

Agenda

Committee on Resources for Self-represented Parties

March 13, 2015
12:00 to 1:30 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Judicial Council Room, Suite N31

Welcome and approval of minutes	Tab 1	Judge Marsha Thomas - Chair
Announcements: rule change and new member		Judge Marsha Thomas
Subcommittee Reports		Subcommittee chairs
Education Subcommittee	Tab 2	Mary Jane Ciccarello
Forms Subcommittee	Tab 3	Mary Jane Ciccarello
Language Access Subcommittee	Tab 4	Mary Jane Ciccarello
Rules, Legislation, Funding Sub-c.	Tab 5	Jaelyn Howell-Powers
Self-Help, Triage Subcommittee	Tab 6	Nancy Sylvester
Development of Strategic Plan	Tab 7	Judge Marsha Thomas

[Committee Web Page](#)

Proposed Quarterly Meeting Schedule: Matheson Courthouse, Judicial Council Room, 12:00 to 1:30 p.m. unless otherwise stated.

June 12, 2015
September 11, 2015
December 11, 2015
March 11, 2016
June 10, 2016

TAB 1

Minutes of the Committee on Resources for Self-represented Parties

December 12, 2014

Draft. Subject to approval

Members Present

Judge Marsha Thomas, Leti Bentley, Virginia Sudbury, Eric Mittelstadt, Jessica Van Buren, Chris Martinez, Susan Griffith, Judge Doug Thomas, Jaclyn Howell-Powers, Sue Crismon, Carl Hernandez

Members Excused

Carol Frank

Staff

Nancy Sylvester

Guests

Keri Sargent (in Carol Frank's place)

Mary Jane Ciccarello

Stewart Ralphs

(1) Welcome and approval of minutes.

Judge Marsha Thomas welcomed everyone and proposed an amendment to add Judge Evershed to the members present in September's minutes. Mr. Mittelstadt moved to approve the minutes as amended. Mr. Martinez seconded. A unanimous vote approved the minutes.

(2) Introduction of new member

Judge M. Thomas introduced Jaclyn Howell-Powers, who is the new University of Utah School of Law representative. She has been at the law school since 2010 and is also a former court clerk in 2nd District court. The entire committee then introduced themselves.

(3) Legal Aid Society of Salt Lake

Mr. Ralphs spoke about Commissioner Sager's pro se calendar in the Third District. He explained that it started in January 2014 and they moved on to also doing the dismissal calendar. Judge Hansen was thrilled with it so now all four commissioners doing domestic cases in the courthouse are doing 2 calendars per month, which works out to two calendars per week for Legal Aid, et. al. Mary Jane Ciccarello of the Self-Help Center, Legal Aid Society of Salt Lake, and the LOVS Clinic are all involved, as well as a cadre of local attorneys. Parties get a word document generated at these calendars – this helps the court, the clerks, the parties, and the system as a whole. But it takes the cooperation of all players: members of the bench, clerks, Legal Aid Society, LOVS, the Self-Help Center, etc. Clerks send calendars to Legal Aid and they can do conflict check. Goal: people walk out of court with court order. Have a

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cadre of private lawyers that now help. Legal Aid doesn't have access to pleadings, and not everyone brings theirs to court. Clerks will often have to print out the pleadings. Lawyers go over pleadings within minutes and then take a bifurcated approach of some legal argument, and then parties fill in facts to the judge. Even people on dismissal calendar are walking out with orders. Some will say, I just want to get a divorce, and they are able to get it done quickly. Mr. Ralphs went through the handout of current services. The following is a sample of what he covered:

- 1) Legal advice on Thursday afternoons – Parties can get advice before they file and the attorneys make sure they are asking for appropriate things. By the time pro se parties get to hearings if they don't have this advice, the case is often times a train wreck. They won't have what they asked for. Parties at this clinic are representing themselves, but just getting legal advice.
- 2) Mediations – almost all family law cases are subject to mediation now. Set up on Tuesday afternoons. If parties come to a resolution in the mediation, they can walk into a courtroom and put it right on the record.
- 3) Representation at pre-trial settlement conference – commissioners can hear parent time and custody in an informal manner under Utah Code of Judicial Administration Rule 4-904. Pro se parties are relieved of the burdens of rules of evidence, and the commissioners are free to ask the questions they need to ask.

