

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts

Webex video conferencing
December 12, 2022
12 - 2 pm

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Amber Alleman		Kristene Laterza	
Judge Bagley			
Judge Brent Bartholomew			
Judge Birch			
Randy Dryer			
Guy Galli			
Bret Hayman			
David Head			
Scott Jarvis			
Judge Chelsea Koch			
Commissioner Russell Minas			
Nathanael Player			
Stewart Ralphs			
Keri Sargent			
Kaden Taylor			

1. Welcome and Approval of October minutes

Amber Alleman moves to approve the October minutes. Judge Bartholomew seconds. Minutes approved.

Judge Chelsea Koch was also welcomed to the committee at this meeting.

2. Review of Electronic Voting

Kaden Taylor highlighted the list of forms on the agenda that have been electronically approved by the Forms Committee outside official meetings. The minutes should reflect that the following forms have been approved electronically.

3. Report on Forms Committee Annual Report to Judicial Council

The Forms Committee must submit a report each year to the Judicial Council. The Council is appreciative of the Forms Committee and are aware it is very important.

4. Presentation from Kristene Laterza

Kristene Laterza described the new forms tool that is being developed for the courts. This new service will make it easier for us to make changes to the forms and keep them updated.

Nathanael Player added that this new system will eventually provide forms as a fillable PDF, rather than a Word version of the documents.

The committee discussed concerns with only providing PDF versions of forms, including if it creates a problem with accessibility issues. Kristene Laterza will follow up with this concern with the team developing the system. The committee also discussed making sure there is adequate spacing to fill out answers, and also how we will need to provide a Word version of orders that the courts require a specific form be used.

Court forms will also be integrated with the court's MyCase program.

5. Presentation on Translation Principles in Regards to Court Forms

Professor Scott Jarvis presented on "Obstacles to Comprehension." He reviewed a study that showed those who speak English as a second language have difficulty understanding verbal phrases that include legal terms, such as the Miranda rights warning. He discussed confidence vs. actual comprehension. Sometimes people think they understood something, but they actually didn't interpret the clause correctly. Some hear the word "right" and think it means "write" for example. The structure of a sentence can also make understanding difficult for those used to the structures of a second language.

We should avoid using complex structures in our forms that may create difficulties for speakers of other languages. This includes avoiding embedded clauses and to use words that are frequently used in English.

Even though this study looked at verbal instructions, a lot of what he discusses here also applies to written instructions, such as what people will get on our court forms.

The committee discussed how these issues can arise even with native English speakers who are representing themselves in a case.

6. Three Day Notice to Pay or to Vacate

There was concern with the previous version of this form that the way the information on the form was displayed was confusing for the court and litigants concerning time periods and amount owed. This new version has tried to make the information presented more clear. The committee added “legal” to the word “holidays” to ensure it is clear which holidays apply after a motion from Judge Bartholomew which was seconded by David Head.

The committee discussed the section that asks for the person to list the money other than rent owed. After discussion, the committee altered language to read “Other money owed under the lease” and also updated the instructions to read “list each item owed, the amount owed, and when it was due” so the landlord knows to list out what else is owed.

David head moves to approve the form, Judge Bartholomew seconds. Form approved.

7. Defendant’s Answer to Unlawful Detainer (Eviction)

A non-profit group asked for some changes to this form, and other updates were also made. The Fair Housing Act violations section was added under affirmative defenses, the CDC Eviction Moratorium was removed, and plaintiff information was removed from the header. The committee added code citations to the Fair Housing Act sections and edited language so it reads more clearly.

Judge Bartholomew moves to approve the form. Brent Hayman seconds. Form approved.

8. Order of Eviction and Notice That You Must Move (Order of Restitution)

The committee received a request to make this form more clear as to when someone needs to move out. The title of this form was also updated to be say “Order of Eviction and Notice That You Must Move” to make it more clear what the form is asking. Language was also updated per a request from People’s Legal Aid making it more clear what rights tenants have and directing them to resources.

The committee discussed and made minor language edits to the form. Stewart Ralphs moves to approve the form. David Head seconds. Form approved.

9. Request for Hearing After Eviction Because My Rights are Being Violated

The title of this form was also retitled to read “Request for Hearing After Eviction Because My Rights Are Being Violated.” People’s Legal Aid asked for clarifications in the language detailing what this form does and does not do in their case and what options they have.

The committee updated the language in section 1 to read “Order of Restitution (Order of Eviction)” and fixed some small errors and language corrections on the form. The committee removed “Plaintiff” options from the header of the form.

Judge Bartholomew motions to approve the form. Stewart Ralphs seconds. Form approved.

10. Memo For OCAP

The committee discussed what term OCAP should use to refer to the “Order of Restitution,” as the committee has now approved a new version of the form that is called “Order of Eviction.” Nathanael Player recommended asking for the tenant interviews OCAP should refer to this form as “Order of Restitution (Order of Eviction),” and for the landlord interviews it should refer to it as the new title “Order of Eviction and Notice That You Must Move (Order of Restitution).”

Nathanael Player makes a motion to authorize OCAP to use this language. Stewart Ralphs seconds. Motion approved.

11. Forms for More Time to Answer Eviction Lawsuit

Motion for More Time to Answer Eviction Lawsuit: Nathanael Player reviewed the memorandum sent to the committee which explained the authority of these forms and when they can and cannot be used. The committee recommends sending this form to the former committee member who originally brought up concerns with this form to confirm the form is adequate.

Stewart Ralphs motions to approve the form, with the stipulation that it will be sent to the original committee member, and if she has any concerns this form will be brought back to the committee. Judge Bartholomew seconds. Form approved.

Order on Motion for More Time to Answer Eviction Lawsuit: Stewart Ralphs amends his motion to include the order along with the motion above in approval. Judge Bartholomew still seconds. Form approved with the motion above.

12. Other business

The committee briefly discussed user testing and how it may be useful for LPPs to be involved in user testing. The committee’s attention was also brought to the new meeting times for the new year at the bottom of the agenda.

13. Meeting adjourned

The meeting closed at 1:50 pm. Next meeting will be February 13, 2023 at 12:00.