St. Charles, Illinois 60175



**Susan Clancy Boles**  
 Chief Judge

March 1, 2017

Justice Mary K. Rochford  
 Appellate Court, First District, 6<sup>th</sup> Division  
 160 N. LaSalle Street, Suite S-1605  
 Chicago, Illinois 60601

Re: The Illinois JusticeCorps Program

Dear Justice Rochford:

Please accept this letter of support for the continuation of and funding for the Illinois JusticeCorps Program. Though the Sixteenth Judicial Circuit (Kane County) is not currently a host for JusticeCorps volunteers, we hope to take advantage of this opportunity in the future.

Being a single county circuit with multiple court and department locations, the guidance of JusticeCorps volunteers would prove invaluable in the 16<sup>th</sup> Judicial Circuit to help ensure that people are not mistakenly traveling to various physical locations. As we know, the act of human reassurance and guidance helps to advance peoples comfort and empowerment in otherwise overwhelming situations. The act of having JusticeCorps volunteers in place in courthouses to help guide the public and answer procedural questions helps to reinforce the trust in the Illinois court system as a whole.

I appreciate your consideration of this recommendation for the continuation of and funding for the Illinois JusticeCorps Program.

Sincerely,

Susan Clancy Boles, Chief Judge  
 Sixteenth Judicial Circuit  
 Kane County, Illinois

SCB:scw



**OFFICE OF THE CHIEF JUDGE**  
**18<sup>th</sup> Judicial Circuit Court - DuPage County, Illinois**

KATHRYN E. CRESWELL  
Chief Judge

February 21, 2017

Justice Mary K. Rochford  
Chair, Supreme Court Commission on  
Access to Justice  
160 N. LaSalle St., Suite S1605  
Chicago, IL 60601

On behalf of the 18<sup>th</sup> Judicial Circuit, I would like to request that DuPage County be considered for the location of a JusticeCorps program. In 2015, we explored bringing JusticeCorps to the 18<sup>th</sup> Circuit but finances dictated that we put the process on hold. There are a significant number of unrepresented parties that have pending matters before the court, especially in the areas of divorce, foreclosure, small claims, forcible entry and detainer. DuPage County is home to a number of colleges which may prove to be potential sources of volunteers. The JusticeCorps program would be extremely helpful in assisting unrepresented parties navigating the court system.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn E. Creswell".

Kathryn E. Creswell  
Chief Judge

C: Danielle Hirsch, AOIC

KEC:mk

505 N. County Farm Road, Wheaton, Illinois 60187 (630) 407-8903  
Kathryn.Creswell@18thjudicial.org



STATE OF ILLINOIS  
CIRCUIT COURT  
22ND JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOIS

*Copy*

Hon. Michael J. Sullivan  
Chief Judge

Bridget M. Diedrich  
Administrative Assistant

February 28, 2017

The Honorable Mary K. Rochford  
Chair of the Commission on Access to Justice  
First Appellate District Court of Illinois  
160 North LaSalle Street, Suite 1605  
Chicago, IL 60601

Via Federal Express

RE: Joint Request for consideration of McHenry County (22<sup>ND</sup> Judicial Circuit)  
as an Expansion Site for the Illinois JusticeCorps Program

Dear Justice Rochford:

We are pleased to submit this joint request letter to the Commission on Access to Justice asking for consideration for McHenry County, Illinois, (22<sup>ND</sup> Judicial Circuit) as a site for the expansion of the Illinois JusticeCorps Program.

We are aware of the many benefits which the Illinois JusticeCorps Program brings to the jurisdictions in which it is currently serving.

We have, in the past, been anxious to participate in the Illinois JusticeCorps Program, but we have been reluctant to do so because of our concerns about our ability to provide the Illinois JusticeCorps Program with sufficient space because of severe space restrictions in our courthouse facility. However, the Circuit Clerk's Office in McHenry County has now identified appropriate space which could be dedicated to house the Illinois JusticeCorps Program.

We have the need for the assistance of the Illinois JusticeCorps Program in that the Court in McHenry County has 18 full time operating courtrooms in our courthouse (McHenry County Government Center), which include:

McHenry County Government Center  
2200 North Seminary Avenue, Woodstock IL 60098  
Office: 815/334-4885 Fax: 815/334-4659





**TWENTY-THIRD JUDICIAL CIRCUIT**  
 JUDICIAL OFFICE • DEKALB COUNTY COURTHOUSE  
 ROBBIN J. STUCKERT, CHIEF JUDGE

January 26, 2017

Justice Mary K. Rochford  
 Chair of the ATJ Commission  
 First Appellate District  
 160 N. LaSalle Street, Suite 1605  
 Chicago, IL 60601

Re: Illinois JusticeCorps

Honorable Justice Rochford:

I am in receipt of the information sheet regarding the Illinois JusticeCorp. Please be advised that the 23<sup>rd</sup> Circuit is very interested in the program, and I would be pleased to discuss the program and any available funding resources with you or anyone on your ATJ Commission.

Thank you for the information, and I look forward to hearing more about the program in the future.

Sincerely,

  
 Robbin J. Stuckert  
 Chief Judge

---

133 WEST STATE STREET • SYCAMORE, IL 60178 • 815.895.7160

#### 4. Civil Justice Improvement Program



## Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois Civil Justice Improvement Program

A Collaborative Approach for Achieving Civil Justice

2200 N. Seminary Avenue  
Woodstock, Illinois 60098

p. 815-334-4351  
f. 815-334-2054

[jdwallis@co.mchenry.il.us](mailto:jdwallis@co.mchenry.il.us)  
[22ndcircuitillinois.gov](http://22ndcircuitillinois.gov)

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## Project Information

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James D. Wallis  
Trial Court Administrator  
Circuit Court of the 22<sup>nd</sup> Judicial Circuit  
2200 N. Seminary Avenue  
RM 355  
Woodstock, IL 60098

Telephone: 815-334-4351  
Facsimile: 815-334-2054  
E-mail: [jdwallis@co.mchenry.il.us](mailto:jdwallis@co.mchenry.il.us)

Michael J. Sullivan  
Chief Judge  
Circuit Court of the 22<sup>nd</sup> Judicial Circuit  
2200 N. Seminary Avenue  
RM 355  
Woodstock, IL 60098

Telephone: 8415-334-4385  
Facsimile: 815-334-2054  
E-mail: [mjsulliv@co.mchenry.il.us](mailto:mjsulliv@co.mchenry.il.us)

### Scope of Project

The Circuit Court of the 22<sup>nd</sup> Judicial Circuit for McHenry is seeking to be included as a Civil Justice Improvement pilot project by partnering with the National Center for State Courts, State Justice Institute, the Administrative Office of the Illinois Courts and the Illinois Supreme Court.

This project would focus on the case management practices within the 22<sup>nd</sup> Judicial Circuit Civil Division in order to produce expeditious dispositions of civil cases based upon differing case complexity criteria and designated case management pathways. The ultimate goal of the 22<sup>nd</sup> Judicial Circuit Civil Justice Improvement Project would be to promote public trust and confidence in the judicial branch of government by providing access to justice in a timely and efficient manner. This project would ultimately impact all of the Civil Division courtrooms of the court.

Additionally, as a pilot site in Illinois and with the collaboration of the Administrative Office of the Illinois Courts and the Illinois Supreme Court Commission on Access to Justice, this project and case management practices would serve as an example to other jurisdictions in the State of Illinois with the goal of statewide acceptance and implementation.

## Goals and Objectives to be Achieved

- Complete “Landscape” study of the 22<sup>nd</sup> Judicial Circuit
- Develop collaborative committee of the court and various judicial partners to review data and make recommendations
- Engage technology vendors to ensure that the court is able to capture the necessary data and development enhancements to the case management system in order to aid the implementation of case management practices. This would include;
  - Execution of business rules within the case management system based on case events
  - Aiding with triaging of cases for placement to appropriate pathway
  - Electronic notification of parties
- Collaborate with the Illinois Supreme Court, Supreme Court Commission on Access to Justice and the Administrative Office of the Illinois Courts to develop ways to better meet the needs of high volume court calls to ensure that appropriate Supreme Court Rules allow the pilot project to modify existing civil rules of procedure to support the Civil Justice Improvement Program
- Develop necessary administrative orders
- Develop appropriate pathways for case management
- Identify dedicated individual to triage and monitor case progress
- Review post-program implementation data in order to ensure program goals have been achieved.
- Share all information with the Illinois Supreme Court, Illinois Supreme Court Commission on Access to Justice and the Administrative Office of the Illinois Courts in an effort to develop a statewide implementation project.

## Civil Justice Improvement Recommendations to be Implemented

- Recommendation 1 – The 22<sup>nd</sup> Judicial Circuit will take responsibility for managing civil cases from the time of case filing to case disposition
- Recommendation 2- The 22<sup>nd</sup> Judicial Circuit will match the necessary resources with the needs of the individual case.
- Recommendation 3 – A mandatory pathway assignment system will be developed and utilized in achieve positive case management.
- Recommendations 4, 5, and 6 will be incorporated and in conjunction with Recommendation 3. The court will develop a Streamlined Pathway, a Complex Pathway and a General Pathway. Each will be based upon the complexity of the factual and legal issues within the case.
- Recommendation 7 – Judges and administrative personnel will work collaboratively and examine civil case business practices and develop protocols for administrative decision making.

- Recommendation 8 – The court will partner with the Illinois Supreme Court, Illinois Supreme Court Commission on Access to Justice, Administrative Office of the Illinois, National Center for State Courts and the McHenry County Bar Association in order to develop training programs and provide information pertaining to the Civil Justice Improvement Program.
- Recommendation 9 – The court will develop criteria to assess a judge’s experience with case management techniques and use that information to establish judicial assignments.
- Recommendation 10 – The 22<sup>nd</sup> Judicial Circuit will leverage all available technology in order to implement the Civil Justice Improvement Program.
- Recommendation 11 – High volume civil dockets will be closely monitored and will be explored with the aforementioned collaborative partners for the development of additional resources and identified legal referrals to assist litigants..
- Recommendation 12 – Uncontested matters will not languish and will be processed in an efficient manner.
- Recommendation 13 – Steps will be taken to provide greater access to the court and promote the convenience of the court patron.

### **Project Plan/Timeline**

February 15, 2017 – Project Notification

March 1, 2017 – Organizational meeting of the 22<sup>nd</sup> Judicial Circuit Civil Judges

March 15, 2017 – Meeting with stakeholders, Circuit Clerk of the Court, Illinois Supreme Court Commission on Access to Justice, Administrative Office of the Illinois Court, National Center for State Courts, McHenry County Administration and the McHenry County Bar Association for project overview.