Ms. Crismon asked the question of whether financial matters can be worked in mediation and then put on the record in these 4-904 conferences (since only judges, not commissioners, can decide financial matters). Mr. Ralphs said yes. Mr. Ralphs said the hearings usually end up with the same result as if done by, but they done more quickly and for free. Domestic cases nowadays are way too long and way too expensive for the average moderate income Utahn to get through the system. Legal Aid is able to help 6-8 people per week that they couldn't help in-house. The target income range <300% of the federal poverty level. There is no means test. The attorneys do a formal appearance on the record, they treat the parties as clients for the day, but after that, the parties have to come back on the Thursday afternoon to get further advice. Stewart sells the program to potential Legal Aid clients by telling them it's free and it's faster if you do it yourself. That is because Legal Aid still has a sliding scale fee if they do it in-house.

Judge Doug Thomas asked about the jurisdiction of Legal Aid. Mr. Ralphs explained that it is only Salt Lake County.

Ms. Crismon. brought up the online programs that are starting up.

Ms. Crismon also asked if there was a need for more attorneys. Ms. Sudbury said they need 8 lawyers on each calendar. Ms. Crismon said there is education that ULS provides on domestic cases for lawyers that do not regularly practice domestic.

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Ms. Ciccarello noted that there is a great need for interpreters, but fortunately in this courthouse, there are interpreters fairly easily available, although there is an issue with them being used as scribes.

Mr. Martineze said they need more attorneys, more scribes.

(4) New Strategic Plan

Judge M. Thomas brought up the need for a new strategic plan. She said the sticky notes on the wall at the last meeting were summarized into the yellow handout, and then Judge M. Thomas summarized the old strategic plans into the blue sheet. Judge Thomas said she and Nancy met with Dan Becker, who was very positive about the ideas the committee came up with. He gave some ideas on some different things to be working on. Judge Thomas and Nancy reported to the Judicial Council on the ideas and will be going back to the Judicial Council in the spring with the strategic plan. She noted that sub-committees have been formed to work on projects and that there was still time to express interest in them. She asked the subcommittees to start thinking about priorities. For the strategic plan, there will be 6-12 priorities from the committee as a whole. She said it's okay that some sub-committees have overlapping projects because the committee will then break them into the different priorities that will comprise the strategic plan.

(5) Subcommittee updates

Self-Help/Triage:

Ms. Ciccarello gave the update. She said the guided referral idea will be a long-term triage effort through the Utah Bar. Sean Toomey expressed interest in the idea. The program will ask what the patrons needs are, much the way a Utah Legal Services intake does this. It will then provide online resource to help guide people to better referrals. The Bar had a meeting held a meeting with ULS to discuss whether this was something they would be willing to fund. The concern was raised that this may not rise to the level of adoption in the strategic plan. There is a grant to develop virtual services delivery, and the courts are not grant recipient. Mr. Mittelstadt talked about the grant and what it required. Ms. Bentley volunteered that the virtual services are not that efficient. For example, patrons will go on a Skype call at a DV shelter for legal assistance, then go to Multicultural Center for further assistance, and then the Multicultural Center still calls the Self-Help Center for help. Ms. Sargent echoed this—she said virtual services are dependent upon technology in local library. Ideally, in rural communities, a student or legal aid would be sent once a month to sit down and help patrons. Ms. Griffiths said the technology they now use is different from Skype and the session is not just limited to 30 minutes. She said this gives TLC so much more flexibility. This is document preparation, not just legal advice. You can even access it on smart phone. Ms. Crismon noted that by the time a patron is at the document assembly stage, they should have already been referred there. They should be coming in with procedural history known. Regarding web-based screening this committee is going to be acting as a support because it's not a courts project. Ms. Ciccarrello echoed that grant recipients can be supported by the committee. Ms. Van Buren then discussed how the bar website is a mess because no one can look up lawyers now based upon practice

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areas. She said the committee needs to put pressure on the bar since the Law Library and the Self-Help Center can't refer to private attorneys. Attorneys should be concerned.

Doc Assembly/ Assistance/Resolution:

Ms. Sylvester reported on the concern of malpractice insurance as a barrier to the attorneys being able to provide clinical pro bono efforts. She suggested based upon the sub-committee's feedback that the Bar should be able to take on better insurance for attorneys. Ms. Crismon then informed the committee that the Bar is a 501c(6) so it is tied to only a certain kind of insurance. The Bar is not able to cover clinics and modest means, although she noted new attorneys can get a policy for about \$500. Limited legal advice clinics are approved Bar efforts, though, and ULS already does reverse referrals like Michigan. Ms. Griffiths said the clinics that need coverage are the big concern. Ms. Crismon said that the Office of Professional Counsel must be covered, so the Bar is concerned about losing its insurance if it takes on too much. She said the committee needs to bring in John Baldwin on the conversation. Ms. Crismon suggested that organizing the Pro Bono Commission as separate non-profit could be a possible solution. Ms. Ciccarello said the subcommittee needs to gather this information and bring it back to the full committee. She also noted that the Pro Bono Commission is expanding, which is a good thing.

Rules/ Legislation/ Funding:

The subcommittee is focusing on the 3rd and 4th year practice rule. Ms. Howell-Powers reported on this. She said all of the research has already been done on this topic, but a big issue right now is that opposing counsel must give permission for law student to appear. No other states do this. 26 states allow law students to appear in court. One state allows 1L students to appear, but generally, students can't be paid, the dean must certify them, and certain classes must be completed. Professor Hernandez noted that we have 2 of the best law schools in the country in this state and should be using the students more. He said he has a group of students working on this project in his legislation class and noted that California's rule, for example, is completely different than Utah's. This is putting students at a disadvantage in the learning process.

Education:

Judge M. Thomas noted that Ms. Ciccarello is on every subcommittee. Ms. Ciccarello reported on the public education classes by the Self-Help Center. She said her attorneys are offering classes in local libraries on the courts, including in Spanish and noted a good partnership between the Self-Help Center and the Salt Lake County library system. One of her staff is also presenting a series of public education classes in Spanish at the West Valley City courthouse. The first class was on service of process in Mexico. Subsequent classes will be on OCAP programs. This is not advice, but information for people doing this on their own. She said the face-to-face classes offer real advantages to people. Another project they are working on is telenovelas. They are using PowerPoint, images, a script, and this is all low cost or no cost to put on court website. They will be working on educating other professionals on resources, too.

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Language Access/working with Bar

The Language Access Committee reported the need to increase the relationship with the Bar. Ms. Ciccarello, Ms. Bentley, and Ms. Van Buren also said language access is one of the biggest issues facing the courts. ULS and TLC agree in a big way because they see it every day. The need for interpreters is also a big issue. Ms. Van Buren has a program now where an undergrad is assigned to go through forms with people. They act as scribe. But one student working 12 hours per week is not enough. California is on the forefront with Justice Corps. They have created a roster of students to help at courts. Justice Corps could be something that this committee could help launch. This is part of AmeriCorps but would be all court-based.

Forms subcommittee

Ms. Ciccarello, Ms. Van Buren, and Brent Johnson comprise this subcommittee and it operates quietly. They just forwarded 3 packets to Jason Ralston (webmaster) on 402 reductions, forms related to opening pieces of adoption, and excess funds. The process is that the form once its ready starts with a small subcommittee of the Board of District Court Judges, then it goes to the full Board, then it's packaged and sent on to Mr. Ralston to put on the website. They are currently working on revisions to protective order forms, they also have an approved new summons form, which added that if you want to answer the complaint, here is the link on the court's webpage, and if you need to find legal help, links to that page.

Judge D. Thomas—brought up issues with needing more pro bono attorneys and more law students. He said the bench would be supportive of law students' assistance.

(6) Next steps

Marsha will take "starred" items and those will go in the strategic plan. Subcommittees will continue to meet. The next meeting is in March.

The meeting adjourned at 1:36 p.m.

TAB 2

Committee on Resources for Self-Represented Parties

Subcommittee on Education March 13, 2015 Report

The following are the topics suggested by the full committee for further examination. The subcommittee responses are included under each topic heading.

1. Support increased educational opportunities to the self-represented through classes offered at public libraries / videotape/upload.

The Self-Help Center started a series of public education classes in Spanish in one of the Salt Lake County public libraries. Please see the attached posters in both English and Spanish. We are learning from this effort. We can report on what we have learned to the committee once the series ends this spring. We hope to continue the classes and possibly to train others throughout the state to present them.

2. Supply additional educational information on webpages – photo novellas

The Self-help Center staff members are working on additional webpages and fotonovelas.

3. Educate other professionals including judges and clerks

This is a very complicated topic and most likely will need to be handled internally by the court education department and the system already in place for educating judges and clerks. If the committee thinks there are ways to educate other professionals, then I think this subcommittee needs to identify: 1) which professionals; 2) what we hope to educate about; 3) the best media for conducting education; and, 4) who should do the education efforts and maintain those efforts.