April, 2017 – Develop subcommittees and assign responsibilities to evaluate current practices, recommendations of the CJI report and implementation strategies; Subcommittees would include: Technology, Rules and Procedure, Access to Justice and Case Management. Committees would be tasked to provide a written report based upon assignment which support the various CJI implementation recommendations. Subcommittees meet as needed.

June, 2017 – Update meeting with all involved personnel and subcommittees.

August, 2017 – Coordinate committee reports into formal implementation plan including courtrooms where CJI project will be piloted.

September, 2017 – Meeting with stakeholders to review final report and implementation plan. Development includes: prioritization of recommendations, communicate implementation plan to all parties of interest, coordinate needs with McHenry County Administration and McHenry County Board.

October, 2017 – Begin strategic implementation

December, 2017- Stakeholder meeting to evaluate implementation; adjust implementation plan as needed.

February, 2018 – Begin data collection process in order to evaluate project impact.

April, 2018 – Share data analysis with all stakeholders and update project implementation.

June, 2018- Expand project to other courtroom(s) modeling successful implementation plan.

December, 2018 – Continue all implementation efforts into existing civil courtrooms; collect data for analysis; share data results

January, 2018 – Meeting with representatives of the National Center for State Court, Illinois Supreme Court, Illinois Supreme Court Commission on Access to Justice and Administrative Office of the Illinois Courts to begin statewide implementation plan.

February, 2018 – Stakeholder meeting for final implementation report.

March, 2018 – All CJI recommendations implemented in the civil courtrooms of the 22<sup>nd</sup> Judicial Circuit; continuous assessment of all civil courtrooms; information shared as available.

### Identified Stakeholders

- Chief Judge, 22<sup>nd</sup> Judicial Circuit
- Civil Judges, 22<sup>nd</sup> Judicial Circuit
- Court Administration – Law Library, Self Help Center
- Circuit Clerk of the Court
- McHenry County State’s Attorney’s Office
- McHenry County Administration
- Information Technology Vendors – Integrated Software Specialists, Mentis Technology
- McHenry County Bar Association
- Administrative Office of the Illinois Courts
- Illinois Supreme Court
- Illinois Supreme Court Commission on Access to Justice
- National Center for State Courts

All stakeholders will be invited to participate in project development from the onset in order to fully and successfully implement the project.

### Performance Measures

The court will use nationally recognized case management assessment tools, including; clearance rates, time to disposition, age of pending caseload and trial date certainty. Additionally, the court will

develop specific measures to ensure the complete implementation of the recommendations as set forth in the project plan. These measures could include; pathway designation compliance, event timeline resulting and deadline compliance.

The 22<sup>nd</sup> Judicial Circuit has utilized court user surveys, including the NCSC Courtools, Access and Fairness Survey on three occasions since 2009.



## Institutional Capacity for Implementation and Program Success

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### Leadership

Chief Judge Michael J. Sullivan has been the Chief Judge of the circuit since the inception of the 22<sup>nd</sup> Judicial Circuit in 2006. Chief Judge Sullivan became an Associate Judge in 1976 and has been a proponent of positive case management. Presently Chief Judge Sullivan serves on a statewide Access to Justice Committee.

James “Dan” Wallis has been the Trial Court Administrator for the 22<sup>nd</sup> Judicial Circuit since December, 2008. Prior to the 22<sup>nd</sup> Judicial Circuit, he served as the Court Administrator for the Morrow County Court of Common Pleas. Dan completed the Court Executive Development Program and is a Fellow of the Institute for Court Management, National Center for State Courts and has expertise in caseload management and trial court performance standards.

Illinois Supreme Court Commission on Access to Justice initiative was announced in 2012 by the Illinois Supreme Court to improve access to the justice system. The Court formed the Illinois Supreme Court Access to Justice Commission and charged the Commission with promoting, facilitating and enhancing equal access to justice with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable. The Civil Justice Division within the Administrative Office has been charged with supporting the multi-dimensional initiatives to improve access to justice throughout the state.

### Procedural

Civil practice is governed by the Illinois Supreme Court Article II – Rules on Civil Proceedings in the Trial Court, as well as local court rules. These rules will provide the necessary framework to build upon to ensure the successful implementation of the project.

### Case Automation

The Circuit Clerk of the Court has a custom management information system (iJustice) which is integrated with the McHenry County document management system (OnBase). The Circuit Clerk's Office has been scanning documents for nearly 20 years. Additionally, the judges of the 22<sup>nd</sup> Judicial Circuit have access to court information via Mentis Technology's aiSmartbench application. This e-Bench allows seamless access to court information and documents which allows the judge to rely on electronic records rather than paper documents.

The Circuit Clerk has been accepting the electronic filing of documents via an internet portal since September, 2013 and has been approved for the E-Record Project by the Illinois Supreme Court in May 2015.

Below are the electronic initiatives of the 22<sup>nd</sup> Judicial Circuit as approved by the Illinois Supreme Court.

<u>McHenry</u>	22nd	<u>E-Filing - Civil &amp; Criminal (including citations)</u>	June 18, 2013 (Civil)  May 12, 2015 (Criminal, including citations)
<u>McHenry</u>	22nd	<u>E-Guilty</u>	December 22, 2014
<u>McHenry</u>	22nd	<u>E-Citation</u>	July 17, 2015
<u>McHenry</u>	22nd	<u>E-Record</u>	May 12, 2015
<u>McHenry</u>	22nd	<u>Electronic Transfer of Appellate Record - Pilot</u>	<u>April 25, 2014</u> - Order M.R. 18368  <u>May 31, 2012</u> - Order M.R. 18368

The Circuit Clerk of the Court employs internally a court specific Information Technology Department to support the electronic initiatives of the court. Additionally, the 22<sup>nd</sup> Judicial Circuit has a Business Analyst position which supports the judges. These positions will be vital part of developing and supporting the technology and automation necessary to ensure the success of this project.

## Technical Assistance Required

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The Circuit Court of the 22<sup>nd</sup> Judicial Circuit will need the expertise of the National Center for State Court in order to successfully implement this project. The following will require technical assistance:

- The identification of key data elements for reporting in order to develop current civil case landscape for the 22<sup>nd</sup> Judicial Circuit.
- The development of dedicated position(s) within Court Administration who will support the CJI project by serving as triage specialists for pathway assignments.
- Development of pathway criteria.
- Assistance with judicial stakeholders to develop rules and procedures to support the initiative.
- Hosting educational meetings to educate judicial stakeholders with regards to the civil justice improvement initiative and to aid with altering the local legal culture as it pertains to civil case management.
- Development of meaningful reporting tools in order to ensure compliance to pathway assignment and for project outcome assessment/impact.
- Develop and provide training to judges and court staff on effective case management.

## Funding Required

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The Circuit Court of the 22<sup>nd</sup> Judicial Circuit does not have the financial resources necessary to employ dedicated individuals to support the CJI project. Therefore the court is seeking \$50,000.00 to defray project related expenses. Such a position is necessary in order to successfully triage civil cases and aid in pathway assignment. Additionally, this position will track cases through the court process to ensure timelines are met by civil litigants.

Project information will be shared with the McHenry County Board and the McHenry County Chairman to demonstrate the commitment of the 22<sup>nd</sup> Judicial Circuit to this initiative. The success of this project will ultimately reduce litigation costs to the McHenry County resident thereby making such an ongoing staffing expense reasonable and necessary.

## 5. Trainings Conducted by the Illinois Supreme Court Commission on Access to Justice



### Resources for Access to Justice: Training for Circuit Clerks

#### Training for Illinois Association of Court Clerks (IACC)

- April 19, 2017 Spring Conference (Springfield)
- September 20, 2016 Annual Conference (Rock Island)
- March 30, 2017 New Clerk Orientation (Springfield)

#### Interdisciplinary Trainings for Circuit Clerks and Court Staff

- July 19, 2016 Regional Meeting (Champaign)
- July 20, 2016 Regional Meeting (Carbondale)
- August 2, 2016 Regional Meeting (Rock Island)
- August 3, 2016 Regional Meeting (Rockford)
- October 5, 2016 Regional Meeting (Chicago)
- October 28, 2016 Access to Justice Training (Lombard)

#### County-Level Trainings for Circuit Clerks and Court Staff

- June 2, 2016 Kendall County
- June 8, 2016 15<sup>th</sup> Judicial Circuit (Ogle, Lee, Carroll, Stephenson, Jo Daviess)
- October 20, 2016 McHenry County
- January 25, 2017 Cook County (Daley Center)
- January 26, 2017 Cook County (Daley Center)
- February 1, 2017 Cook County (Daley Center)
- February 2, 2017 Cook County (Daley Center)
- February 8, 2017 Cook County (Maywood)
- February 28, 2017 Cook County (Daley Center)
- March 1, 2017 13<sup>th</sup> Judicial Circuit (LaSalle, Bureau, Grundy)
- March 7, 2017 Cook County (Skokie)
- March 8, 2017 Cook County (Bridgeview)
- March 9, 2017 Cook County (26<sup>th</sup> & California)
- March 23, 2017 Cook County (Markham)
- March 28, 2017 Cook County (Rolling Meadow)
- March 29, 2017 Cook County (Daley Center)

## 6. Courthouse Interactions with Self-Represented Litigants: An Overview of Survey Results from Judges and Circuit Clerks

### **Courthouse Interactions with Self-Represented Litigants (SRLs): An Overview of the Survey Results from Judges and Circuit Clerks**

#### *Survey Overview*

The Court Guidance and Training Committee recently conducted a survey of trial judges and circuit clerks throughout the state to gain a better understanding of their experience with self-represented litigants and the resources and training that are most needed. Two different surveys, one for clerks and one for judges, were developed and distributed electronically to all the trial judges and circuit clerks in Illinois. Each survey consisted of a mixture of multiple choice and open ended questions on a variety of topics related to self-represented litigants, including standardized forms and language access needs. At the end of each survey, respondents had space to list any additional training sessions or references materials that they would like to see in the future.

The survey was open from June 6-September 1, and during that time 480 responses were received from judges and 109 from circuit clerks. The responses represented the diversity of the state, and each of the 24 judicial circuits was represented. Judges from 86 counties and circuit clerks from 102 counties participated in the survey. For the judges' survey, 137 responses came from Cook County, representing 28.5% of the overall survey responses.

#### *Survey Responses*

The survey posed a series of questions about 1) interactions with self-represented litigants, 2) existing training and resources for interacting with self-represented litigants, and 3) desired future training and resources for interacting with self-represented litigants. The responses are briefly summarized below.