Para hispanohablantes:

Representarse a sí mismo en los tribunales del estado de Utah*

Aprenda sobre los recursos de ayuda gratuitos del tribunal y el Programa electrónico de ayuda del tribunal (OCAP, por sus siglas en inglés) – ¡en español!



Biblioteca de West Valley
2880 West 3650 South | West Valley City
6:30 - 7:30 p.m.

Oct. 21 Entrega formal de documentos en México	Nov. 18 Representarse a sí mismo en el tribunal	Ene. 20 Cómo crear documentos para el divorcio	Feb. 17 Cómo crear documentos para la custodia (cuando los padres no están casados)	Mar. 17 Cómo crear documentos para la tutela de menores	Abr. 21 Cómo crear documentos para reclamos menores
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Los instructores no darán consejo legal ni representación legal

* Los tribunales estatales no llevan a cabo las audiencias para los casos de inmigración ni de bancarrota



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Internet: www.utcourts.gov/selfhelp/
Llamar gratis: 888-683-0009

Correo electrónico: selfhelp@utcourts.gov
Text: 801-SHC-1TXT (742-1898)

For Spanish Speakers: Representing Yourself in the Utah State Courts*

Learn about the free court resources and
the Online Court Assistance Program (OCAP) – in Spanish!



West Valley Library
2880 West 3650 South | West Valley City
6:30 - 7:30 p.m.

Oct. 21	Nov. 18	Jan. 20	Feb. 17	March 17	April 21
Serving papers in Mexico	Representing yourself in court	Creating documents for divorce	Creating documents for custody (parents not married)	Creating documents for minor guardianships	Creating documents for small claims

Instructors will not provide legal advice or legal representation
* State courts do not hear immigration or bankruptcy cases



Presented by the Utah State Courts Self-Help Center in
partnership with Salt Lake County Library Services



For more information, contact the **Self-Help Center** of the Utah State Courts:

Internet: www.utcourts.gov/selfhelp/
Phone: 888-683-0009 (toll-free)

Email: selfhelp@utcourts.gov
Text: 801-SHC-1TXT (742-1898)

TAB 3

Committee on Resources for Self-Represented Parties

Forms Subcommittee March 13, 2015 Report

The committee proposed one priority for this subcommittee: To continue to develop forms

The subcommittee suggests that we should leave the forms process as is. It is difficult enough to get forms drafted and approved and we have worked out the most efficient process we can.

Jessica, Brent and Mary Jane meet every two weeks to review forms and forms-related issues. Once we have drafted a packet of forms, we send them to the forms subgroup of the Board of District Court Judges that provides feedback. We then package up everything for presentation by Brent to the full Board, get their approval, and then forward everything to Jason (webmaster) for posting. Jessica is the keeper of the master forms.

From time to time we consult with others at various stages of the process. For example, we get feedback from clerks around the state, from various court departments (e.g., mediation), and also consult with other relevant state agencies (e.g., Vital Records).

We really don't have anything new to suggest for this effort. The system in place has developed over the past seven years, has been very productive, and works based on our extremely limited resources.

In addition, the committee should keep in mind that OCAP is a separate entity with its own board established by state law.

TAB 4

Committee on Resources for Self-Represented Parties

Language Access Subcommittee March 13, 2015 Report

The subcommittee believes that language access issues are extremely important and urge the committee to make these issues a priority. Knowing how very difficult it is to accomplish anything, the subcommittee suggests we should concentrate on just one or two efforts, at least for the coming year.

The following are the topics proposed by the full committee for further examination. The subcommittee's comments follow each topic heading.

1. Assess language access issues people face around the state, especially in rural areas. Determine which information to gather.

While this information would be extremely useful, this is a huge research project that is most likely beyond what we can accomplish as a subcommittee or even committee. We can try to think of some ways to gather information, like adding a question or two to the fairness surveys the courts conduct around the state (every two years or so). But, this will take time.

Another approach might be to develop a simple surveymonkey with just a few questions. Ask court personnel and targeted non-profit agency service providers around the state to complete the survey. We can provide the survey in English and Spanish. But, I am not entirely sure this will ultimately be helpful.