#### 1. Interactions with Self-Represented Litigants

The survey confirmed that self-represented litigants are prevalent throughout the state, with 61% of judges and 73% of circuit clerks reporting that they interact with self-represented litigants on a daily basis. The findings also confirmed that self-represented litigants can pose many challenges, with 86% of judges and 98% of circuit clerks reporting that their job is made more difficult by the presence of self-represented litigants.

The top ten challenges identified by judges are:

- SRLs not understanding court procedure (85 responses)
- SRLs not understanding substantive law (44 responses)
- SRLs not understanding rules of evidence (34 responses)
- SRLs filing improper or incomplete pleadings (25 responses)
- SRL cases taking more time (23 responses)

- Appearing impartial while assisting SRLs (22 responses)
- SRLs expecting judges to provide legal advice (14 responses)
- Highly emotional SRLs/SRLs with mental illness (12 responses)
- SRLs not listening to judges/not using available self-help resources (12 responses)
- SRLs not presenting their cases or defenses effectively (9 responses)

By a large margin, the top challenge identified by circuit clerks was litigants seeking legal advice (including assistance with forms) from court staff. Many clerks also identified the lack of local self-help resources in their county as a significant challenge.

## 2. Existing Training and Resources

The judges' survey asked a series of questions about three relatively new tools for judges: Supreme Court Rule 63(a)(4), the Access to Justice Spiral, and the Suggested Best Practices and Relevant Court Rules for Self-Represented Litigants in Civil Matters.

Supreme Court Rule 63(a)(4): Almost all of the respondents (92%) were familiar with Supreme Court Rule 63(a)(4), but only 25% of the respondents had received any formal training on it. Half of the respondents reported that the amendment had helped them. Those who did not find the amendment helpful cited 1) a lack of training and 2) a lack of specific examples as the top two reasons why not.

Access to Justice Spiral: Nearly 60% of the respondents received this document, which was distributed at the 2014 Access to Justice Seminar and the 2016 Judicial Education Conference. Of the recipients, 59% found the guide helpful. Of those who did not find the guide helpful, the top reason cited was that the respondent had not read it.

Self-Represented Litigants in Civil Matters: Suggested Best Practices and Relevant Court Rules: Only 40% of the respondents received this document, which was distributed at the 2014 Access to Justice Seminar and the 2016 Judicial Education Conference. Of the recipients, 65% found the guide helpful. Of those who did not find the guide helpful, the top reason cited was that the respondent had not read it.

The clerks' survey asked a series of questions about the 2015 Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers. The policy had been received by 79% of the respondents and almost half had attended a training session on its contents. Nearly 60% of the respondents had found the policy to be helpful in their office, and 67% of respondents requested additional training on it.

## 3. Desired Training and Resources

Judges and clerks alike generally responded positively when asked about the printed resource materials created by the Commission and the AOIC. Both groups also showed a strong interest in receiving additional written materials. Clerks were generally more interested in

attending future training sessions than judges, and many requested web-based training that would not require travel and could be watched at the viewer's convenience.

The following list summarizes the most requested topics for additional judicial training:

- Effectively managing difficult SRLs (e.g. litigants with mental illness, highly emotional SRLs, sovereign citizens)
- Clarification/examples about the legal advice/legal information distinction
- Balancing Rule 63 with the requirement that SRLs follows rules of evidence and civil procedure
- Targeted tips for various case types (e.g. OP, Divorce, Small Claims) and call types (e.g. high volume, trials)
- Specific tips for managing trials with SRLs and evidentiary hearings
- Guidance for cases where one side is represented and one side is not

The most dominant theme across the survey responses requests was for more specific and detailed information. This could include role playing, hypothetical situations, or specifics for various case types and court calls. Many judges expressed an interest in having better information on available resources and referrals in their community (and having consistent information with that available in the clerk's office).

The following list summarizes the most commonly requested resources and tools, from both judges and clerks:

- Bench cards
- FAQs about basic court protocols and proceeding pro se
- Flowcharts explaining the various steps in a specific case type
- Subject specific packets to give litigants
- Summary of relevant ethics opinions (for judges)
- Checklists (for judges)
- Model opening statements (for judges)
- Sample language to use with SRLs explaining their rights and obligations if proceeding pro se (for judges)
- Pro bono mediation resources
- Pro bono referral lists/panels
- Mandatory pro bono for attorneys
- Staffed help desks and other opportunities for in-person court-based assistance
- Current resource lists
- Sample motions
- Training materials for court staff on best practices (for clerks)
- Relaxed rules of evidence for SRLs, similar to those used in small claims



## 7. Proposal to Improve Access to Justice in Illinois through Limited Scope Representation



### APPELLATE COURT OF ILLINOIS

CHAMBERS OF  
JUSTICE MARY K. ROCHFORD

August 24, 2016

160 NORTH LASALLE STREET  
CHICAGO, ILLINOIS 60601  
(312) 793-5453

Daniel Kotin  
The Chicago Bar Association  
321 S. Plymouth Court  
Chicago, IL 60604

**Re: A Proposal to Improve Access to Justice in Illinois  
Through the Use of Limited Scope Representation**

Dear Mr. Kotin:

On behalf of the Illinois Supreme Court Commission on Access to Justice (Commission), I am writing with two proposals to partner with the CBA regarding limited scope representation in Illinois. Before doing so, the Commission appreciates your commitment to making access to justice a primary focus of your tenure as president of The Chicago Bar Association (CBA). Like many other access to justice commissions across the country, the Commission is interested in supporting limited scope representation, which is an important tool for serving modest means litigants and making legal services more affordable and accessible.

The Commission respectfully proposes two potential efforts to promote the use of limited scope representation in partnership with The Chicago Bar Association and The Chicago Bar Foundation. First, the Commission proposes the formation of a new CBA committee dedicated to connecting and supporting attorneys who incorporate limited scope representation into their practice. The Chicago Bar Foundation staff has expressed an interest in this effort and is well-positioned to work with the CBA if it moves forward with this proposal. Second, the Commission suggests exploring the establishment of a referral panel of attorneys offering unbundled legal services. For many modest income litigants, limited representation may be the only option for legal representation. A panel would provide a simple way to connect prospective clients with members of the bar who offer unbundled services.

#### ***Background Information on Limited Scope Representation***

In 2010, Illinois Rule of Professional Conduct 1.2(c) was amended to explicitly allow lawyers to "limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent." Illinois is joined by our 49

other states and the District of Columbia in officially sanctioning the practice of unbundled legal services, whereby a litigant hires a lawyer to assist with a discrete task or portion of a case, rather than handling the entire matter from beginning to end. In 2013, the Illinois Supreme Court amended a series of rules and comments designed to expand and clarify the spectrum of permitted services.

The impetus for the recent amendments was a growing crisis in the Illinois courts. The number of self-represented litigants across the state continues to increase, with that number surpassing one million last year. In 2015, over half of the state's 24 judicial circuits reported that 70% or more of the litigants appearing before the court in civil matters were self-represented. The large volume of self-represented litigants poses a number of challenges for both clerks and judges, as well as for the litigants themselves. A 2015 survey conducted by the State Justice Institute found that 75% of self-represented litigants would have preferred to have legal representation, but were unable to find or afford an attorney.

It is not just the poorest Illinois residents who find themselves self-represented in court; working and middle class families are also choosing to forego legal representation as attorney hourly rates have climbed and wages have stagnated. Many of these families earn too much to qualify for the limited legal aid and pro bono resources available, and are left with no choice but to represent themselves in civil cases involving critically important issues like child custody, housing, and orders of protection. Limited scope representation offers a partial solution for the significant numbers of families facing legal problems but lacking the resources necessary to hire a private attorney for the entirety of the case.

Under the new rules, an individual or family can retain an attorney for a portion of the case, but not for the entirety of it, significantly reducing their out-of-pocket costs. The rules are meant to allow attorneys to act nimbly, entering and exiting a case quickly to meet a client's needs, without the burden of the cumbersome process of withdrawing from a case under the general appearance rules. Individuals and families can hire an attorney for the most important or most complex portion of a case while handling the simpler matters by themselves.

### ***An Overview of the Rules Governing Limited Scope Representation***

Limited scope representation includes services provided both in and out of the court. Some of these services, like legal advice and coaching, have long been permitted. Other services, like document preparation and limited court appearances, are now officially sanctioned by the Illinois Supreme Court. Here is a brief overview of the new rules:

#### **Limited Scope Appearances (inside the courtroom)**

- Supreme Court Rule 13 allows lawyers to make limited scope appearances in civil court proceedings and provides for automatic withdrawal by oral motion or in writing after the representation is complete.



- ☐ Supreme Court Rule 13 also includes required forms for Limited Scope Appearance, Withdrawal of Limited Scope Appearance, and Objection of Withdrawal of Limited Scope Appearance.
- ☐ Supreme Court Rule 11 requires that the opposing party or counsel serve all documents on both the attorney and the party while the limited scope appearance is in effect.

### **Limited Scope Representation (Outside of the Courtroom)**

- ☐ Supreme Court Rule 137(e) allows lawyers to assist self-represented litigants by preparing and reviewing pleadings, motions, and other documents without signing the pleading or filing an appearance.
- ☐ Illinois Rule of Professional Conduct 5.5 clarifies that lawyers may counsel and coach self-represented litigants without filing an appearance.

### **Limited Scope Representation (in General)**

- ☐ Illinois Rule of Professional Conduct 1.2(c) allows lawyers to "limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent."
- ☐ The comments to Illinois Rule of Professional Conduct 4.2 clarify when a lawyer may communicate directly with a person represented by counsel on a limited basis. The full text of the rules can be found on the Illinois Courts website.  
*National Efforts to Support Limited Scope Representation*

A national sweep of states that have adopted similar rules shows that Alaska and Massachusetts are national leaders in the area of unbundled services. The mechanics of limited scope representation in Illinois are similar to those in both states, but Alaska and Massachusetts have distinguished themselves with strong support from local bar associations and the judiciary.

To offer Limited Assistance Representation (LAR) in Massachusetts, an attorney must first become "qualified." The first step in the certification process is attending a mandatory information session, either in-person or online, and reviewing the comprehensive LAR training manual. In-person trainings are offered by the following agencies: Boston Bar Association, Massachusetts Bar Association, Volunteer Lawyers' Project, and Massachusetts Continuing Legal Education. The second step in the process is filing a statement of qualification with the appropriate court. Once certified, an attorney can apply to be listed in a local online registry.

The Alaska Bar Association has created an Unbundled Law Section to promote the use of unbundled legal services among private attorneys. Any active member of the Alaska Bar Association can register to join the Unbundled Law Section. The section

maintains a list of attorneys offering unbundled services including information on their practice areas and fees, in addition to contact information.

The Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers permits court staff to make neutral and impartial referrals when appropriate. If a local bar association (like the CBA) maintains a list of lawyers who provide a specific service, in this case we anticipate unbundled services, court staff may make referrals to either the list or, more generally, to the local bar association pursuant to the policy.

### ***The Future of Limited Scope Representation in Illinois***

The Administrative Office of Illinois Courts (AOIC) will not begin collecting data on the use of Limited Scope Appearances in Illinois courts until 2017, so it is unclear to what extent these rules are being used currently. Even without hard data, however, it is safe to assume there is room for the growth of limited scope representation within and throughout Illinois. Conversations with various stakeholders—including the CBF's Justice Entrepreneurs Project which has prioritized limited scope representation from its inception—show that there are still some misconceptions and a general lack of awareness about limited scope representation and the new rule changes. The Commission is working to encourage the use of limited scope representation among practicing attorneys and to provide training and support for clerks, judges, and other court staff.

We hope to begin a conversation between the Chicago Bar Association, the Chicago Bar Foundation, and the Commission about how our organizations can work together in furtherance of this important effort for both access to justice and the future of the legal profession. The Commission welcomes further conversation about the possibility of a committee dedicated to unbundled legal services which may lead to further education and training or to the establishment of a limited scope panel for legal referrals.

I thank you for your service and look forward to collaborating with you in the future.

Sincerely,



Hon. Mary K. Rochford  
Chair  
Illinois Supreme Court Commission on  
Access to Justice

cc: Hon. Thomas L. Kilbride  
Justice  
Illinois Supreme Court  
Third District

Danielle Elyce Hirsch  
Assistant Director  
Civil Justice Division  
AOIC

Bob Graves  
Executive Director  
Chicago Bar Foundation

## 8. Proposals for Court-Based Assistance for Self-Represented Appellate Litigants

### MEMORANDUM

November 17, 2016

**TO:** Appellate Self-Help Working Group

**FROM:** Administrative Office of the Illinois Courts

**RE:** Proposed Next Steps for Court-Based Assistance for Self-Represented Litigants in Civil Appeals

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Earlier this year, the Illinois Supreme Court Commission on Access to Justice (ATJ Commission) prepared a mission statement (which is appended) to identify how to best provide court-based assistance for self-represented litigants in civil appeals. This proposed course of action was developed at the request of the Illinois Supreme Court during its November 2015 Term to transition the existing work of an exploratory committee seeking to establish a self-help desk in the First Appellate District to the ATJ Commission. The exploratory committee was absorbed by the ATJ Commission resulting in the formation of the Court-Based Assistance for Self-Represented Litigants in Civil Appeals Subcommittee of the Appellate Committee of the ATJ Commission (the "Subcommittee") and this working group.

This Memorandum proposes a program model to assist self-represented litigants in civil appeals after a careful review of similar programs in other state appellate courts and existing resources throughout Illinois. To complete this work, the Administrative Office of Illinois Courts (AOIC) partnered with *pro bono* attorneys from Mayer Brown LLP and *pro bono* attorney Gina Rinaldi to survey existing state-sponsored programs for self-represented litigants in civil appeals, and to develop recommendations for how Illinois can best address the needs for the same. Part One of this Memorandum identifies the different types of appellate programs currently in operation, both nationally and within Illinois. Part Two proposes a model program based on national best practices and identifies threshold questions for further exploration by this working group.

#### **I. Existing Resources and Services for Self-Represented Litigants in Civil Appeals**

Throughout the country, a wide variety of programs and services exist to assist self-represented litigants in civil appeals. Broadly speaking, these initiatives fall into three categories: (1) self-help materials; (2) help desks or hotlines offering limited scope services; and (3) extended *pro bono* representation. This section will describe each of these three categories, provide specific examples of current programs, and summarize the *status quo* in Illinois.

- 1. Self-Help Materials.** Self-help resources are the most basic level of intervention. They have the advantage of not requiring many resources after the initial development phase



and the disadvantage of not being responsive to individual needs. Such resources may include print materials (e.g., sample briefs and standardized forms) or electronic materials (e.g., websites and mobile phone apps).

- a. **California's Self-Help Civil Appeals Website.** California has created a user-friendly website for self-represented appellate litigants.<sup>1</sup> The homepage breaks the appellate process down into several steps, each of which links to another page with discrete pieces of information about the appellate process. The site also includes a brief video presentation providing the same basic information in a different format. The website provides links for lawyer referral services and other court-based resources, including statewide self-help centers.
  - b. **Wisconsin's Appellate Self-Help Apps.** Through the Georgetown University Law School's Iron Tech Lawyer Competition, Wisconsin developed two appellate court mobile apps: a "Forms Assistant" and a "Brief Writing Assistant."<sup>2</sup> The self-represented user is prompted to input his or her case information and then, the apps generate all required forms and a sample appellate brief.
  - c. **Existing Self-Help Materials in Illinois.** The ATJ Commission, with *pro bono* assistance from Mayer Brown, has developed a Guide for Appeals to the Illinois Appellate Court for Self-Represented Litigants that is currently available through the Supreme Court's website.<sup>3</sup> The guide walks the user through the civil appeals process and offers helpful checklists and timelines for the user, along with a list of frequently asked questions. The Appellate Lawyers Association has also created a Guide to Illinois Civil Appellate Procedure, available for free on its website.<sup>4</sup> Furthermore, the Commission's Forms Committee is currently developing a number of standardized forms for *pro se* appellate litigants, including an appellant's brief which is currently in the final stage of development. Once finalized, each form will be translated into six languages and posted on the Supreme Court's website.<sup>5</sup>
2. **Help Desks and Hotlines Offering Limited Scope Services.** Several states have implemented limited scope service programs using different delivery methods to connect staff and volunteer attorneys with self-represented appellate litigants. Delivery methods vary (e.g., in-person, telephone, or e-mail), and services may be delivered either in real time or asynchronously. Despite their different delivery methods, each program serves a similar function in connecting litigants with attorneys to offer limited legal assistance that goes beyond basic self-help, but falls short of extended representation. Programs may be staffed either by court staff, legal aid attorneys, *pro bono* volunteers, or some combination of the three. Limited scope service programs have become increasingly popular as they allow a large number of litigants to receive assistance, and they are relatively easy to staff with *pro bono* volunteers due to their discrete nature.

<sup>1</sup> See <http://www.courts.ca.gov/selfhelp-appeals.htm>.

<sup>2</sup> See <https://training-us.neotalogic.com/a/app-app-forms>.

<sup>3</sup> See [http://www.illinoiscourts.gov/CivilJustice/Resources/Guide\\_for\\_Appeals\\_to\\_the\\_IL\\_Appellate\\_Court\\_rev\\_061516.pdf](http://www.illinoiscourts.gov/CivilJustice/Resources/Guide_for_Appeals_to_the_IL_Appellate_Court_rev_061516.pdf).

<sup>4</sup> See [http://aplawyers.org/Civil\\_Appeals\\_Guide\\_Revised.pdf](http://aplawyers.org/Civil_Appeals_Guide_Revised.pdf).

<sup>5</sup> See <http://www.illinoiscourts.gov/Forms/forms.asp>.

- a. **Colorado's Appellate Self-Help Coordinator.** The Colorado Judicial Branch employs forty full-time staff members (called "Sherlocks") to assist self-represented litigants throughout the state, including one appellate Sherlock based in Denver and supervised by the statewide program manager.<sup>6</sup> The appellate Sherlock offers one-on-one assistance to self-represented litigants by phone or e-mail and shares procedural information, legal research, and other available resources. The Sherlock also develops self-help materials, forms, and sample pleadings for litigants. The Sherlock tracks *pro se* appellate cases and sends reminders and required forms to self-represented litigants in civil appeals before impending deadlines.
- b. **Wisconsin's Appellate Help Desk.** The Wisconsin State Bar operates a virtual help desk for civil appeals.<sup>7</sup> The Help Desk uses a Gmail email address and a Google phone number that self-represented litigants can contact at any time. It is officially open and staffed two days per week (Tuesdays and Thursdays) for a period of two hours. During that window of time, volunteer attorneys respond to emails or voicemails that have been left in the interim, and answer new calls and emails in real time. All self-represented appellants receive a packet of information with the Help Desk contact information at the time the notice of appeal is filed.
- c. **Massachusetts's Civil Appeals Clinic.** The Massachusetts Appellate Court hosts a weekly clinic in the clerk's office for *pro se* appellate litigants.<sup>8</sup> The clinic is run by the non-profit Volunteer Lawyers Project and is staffed on Wednesday afternoons. Litigants are screened for eligibility based on income, assets, and case type before being assigned to a volunteer attorney for one-on-one limited scope information and advice.
- d. **Existing Limited Scope Services for Appellate Litigants in Illinois.** There are no formal programs in place in Illinois that provide assistance with civil appeals. Appellate clerks provide some assistance on an informal basis by answering basic questions about court procedure.

**3. Pro Bono Referral Programs.** Referral programs connect self-represented appellate litigants with volunteer appellate representation *after* the self-represented litigant has filed a notice of appeal. Such programs often involve partnerships with state bar or legal aid organizations who help screen cases and identify *pro bono* volunteers. Several states have adopted similar programs in this space, with slightly different eligibility criteria (e.g., income requirements, case types). *Pro bono* representation is the highest level of assistance that a self-represented litigant can receive. However, because of the time

<sup>6</sup> See [https://www.courts.state.co.us/Self\\_Help/appeals/](https://www.courts.state.co.us/Self_Help/appeals/).

<sup>7</sup> See <https://www.wicourts.gov/services/public/selfhelp/appeal.htm>.

<sup>8</sup> See <http://www.mass.gov/courts/programs/pilot-programs/appeals-clinic.html>.



consuming nature of appeals, only a relatively small number of litigants can receive assistance, and referral programs must develop stringent criteria for eligibility. *Pro bono* referral programs work best in tandem with the first and second models discussed above.

- a. **Nevada's Appellate *Pro Bono* Referral Program.** Nevada's appellate *pro bono* referral program is a partnership between the Court, the Appellate Litigation Section of the Nevada State Bar, and the Legal Aid Center of Southern Nevada. The Legal Aid Center of Southern Nevada receives referrals from the Nevada Supreme Court and its Appellate Courts, and assigns cases to interested lawyers. To incentivize participation, the Nevada Court guarantees that cases accepted under the program will receive oral argument, and the Legal Aid Center of Southern Nevada provides mentorship to participating lawyers.
- b. **Existing Illinois *Pro Bono* Referral Programs.** Illinois does not currently have a formal *pro bono* referral program for civil appeals. Some legal aid agencies and law firms handle a small number of appellate cases on a *pro bono* basis. However, these tend to be limited to either existing clients or impact litigation. The University of Chicago Law School recently created an Appellate Clinic that pairs law students with attorneys from the Appellate and Supreme Court Practice Group at Jenner and Block.<sup>9</sup> The clinic's primary focus is on appeals to the United States Supreme Court, but it will also consider appeals to the U.S. Court of Appeals for the Seventh Circuit and to the Illinois Supreme Court. Currently, all referrals come from Jenner and Block or law school faculty, although the eligibility criteria may expand in the future. Northwestern Law also operates an appellate clinic, the Appellate Advocacy Center, but it is limited solely to appeals to the United States Supreme Court and the Seventh Circuit.<sup>10</sup>

## II. Proposal for Court-Based Assistance for Self-Represented Litigants in Civil Appeals

The ATJ Commission is committed to improving access to the appellate courts for the hundreds of self-represented litigants who file civil appeals every year without the assistance of an attorney.<sup>11</sup> The ATJ Commission has made and continues to make significant improvements for self-represented litigants through its Self-Help Guide, Appellate Standardized Forms, and upcoming website improvements. While these resources are highly valuable, they do not provide an opportunity for users to ask questions or to get individualized assistance. After careful review of other state appellate programs, this working group recommends that the ATJ Commission explore the establishment of a statewide help desk and help line for self-represented litigants in civil appeals to address this gap in the existing self-help services in Illinois. Such a model will create space for *pro bono* attorneys and legal aid staff to provide meaningful assistance to the largest number of litigants across the State.

<sup>9</sup> See <http://www.law.uchicago.edu/clinics/supremecourt>.

<sup>10</sup> See <http://www.law.northwestern.edu/legalclinic/appellate/>.

<sup>11</sup>In 2013, 961 civil appeals were filed by self-represented litigants, representing 13% of the overall civil appeals.

This proposal would combine elements from multiple state programs to create a hybrid model that would provide in-person services to litigants in the First District and remote services to litigants in any of the five appellate districts. By establishing a physical location for the help desk within the Daley Center, litigants in Cook County could easily access legal information about the appellate process at the conclusion of their case. Attorneys at the help desk would be able to quickly view all necessary paperwork and to access electronic records through the computer terminals in the courthouse. Furthermore, by limiting services to quick information and advice, volunteer services would fall under Supreme Court Rule 6.5 permitting attorneys to provide limited *pro bono* services without a full conflicts check. There are many other benefits to providing in-person assistance within the courthouse, as evidenced by the large number of help desks performing similar functions in other areas of law already.

The proposal would also incorporate elements of the virtual help desk model from Wisconsin which offer many additional benefits to both attorneys and litigants. First, and most importantly, it would connect *pro bono* attorneys in one part of the state with litigants in another, helping to close the gap in legal aid and *pro bono* resources. Second, its innovative use of technology would give its volunteers both flexibility and anonymity since they could return emails and phone calls from any location, and need not rely on their own contact information when interacting with litigants. Third, the limited nature of the interactions could be appealing to attorneys who often struggle to fit *pro bono* work into their busy schedules. Lastly, the virtual model is adaptable and nimble, and can be easily expanded or modified to include additional hours, periodic in-person clinics in different locations, or a *pro bono* referral component as more data is gathered about interest and need.

One important component of any new program must be data collection and analysis. The ATJ Commission should consider incorporating a comprehensive plan for collecting data on the number of interactions, types of interactions, and outcomes. Robust data collection and analysis will allow the Commission to make strategic, data-driven decisions to ensure that the new program is effectively serving its target audience. It will also assist the Commission in identifying additional efforts that may be necessary to improve outcomes or to supplement the work of the virtual help center.

On Monday, October 17, 2016, the Appellate Self-Help Working Group gathered to propose answers to some preliminary questions about the size, scope, and operation of the help desk/help line proposal. These questions and answers proposed by the working group are detailed below.

**Staffing.** Which legal aid agencies and other stakeholders will participate in developing, staffing and maintaining this program? What would the necessary staffing level be, and at what cost? Which agency or agencies will cover the cost?

The working group suggests that the help desk and help line both be staffed and managed by a part-time staff attorney employed by the Chicago Legal Clinic (CLC). CLC estimates the cost to fund this part-time attorney position would be \$25,000 annually. The staff attorney would report directly to CLC's Executive Director and would be housed at the Cook County Resource Center for People without Lawyers, located in the Daley Center, where CLC currently operates its Chancery Advice Desk. The desk would need to be fully equipped with a computer, printer, phone, and internet access.

**Use of Volunteers.** Who will provide limited legal assistance services? Will the primary service providers be court staff, legal aid attorneys or *pro bono* volunteers? If the program is volunteer-based, who will schedule and supervise the volunteers?

Under this proposal, legal services at the help desk would be provided primarily by the staff attorney and supplemented by *pro bono* attorney volunteers. Legal services delivered through the help line would be provided primarily by *pro bono* attorneys with the staff attorney filling any gaps in service. Help line volunteers would provide services remotely from their office or home, while help desk volunteers would provide in-person assistance at the Daley Center. The staff attorney would be responsible for recruiting, training, and managing *pro bono* volunteers.

**Training.** What training materials and other resources are necessary for staff and volunteers providing limited scope services? Recognizing the geographic diversity of the State, appropriate training may need to include information about different rules and customs across appellate circuits.

The ideal *pro bono* volunteers would be experienced appellate attorneys who would not need extensive training on substantive legal issues. Volunteers would have access to all existing resources available on Illinois Legal Aid Online and the AOIC website, including both standardized forms and appellate resource guides. The staff attorney could provide supplemental training on soft skills specific to *pro bono* work and help desk/help line operations.

**Eligibility.** Which cases and litigants will be eligible to participate in the program? Will there be income requirements? Will the program be limited to particular case types? Will the program pilot in a limited number of appellate districts or will it cover the entire state from the beginning?

All self-represented litigants in civil appeals would be eligible to use the help desk and help line services. Litigants who were represented by counsel at trial would be eligible for assistance so long as they did not have representation at the appellate level. The working group felt strongly that there should not be any income restriction for using the desk, although there could be income restrictions for making referrals to legal aid or *pro bono* organizations for full representation. Depending on volume, the help desk could also decide at a later point in time to exclude particular case types. This proposal would cover all five appellate districts, although services provided to litigants outside of the First District would be available only by e-mail or phone, at least initially.

**Hours of Operation.** When will these limited legal services be delivered? Will there be established hours or will services be delivered at the service provider's convenience? Will these limited legal services be available outside of normal business hours?

The working group anticipates the help desk would operate Monday-Friday and would be open for half-days with the exact times to be determined later. The staff attorney would work five half-days to ensure that litigants could easily access the help desk, especially given the time-sensitive nature of appeals. The help line hours would be more fluid depending on volunteer availability.

**Methods of Delivery.** How will these limited legal services be delivered? Will staff and volunteers communicate primarily in-person or via phone/e-mail? Will services be delivered in real-time or asynchronously? If services are delivered asynchronously, what will the target response time be?

For litigants visiting the help desk, services would be provided immediately and in-person. For other litigants, services would be delivered via telephone or e-mail. The help line would create a shared Google e-mail address and phone number to provide anonymity for the volunteers and consistency for the litigants. Litigants could e-mail or call the help line, leave a message, and receive a response within a set number of days. Services would be delivered asynchronously with the volunteers returning e-mails and voicemails sent by litigants at a later date.

**Scope of Services.** What services will be offered through this program? Will services be limited to legal information or will they also include legal advice? Will litigants have any restrictions on their use of the program, either by time (*e.g.*, number of minutes) or by number of instances of communication, or can they reach out an unlimited amount of times?

The exact scope of services will need to be outlined more clearly. At a minimum, procedural information should be provided to litigants. In some circumstances litigants could also receive legal advice as to whether or not they have a meritorious claim. As the desk expands, some litigants might eventually have the option of a legal aid or *pro bono* attorney taking their case on for full representation. The growth of the desk would need to be an iterative process with the scope of services changing as the needs and volume of the litigants becomes clearer. The working group proposes that the desk open without any limitation on the number of communications, but consider adding restrictions later on if necessary.

**Data Collection.** What type of data should be collected and how frequently will it be collected? Who will be responsible for analyzing the data and monitoring the program's outcomes?

The staff attorney would collect data on each help line/help desk encounter from either the litigant or the *pro bono* attorneys and enter it into LegalServer, CLC's case management database. The following information should be collected at a minimum: age, race, disability status, veteran status, primary language, income, representation status, service provided, appellate district, case type, case number and originating courthouse.

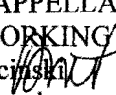
**Marketing.** How will the program be advertised? Who will be trained to make referrals to the help desk and help line?

The staff attorney, in partnership with the Commission and the Court, would need to do extensive outreach to raise awareness among judges, clerks, law librarians, legal aid attorneys, and other parties about the new service. The working group anticipates many help desk referrals would come from various stakeholders in the courthouse, including judges and clerks. Appellate clerks throughout the state should also be advised to make referrals to the help line when appropriate. Other methods of reaching out to litigants could include Illinois Legal Aid Online, CARPLS, the AOIC website, and legal aid agencies throughout the state.

February 17, 2017

MEMORANDUM

TO: J. Rochford, Chair, Access to Justice  
Mike Tardy, Director, AIOC  
Danielle Hirsch, AOIC

FROM: 1<sup>ST</sup> DISTRICT APPELLATE COURT SELF-REPRESENTED LITIGANTS'  
HELP DESK WORKING COMMITTEE,  
by J. Aurelia Pucillo   
via e-mail with hard copy to follow

RE: Proposal for Help Desk for Self Represented Civil Appeals Litigants

I hope you will forgive the informal nature of this transmittal. Hard copies are being mailed, but I am aware that the Access to Justice Commission is on a tight timeline and wanted this Proposal to be available to you as quickly as possible.

The 1<sup>st</sup> District Appellate Court Self Represented Litigants' Help Desk Working Committee is proud to submit the attached Proposal.

It represents the combined efforts of the Appellate Lawyers Association, the Clerk of the Circuit Court, the Circuit Court, the Clerk of the 1<sup>st</sup> District Appellate Court and the Appellate Court (1<sup>st</sup> District).

We believe that the Help Desk, formatted into four working centers provides the best efficiency, flexibility and workability for a statewide system of information and assistance to civil appellate court litigants.

The four centers: in-person help center in Chicago at the Daley Center, virtual help center available on line to anyone statewide, Google phone center available to anyone statewide, and a web-help center in Chicago at the Bilandic Building operating in tandem will give Illinois' civil appellate litigants the widest sources of information and assistance. In addition, by piloting the in-person help center and the web-help center in Chicago we can "tweak" the system to see how to make them effective and copied in other appellate court districts. In particular face time and computer sharing technology could be used to allow self-represented litigants in other Appellate Court districts to access the Chicago-based web-help center

We urge your support for this Proposal and thank you for the opportunity to participate in its development.

## **1<sup>st</sup> District Appellate Court Self-Represented Litigants Help Desk Working Committee**

### **Proposal for Help Desk**

The 1<sup>st</sup> District Appellate Court Self-Represented Litigants Help Desk Working Committee has developed a four--part plan to provide assistance to self-represented litigants ("SRL's") with civil appeals in the Illinois Appellate Court.

The plan includes assistance statewide, but on a more robust level in the 1<sup>st</sup> District for at least a trial period. In-person assistance could be developed in other districts as determined by the Access to Justice Commission.

It meshes four specific "centers" to provide assistance: 1) direct person-person help through an actual Help Center with actual staff in the concourse level of the Daley Center; 2) a virtual help center ("VHC"), located on discrete pages of the Supreme Court website, to help to anyone statewide with access to a computer; 3) a phone center through a "Google" phone number for any SRL statewide to speak to a volunteer attorney; and 4) a Web Help Center in the Bilandic Building staffed by volunteer law students in conjunction with one of the area law schools, and organized to assist SRL's navigate available web resources, word process documents, complete filable documents, and communicate with the VHC. The Committee recognizes that not all SRL's have access to computers, printers and wi-fi, and that many are not tech-savvy, and believes this component of the program will help fill any technology gap.

The Committee has defined an SRL as either an appellant or an appellee who is not represented by counsel for the purposes of the appeal. The Committee has determined that (a) income level should not be a limiting criteria for assistance; (b) real-time help at the Daley Help Center is the goal, particularly because SRL's may have little control over their work, family or babysitting schedules and may not be able to return to a court house numerous times to get assistance; (c) help provided through the VHC, the "Google" phone center or the Web Help Center can efficiently be provided within time frames established and made known to the SRL; (d) an initial "Request for Assistance Form" should be completed by any SRL requesting assistance, not only to provide a tracking mechanism for each case as an individual or group of *pro bono* attorneys provide assistance, but also to gather demographic and case information for the purpose of measuring and evaluating the program.



## OBJECTIVES

At every step of the way, and in each of the four "centers," the objectives are to assist the SRL to:

- 1) understand the appellate process, what it is and what it is not, basically explaining the *process* to the SRL while also explaining exactly what to expect from the appellate court, *i.e.*, that in the appellate court the litigants do not appear before a judge, do not have the opportunity to explain in person what they feel went wrong with their case, do not have the opportunity to bring new material, evidence or argument to the appellate court, etc.; that there are specific rules for appeals; and that there are specific timelines;
- 2) determine whether the orders or underlying case result in an actual appealable issue or issues, *i.e.*, finding and reviewing the order in question to determine if it is a final order, and if the appeal is timely;
- 3) organize the necessary paperwork to effectively and timely file an appeal, *i.e.*, the Help Center's primary focus would be on the initial *process* of appeal initiation: whether the SRL would benefit from motions to extend time to file the Notice of Appeal, the docketing statement, and/or the record; assisting in the preparation of those motions; assisting in a fee waiver petition; assisting with a motion to file a memorandum in lieu of briefs; assisting in providing proper service of the appeal; assisting in the preparation of a bystander's report;
- 4) determine whether an SRL with an appealable issue needs more rigorous assistance to fully develop the appeal or if the SRL can complete the appeal with little or no coaching;
- 5) have access to *pro bono* attorneys for those cases and SRL's who have an appealable issue and are in need of more robust assistance in organizing and preparing the issues to present to the appellate court, either in memorandum or brief form;
- 6) respond to motions filed by the other side of the appeal; and
- 7) adjust its services and resources to be compatible with e-filing

## **THE FOUR "CENTERS"**

### **1. HELP CENTER (In person)**

The Committee recommends the development of an actual live Help Center, to be located in the concourse level of the Daley Center with other help desks. Judge Evans has committed to making the space available. The Chicago Legal Clinic ("CLC") has committed to staffing the Help Center, provided the Access to Justice Commission authorizes a half-time salary and half-time benefits to the Director of this program, to be named.

The CLC has unquestioned experience assisting SRL's in Cook County. The CLC has already servicing four help desks in the circuit court. This is a tremendous advantage for the new appellate help desk initiative, since the CLC already knows how to develop job descriptions for the Director and volunteer attorneys; recruit, schedule and train volunteer attorneys; staff its desks; handle payroll; work with SRL's; find documents in the Daley Center and beyond, etc.

The Help Center would be available to anyone seeing assistance who is an unrepresented litigant either starting to file an appeal, responding to an appeal, or perfecting an appeal.

It is anticipated that SRL's who want to appeal are most likely to be in the courthouse on the day of their trial, and seek information about the appellate process the same day, probably right after court. Some SRL's who have lost their case may leave and come back another day, but experience shows that most try to get information the same day.

Currently, they are directed to the Civil Appeals Division of the Clerk of the Circuit Court, on the 8th floor of the Daley Center. SRL's seeking to appeal, or seeking information about the appellate process also request assistance in the clerk's divisions in the Daley Center and in offices in the five suburban courthouses but there are no civil appeals staffs in those offices. For the most part the counter clerks in those offices call the civil appeals staff in the Daley Center and facilitate phone information. The Clerk of the Circuit Court does have a civil appeals staff at Juvenile Court for child protection cases.

Experience also shows that the level of assistance requested or required is largely at the fundamental process level. Very few SRL's have any understanding of the appellate process, rules, or procedures. This results in a significant amount of time for clerk's staff to explain the process, although because that staff is not permitted to give legal advice, some questions or inquiries are beyond the scope of their work. For example, the clerk's staff cannot tell someone if an order is final, what issue is appealable, or that their case should be or should not be appealed. They can, and do, tell people how to file an appeal, where to file it, how to order a record, where to deliver it, how much time they have, etc. Because of this disconnect people are often frustrated because they do not feel they are getting sufficient information, or even correct information. This leads to the clerks' frustration as well. In addition, for every minute the clerks spend with SRL's they are not preparing the record for the appellate court, their primary mission, which delays the work of the appellate court and the attorneys relying on the record.



Having a Help Center in the Daley Center, staffed by the Director and volunteer attorneys will effectively provide a specific staff of qualified persons who have the knowledge and permission to explain the process and explore the potential for an acceptable appeal.

It is expected that the Help Center will have posted hours of service, for example from 11:00 am to 3:00 pm or 12:00 pm to 4:00 pm., although realistically no one expects the staff at the Help Center to turn anyone away at any time if waiting would cause a hardship. The CLC has indicated that it intends to staff one half of an additional new (unrelated) help desk with the remaining hours available to the Director.

It is expected that the Help Center would be equipped with at least one desk and a table, some chairs, two or three computers, a printer, a scanner, a copier and at least two phone lines, and the paper and ink necessary for the equipment, and Wi-Fi.

It is expected that SRL's waiting for in-person help at the Help Center could be encouraged to begin looking for assistance on the VHC.

The Help Center would also serve an intangible purpose. Often SRL's just really need to vent. While this is not the primary or optimum purpose of the Help Center, realistically, this may short circuit some appeals that are not well founded.

## **2. VIRTUAL HELP CENTER**

The AOIC has researched the assistance available in other states and has concluded that the Virtual Help Desk in Wisconsin's Appellate Court offers the best hope for providing assistance to residents of the appellate districts and 101 counties outside of Cook, while also providing assistance to residents of Cook County in tandem with the other resources under this proposal.

The Virtual Help Center will have an actual presence on specific discrete sub-site of the Illinois Supreme Court website. Its design is yet to be determined, but it is expected to be modeled after the one in Wisconsin.

The VHC would be available to anyone who clicked on the link, and the link will also be available at Legal Aid On Line, the Appellate Lawyers Association website, the websites of the chief judges in Illinois, and the 102 clerks of the court.

The VHC would be both informational, with basic, readable process information, hopefully available in the major languages spoken in Illinois, and interactive. That is, an SRL who has a specific question will complete the Request for Assistance form, submit it and the question(s) and expect to get an answer back via email from a volunteer attorney within a specific time frame. Commonly asked questions would be bounced by the volunteer attorneys to the Director and posted in a Frequently Asked Questions ("FAQs") section of the site (with the names and case information of the requestor redacted).

The volunteer attorneys will have access to the VHC and be able to choose which questions to answer or which SRL to assist by logging on and making the choice. Volunteer attorneys will also post information on it as necessary, probably by coordinating with the Director.

The Director will recruit volunteer attorneys and monitor their participation in the Center.

The Director will handle inquiries not selected for assistance by any volunteer attorneys.

While the VHC will be on-line, inquiries and assistance to case specific SRL's will be "behind closed doors," that is, in a part of the VHC that is not open to the public and is confidential between the SRL and the volunteer attorney or Director.

The VHC could also facilitate phone communication between the SRL and the volunteer attorney as needed, probably, but not necessarily, through the "Google" phone.

The VHC would be constructed to count the number of times it is accessed, and what information is clicked on, to provide measures and evaluation material.

The VHC would request feedback and performance ratings from the SRL's and attorneys who use it.

The VHC, through the Request for Assistance form, will gather and track demographic information, including, the SRL's name, address, phone number, email address, age, race, ethnic origin, veteran status, disability status, and case information, including the case number, appellate court case number if available, originating county, originating court description (divorce, chancery, etc.) brief case description and requested information. It is expected that the CLC and the Chicago Bar Foundation, as well as the Illinois Supreme Court and appellate courts will have suggestions for the information to be gathered.

The VHC will be designed to link an SRL with the appropriate local rules of the appellate court district in which his case is to be or has been filed.

It is expected that the VHC will provide service to non-Illinois residents who have an Illinois case.

### **3. PHONE CENTER**

It is expected that volunteer attorneys will have access to a "Google" phone, that is a phone number that they call from their own phone to connect to an SRL that has a question that can be handled by phone, or an SRL who does not have access to the web. The SRL would have the phone number and call it, probably leave a message, and volunteer attorneys would troll the phone messages to see which ones they select to call back and answer.

The "Google" phone number would be prominently marketed on all of the websites above, and on written materials provided to SRL's at the earliest point of contact with the appellate court

process. The number would also be prominent on the VHC, the Help Center and the Web Help Center.

It is expected that these phone conversations would be most helpful in the "process" area of assistance, and that if more robust case-specific information were requested or necessary that the volunteer attorney would either expand his level of assistance or assist the SRL connect with the Help Center, the VHC, or with the assistance of the Director, with another volunteer attorney with the expertise or time to provide that level of assistance. These are fluid goals because the nature of assistance for each SRL is expected to vary.

It is expected that the Phone Center will be available to anyone who calls it who is a resident of Illinois, or a non-resident with an Illinois case, and is seeking information or advice about the appellate process.

It is expected that the Phone Center will be designed to capture demographic and assistance information to allow measures and evaluation.

It is expected that the Phone Center will be available to the SRL during an expanded business day, since it is understood that many SRL's work and cannot take time off, or have family responsibilities that prevent the normal 9-5 business day. It is expected that the volunteer attorneys may also benefit from a longer business day, since they have their own client work to accomplish.

#### **4. WEB HELP CENTER (In person)**

The experience of the Web Help Center in the Daley Center for trial level litigants demonstrates that there are SRL's that do not have access to a computer, wi-fi, word processing, printing or e-filing; cannot effectively navigate the web resources available; cannot effectively complete filable forms; or cannot effectively state their questions.

A Web Help Center in the Bilandic Building, operated on a specific schedule, and staffed by volunteer law students in conjunction with one of the area law schools (as yet to be determined) will provide the tech support necessary to assist SRLs, especially as e-filing is introduced.

It is expected that the Web Help Center would be located on one of the Appellate Court floors, would therefore be in a secure location, would be equipped with a desk, a couple of tables, some chairs, three or four computer terminals, a printer, a scanner, a copier and at least two phone lines, and wi-fi.

It is expected that the volunteers at the Web Help Center would also facilitate SRL access to the VHC, the Help Center or the Phone Center as appropriate.

It is expected that the Web Help Center would capture demographic and case information to allow measures and evaluation.

## STAFF

The Committee believes that to begin a half-time Director at 20 hours a week would be preferable. This is because the recruiting, managing, training and monitoring of the volunteer attorneys is a complex moving target.

The Committee has developed, with the assistance of Chicago Legal Clinic, budgets for both a half-time (20 hours) and a reduced half-time (15 hours) Director, with corresponding benefits.

It is expected that if the work requires it, that the hours worked by the Director will be adjusted in the future.

## EQUIPMENT

For the Help Center and the Web Help Center in Cook County the Committee recommends the following hard equipment. "Soft" equipment (paper, toner, pens, etc.) is not listed.

Help Center:	desk
	table
	6 chairs
	3 computer terminals
	1 printer
	1 copier
	1 scanner
	2 phone lines
	wi-fi

Web Help Center:	desk
	2 tables
	6 chairs
	3 computer terminals
	1 printer
	1 copier
	1 scanner
	2 phone lines
	wi-fi

The Committee does not have access to the AOIC's pricing for these items.

**RECOMMENDATION**

The Working Committee also recommends that the Access to Justice Commission approve the Proposal and put it before the Illinois Supreme Court.

Respectfully submitted.

**Signed:**

*s/ J. Mathias W. Delort, 1<sup>st</sup> District Appellate Court*

*s/ Hon. Margaret Frossard, John Marshall Law School*

*s/ Matt Elster, Appellate Lawyers Association* (objects to help center being located in the Bilandic Building)

*s/ Hon. Kathleen Kennedy, Judge, Circuit Court of Cook County, retired*

*s/ Steve Ravid, Clerk 1<sup>st</sup> District Appellate Court* (objects to web help center being located in the Bilandic Building)

*s/ Ed Grossman, Director, Chicago Legal Clinic*

*s/ J. Aurelia Pucinski, 1<sup>st</sup> District Appellate Court*

*s/ Patricia O'Brien, Chief Deputy, Clerk of the Circuit Court of Cook County, Civil Appeals Division on behalf of Dorothy Brown, Clerk of the Circuit Court* (recommendations for implementation attached)

**Ex Officio**

J. Nathaniel Howse, 1<sup>st</sup> District Appellate Court has participated in the Working Committee's meetings.

Bob Graves, Chicago Bar Foundation has participated in the Working Committee's meetings and recommends starting with the VHC and "on-site educational resources"

**Expected Appointment** (replacing Hon. Rita Novak)

Hon. Sanjay Tailor, Judge, Circuit Court of Cook County (expected appointment to working committee by Judge Evans pending)

- Attachments:**
- A) Alternative Budgets for Director
    - 1) 20 hours a week
    - 2) 15 hours a week
  - B) Report on Number of Civil Appeals filed in 2016 by Self-Represented Litigants
  - C) Dorothy Brown Recommendations for implementation

**CHICAGO LEGAL CLINIC, INC., PROPOSED HALF – TIME BUDGET APPELLATE HELP DESK**  
 July 1, 2017 – December 31, 2017

ITEM	AMOUNT
Salaries – one half time attorney @\$46,000). Executive Director and Clinic Administrator time of \$2,000.	\$25,000.00
Employee Benefits (health insurance, disability insurance, FICA	\$4,900.00
Program Supplies, handouts and training materials, etc. (vast majority of training materials provided via internet)	\$300.00
Other Office Supplies and Equipment (computer, phone, maybe a scanner	\$2,000.00
Non Personnel IT Costs (Consulting & Technical Assistance	\$600.00
Telecommunications	\$600.00
Other (Travel and Parking, Postage for client questionnaires, etc.)	\$900.00
Indirect Program Costs/Overhead (Accounting, Auditing, Dues and Professional Liability Insurance	\$1,200.00
<b>TOTAL</b>	<b>\$35,500.00</b>

*20 hours / week*

This budget allows for the person to dedicate 20 hours per week. The duties of the person will be to:

- oversee the setup of the Desk
- recruit, train and oversee volunteers
- work with other groups to ensure that forms, and web content are available to the users and volunteers of the Desk
- actually staff the Desk by performing intake function, assisting with advice and brief service and referring users to other resources (volunteers, the web, providing handouts, etc.)
- keep records of the numbers assisted and level of service
- utilize surveys to solicit feedback from the users
- meet with other stakeholders as needed and report on Desk functioning

**CHICAGO LEGAL CLINIC, INC., PROPOSED HALF – TIME ALTERNATE BUDGET  
APPELLATE HELP DESK July 1, 2017 – December 31, 2017**

ITEM	AMOUNT
Salaries – one attorney 15 15 hours per week @\$46,000). Executive Director and Clinic Administrator time of \$2,000	\$19,250.00
Employee Benefits (health insurance, disability insurance, FICA	\$3,650.00
Other (Travel and Parking, Postage for client questionnaires, etc.)	\$900.00
Indirect Program Costs/Overhead (Accounting, Auditing, Dues and Professional Liability Insurance	\$1,200.00
<b>TOTAL</b>	<b>\$25,000.00</b>

*15 hours/week*

This budget allows for the person to dedicate 15 hours per week. The duties of the person will be to:

- oversee the setup of the Desk
- assist with recruiting, training and overseeing volunteers
- work with other groups to ensure that forms, and web content are available to the users and volunteers of the Desk
- actually staff the Desk by performing intake function, assisting with advice and brief service and referring users to other resources (volunteers, the web, providing handouts, etc.)
- keep records of the numbers assisted and level of service
- utilize surveys to solicit feedback from the users
- meet with other stakeholders as needed and report on Desk functioning

Not covered under this budget is the acquisition of any computer or office equipment, IT assistance for set up or maintenance, office supplies, or office furniture



## 2016 Self Represented Litigant ("SRL") Civil Appeals

		Percentages (of total appeals)
Total appeals (SRLs and attorney)	1706	
Appeals filed by SRLs	523	
Percentage filed by SRLs		31%
		Percentages (of total SRL appeals)
Forcible detainers	79	15%
IDES administrative reviews	36	7%
Foreclosures	72	14%
Family law	47	9%
Total appeals by SRLs in the above four case types	234	45%



## Aurelia M. Pucinski

**From:** aurelia pucinski [apucinski@gmail.com]  
**Sent:** Tuesday, February 14, 2017 1:31 PM  
**To:** Aurelia M. Pucinski  
**Subject:** Fwd: Revised: Emailing: pro se help desk proposal w sigs and attachments - 2-8-17.pdf  
**Attachments:** pro se help desk proposal w sigs and attachments - 2-8-17 (3) (2).pdf

**From:** Michael A. Moore  
**Sent:** Friday, February 10, 2017 5:02 PM  
**To:** 'apucinski@gmail.com' <apucinski@gmail.com>; 'bglaves@chicagobar.org' <bglaves@chicagobar.org>; 'dhirsch@IllinoisCourts.gov' <dhirsch@IllinoisCourts.gov>; 'egrossman@clclaw.org' <egrossman@clclaw.org>; 'nrhowse@sbcglobal.net' <nrhowse@sbcglobal.net>; 'kathleengemma@gmail.com' <kathleengemma@gmail.com>; 'delort@aol.com' <delort@aol.com>; 'MDElster@beermannlaw.com' <MDElster@beermannlaw.com>; 'mkrochford@gmail.com' <mkrochford@gmail.com>; Patricia A. O'Brien <paobrien@cookcountycourt.com>; 'mfrossar@jmls.edu' <mfrossar@jmls.edu>; 'snazem@IllinoisCourts.gov' <snazem@IllinoisCourts.gov>; 'sanjay1964@aol.com' <sanjay1964@aol.com>; 'sraivid@IllinoisCourts.gov' <sraivid@IllinoisCourts.gov>; 'tschillaci@IllinoisCourts.gov' <tschillaci@IllinoisCourts.gov>; 'tpalella@IllinoisCourts.gov' <tpalella@IllinoisCourts.gov>  
**Subject:** RE: Emailing: pro se help desk proposal w sigs and attachments - 2-8-17.pdf

Good afternoon, Judge Pucinski:

On behalf of Clerk Dorothy Brown, thank you for the opportunity for the Office of the Clerk of the Circuit of Cook County to participate on the 1<sup>st</sup> District Appellate Court Self Represented Litigants Help Desk Working Committee. We are pleased to be a part of this effort and look forward to its successful implementation. We have reviewed the draft and offer a few suggestions for the workgroup's consideration:

1. For the Virtual Help Center we recommend that volunteer attorneys be scheduled by the Director on a day to day basis for a specific time period to answer questions;
2. For the Phone Center we recommend that volunteer attorneys from specific areas of law be scheduled and that the Director, or an Assistant Director, direct questions to the appropriate scheduled attorneys and track responses to ensure that a timely response has been made; and,
3. We recommend that volunteer attorneys be awarded a certain number of CLE hours for the time they spend researching and answering questions. We believe this will provide incentive for attorneys to volunteer.

Thank you for your consideration.

## MEMORANDUM

March 1, 2017

**TO:** ATJ Commission Appellate Committee  
**FROM:** Administrative Office of the Illinois Courts Civil Justice Division  
**RE:** Appellate Self-Help Proposal Analysis and Recommendations

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This memo summarizes the Appellate Help Desk proposal submitted by the First District Appellate Court Self-Represented Litigants' Help Desk Working Committee (“Working Group”) to Director Tardy on February 17, 2017, and recommends some alternative next steps for the Illinois Supreme Court Commission on Access to Justice Appellate Committee (“Appellate Committee”) to consider. Both proposals share a common goal of developing self-help resources about the appellate process, assisting self-represented litigants with the civil appellate process and cultivating a pathway for appropriate cases to be referred to and handled by *pro bono* lawyers in partnership with bar associations and legal aid partners. The AOIC commends the Working Group for its strong commitment to serving self-represented litigants in civil appeals; and is suggesting this different approach—creating a new full-time position (Appellate Resource Specialist) within the AOIC Civil Justice Division—because of the desire to address these issues as fully as possible.

### **I. Background**

The Working Group's discussions and final proposal shed light on several important justice gaps in the courts of review. Because of the scope of the issues to be tackled and the fundamental importance of access to justice in all stages of the judicial process, the AOIC Civil Justice Division respectfully suggests a broader, more systemic vehicle to serve the shared goal of assisting self-represented litigants in civil appeals. Rather than implement a plan focused primarily on the First Appellate District and contracted out to a legal aid partner, the AOIC Civil Justice Division instead proposes embedding a dedicated new staff position within the AOIC to develop new resources and tools; partner with stakeholders including the Appellate Lawyers Association, local bar associations, and individual volunteer lawyers to develop legal workshops; and communicate directly with self-represented litigants to answer procedural questions.

By way of background, this project was conceived to fill an ongoing service gap in available self-help and legal aid resources, specifically those targeted at civil appeals. Trial courts across the State are seeing a large increase in the numbers of self-represented litigants coming to court to resolve their legal matters, which has caused a related uptick in the percentage of self-represented litigants filing appeals in their cases. Moreover, local legal aid agencies handle only a handful of civil appeals, and the majority of those are continuations of cases where the agency was involved at the trial level. *Pro bono* attorneys at law firms tend to gravitate towards impact litigation and high profile immigration and civil rights cases. This leaves many self-represented litigants to fend for themselves on appeal in important areas of civil law including employment, public benefits, family law, and housing. In 2015, over 30% of civil appeals in the First Appellate District were filed by self-represented litigants.<sup>1</sup> Currently, these litigants have very limited access to free or low-cost legal resources. The Appellate Committee has an opportunity to build off of the Working Group's proposal to change that.

## **II. Summary of the Working Group's Proposal**

The Working Group's proposal has four discrete parts, each of which is described below along with some potential challenges.

### **A. Help Desk (Daley Center)**

The Working Group proposes operating a physical help desk at the Daley Center located in the concourse level's Resource Center for People without Lawyers. As proposed, the desk would be operated by the Chicago Legal Clinic (CLC), which also operates a Chancery Help Desk in the same space in addition to two other help desks at the Daley Center. CLC would employ a part-time staff attorney for 15 hours a week to manage the desk and offer individual consultation with self-represented litigants who are considering or actively pursuing civil appeals. In addition to staff time, the proposal also calls for two-three computers, two phone lines, a printer, a scanner, and other materials necessary to properly equip the desk. These additional costs are not included in the proposed budget.

While real time, face-to-face legal assistance is the gold standard of legal services, it is not always the most efficient or practical solution. Despite the uptick in self-represented litigants, the number of self-represented appeals is still relatively low and a physical help desk that operates daily may not be the most efficient use of staff time. The number of visitors will inevitably ebb and flow and the total volume of civil appeals is not high enough to ensure a constant level of need.<sup>2</sup> Furthermore, appeals do not require repeated court appearances like trials making a permanent physical location within the courthouse less important. Lastly, a physical help desk in the First Appellate District cannot serve litigants from the other four appellate districts, and litigants at the Daley Center can currently receive

<sup>1</sup> Data from the other four appellate districts is not available.

<sup>2</sup> In 2014, 557 civil appeals were filed by self-represented litigants in the First Appellate District. In 2016, that number decreased to 523, a 6% decrease in filings largely driven by a decline in post-foreclosure appeals. While it is likely that more individuals would file civil appeals if they had access to legal information about the appellate process, the volume would still be substantially less than that of the self-represented civil cases in Cook County which stood at 56,175 in 2016.

limited procedural information from the counter clerks at the Civil Appeals Division on the 8<sup>th</sup> Floor of the Daley Center as well as from the First District Appellate Clerk's office.

## **B. Virtual Help Desk**

The next two components of the Working Group proposal, a self-help website and a hotline, are discussed together as they would work in tandem to create a Virtual Help Desk. This idea, loosely modeled on a similar program in Wisconsin, blends technology and *pro bono* assistance to connect self-represented litigants with procedural and legal information. One aspect of the proposed Virtual Help Desk would be a robust website incorporating self-help information and frequently asked questions for litigants, to be housed on the Illinois Supreme Court website. This information will build on the ATJ Commission's work in the area of standardized appellate forms and the comprehensive self-help guided created by the ATJ Commission with the assistance of *pro bono* attorneys from Mayer Brown.

If a litigant cannot find the information necessary on the website or needs further assistance, he or she could submit questions via email or phone to a designated shared email address or phone number. *Pro bono* attorneys would take shifts checking the email address and voicemail and responding to the questions. Inquiries would be limited to procedural and legal information to start, due to the additional complications necessary in offering legal advice which requires conflicts checks and access to the court record.

This program, as proposed, has many benefits as it is more flexible than a physical help desk and allows for litigants to receive assistance statewide. However, the current proposal raises questions as to who will manage this program and develop the website content. The part-time staff person would be based at the Daley Center five days a week and would not have the flexibility or time needed to oversee this Virtual Help Desk or to collaborate with the AOIC staff to develop content for the website. Lastly, the Illinois Supreme Court Law Library service already allows litigants to submit questions online and receive customized responses within 24 hours, so there may be some overlap.

## **C. Self-Help Web Center (Bilandic Building)**

The last component of the Working Group proposal is a self-help web center physically located in the Bilandic Building. The proposal calls for the desk to be staffed exclusively by volunteer law student from a yet to be determined law school partner. The proposal also calls for three or four computer terminals, a printer, scanner, copier, and at least two phone lines. Those costs are not allocated in the budget and the proposal does not identify any staff support or supervision for this program.

While the proposal is right to raise the many challenges that mandatory e-filing may pose for self-represented litigants, this aspect of the proposal remains problematic for several reasons. First, relying exclusively on law students will leave gaps in supervision and staffing. Law students are not in school year round and the center could be unstaffed for several months of the year. Furthermore, law students lack legal and appellate experience and would require substantial training and supervision which is not factored into the current proposal. Lastly, a

public self-help center in the Bilandic Building raises potential security concerns as both appellate justices and Illinois Supreme Court justices sit in the building.

### III. Recommendations

The proposal submitted by the Working Group is an ambitious proposal that would offer many levels of legal assistance to litigants through different mediums, both in-person and virtual. However, the AOIC suggests a different course to achieve similar aims: creating a new staff position within the Civil Justice Division called the Appellate Resources Specialist. The Appellate Resources Specialist would be able to institutionalize strategies and resources to assist self-represented appellants and ensure consistency in implementation and messaging.

The Appellate Resource Specialist could be modeled on similar roles within other state court systems. Most notably, Colorado employs a full-time Appellate Self-Represented Litigant Coordinator to provide assistance to and develop resources for self-represented litigants in the appellate courts statewide. This role has been well-received and could serve as a model for a comparable position in Illinois. In Colorado, the Self-Represented Litigant Coordinator's spends her time doing the following tasks: creating appellate self-help resources (20%), collecting and analyzing appellate data (20%), providing individual assistance to self-represented litigants in civil appeals (30%), and supporting *pro bono* and other public outreach efforts (30%).

In Illinois, the proposed Appellate Resource Specialist's work would be comparable in its diversity and would include, but not be limited to, the following activities: responding directly to appellate inquiries submitted via the Illinois Supreme Court webpage; developing new self-help materials and updating existing ones; creating content for a dedicated appellate self-help page on the new website; leading the development and distribution of new standardized appellate forms; partnering with local bar association and legal aid groups to establish periodic *pro bono* appellate clinics throughout the state; training appellate clerks on best practices for self-represented litigants; and tracking statistics on civil appeals to identify new trends and areas of need. Much of this work is currently done at the trial court level, and the Appellate Resource Specialist could ensure that the work of the ATJ Commission and the AOIC continues in the state courts of appeal as well.

Moreover, by bringing this position within the AOIC, the Court would demonstrate its ongoing commitment to access to justice and reducing both the barriers faced by self-represented litigants and the burdens placed on appellate justices and court staff by the growing number of self-represented litigants. As part of the AOIC's Civil Justice Division, the Appellate Resources Specialist would also benefit from integration with the existing work done by the various divisions within the AOIC and the ATJ Commission. For example, the Appellate Resources Specialist could use the technology already in place at the Supreme Court library to field inquiries from the public and could work with the AOIC website development team to create new self-help content for the website. By working within the AOIC, rather than being confined to one particular courthouse, the Appellate Resource Specialist would have more flexibility to work throughout the state to develop new partnerships and resources. Most importantly, the Appellate Resource Specialist would have autonomy and flexibility to work on a number of

initiatives in multiple locations and to adjust his or her work as the need arises. This would give the Court and the ATJ Commission more ownership and direction over the work, rather than ceding control of this important area to a law school or legal aid partner that may have different priorities or a narrower geographic focus than the Court and the ATJ Commission.

The Appellate Resource Specialist would also be able to address many of the issues identified by the Working Group in a more efficient manner. The Working Group's proposal is complex and requires implementation of four program components—including two physical help desks in two different locations in addition to a website, hotline, and email services—with only 15 hours/week of staff time and a \$25,000 annual budget. Further complicating matters, the various components of the proposal would be managed by different entities with varying levels of ownership over them and no clear plan for coordination with each other, or with the AOIC and the ATJ Commission. Lastly, the proposal focuses heavily on the First Appellate District by proposing two physical help desks in Chicago and one part-time staff person housed at a Chicago-based legal aid agency. While the First Appellate District does handle the largest volume of cases of any appellate district, it handles only half of the statewide civil appeals.

Instead, by hiring an Appellate Resource Specialist, the ATJ Commission and the AOIC can offer truly integrated statewide assistance to self-represented litigants in civil appeals. This would be a groundbreaking change for a group of litigants who have been underserved for far too long.