2. Clarify needs of non-English and functionally illiterate English speakers.

This too is a tough topic to deal with. We know for sure that people need help understanding court procedures, completing court forms, and understanding court orders once issued. Perhaps we can start by agreeing that these needs are real and then try to figure out how to address them. But, again, this might require a research approach that is simply beyond the scope of the committee or subcommittee.

3. Determine what new webpages/OCAP programs are most needed in Spanish.

We do not think the subcommittee or committee should deal with this. The website and OCAP are court documents that already have systems in place for development. The goal is to have all webpages in Spanish eventually. OCAP's board needs to make decisions concerning OCAP. At most, the committee could write a letter to the OCAP board with suggestions.

4. Investigate possible use of AmeriCorp volunteers.

We believe this is something the subcommittee can and should do. We can see what is involved with established a "Justice Corps" similar to what California and a few other state court systems have done. We can also see what NY courts are doing in terms of their "navigators." This applies to topic #5 below as well.

See this article for more information on that NY approach:

http://www.abajournal.com/magazine/article/washington_state_moves_around_upl_using_legal_technicians_to_help_close_the?utm_source=internal&utm_medium=navigation&utm_campaign

And, the NY report on their court navigator program to date:

<https://richardzorza.files.wordpress.com/2015/02/navigator-report.pdf>

Perhaps we could then work with a group like Latinos in Action to recruit, train and support young people around the state to help people complete forms, and to help people simply navigate courthouses.

5. Develop concept of legal navigator (whether this be a person who helps someone navigate the legal system in their language or a clerk who helps self-represented parties navigate)

See #4 above.

**6. Explore community partnerships for outreach. What is the community needing most in terms of training?
What are the best vehicles for reaching the Latino community in different parts of the state?**

The Self-Help Center has begun a series of public education classes in Spanish in partnership with the Salt Lake County Public Library system. If this series is successful, or even if it isn't and we simply take what we learn from the series, then we can think about replicating this approach throughout the state.

So, we suggest holding off on this topic and see what we learn from the SHC.

7. Explore effective means of reaching non-English speaking communities throughout the state.

Just not sure how to do this with the limited resources we have. We would urge the subcommittee and committee to invest time and effort into developing some sort of Justice Corps or navigator system so that we have people who are in many courthouses throughout the state, ready to help people with forms and information immediately. Or, to have such helpers located in agencies like Leti's in communities throughout the state who are trained to help people in both English and Spanish.

Of course, there are other language speakers who need help, but we can start by dealing with people who are functionally illiterate in English and with Spanish speakers.

TAB 5

Committee on Resources for Self-Represented Parties

Subcommittee on Rules/Legislation/Funding Report for March 13, 2015

Focus: To expand *Utah R. Judicial Admin Rule 14-807* (Lexus 2014), or, the “third year practice rule”.

Our committee will continue to focus on making three key changes to the current third year practice rule, outlined below:

1.) The current practice rule gives unwarranted authority to opposing parties.

Utah is currently the only state which requires the consent of both the client *and* the opposing party before a student can work on a case. Other states require only the consent of the client being represented. We believe there is no need to notify or involve the opposing party as it does not affect their representation in any way.

2.) The current rule requires students to have completed 4 full-time semesters before they can appear before a court.

Both law schools believe that this requirement puts many 2L students at a disadvantage, given there are twenty-six states that allow 2Ls to appear before a court, as long as they are supervised by a licensed attorney. Sixteen of those states require students to have completed only 3 semesters. Technically, a student taking a full-time summer course load may be eligible to practice before a court as early as the Spring of their 2L year. However, many students have not satisfied the semester requirement and therefore cannot appear before a court until their third year of law school.

By changing the semester requirement of the current practice rule, we believe even more students will be able to take advantage of practice opportunities, including assisting those who are self-represented.

3.) TBA-Our strategy on utilizing the practice rule to better assist self-represented individuals.

Moving forward, our subcommittee will first begin to redraft the language of the current practice rule, with assistance from the faculty and others within the community. Our next step will be to determine even further ways in which we can utilize this rule to assist self-represented individuals throughout the state of Utah.

TAB 6

Committee on Resources for Self-Represented Parties

Subcommittee on Education March 13, 2015 Report

The following are the topics suggested by the full committee for further examination. The subcommittee responses are included under each topic heading.

1. Support Utah Legal Services / Timpanogos Legal Clinic rural/virtual services delivery grant.

Virtual Services: The most important thing the committee can do to support TLC's virtual services efforts is by identifying law firms and partnering agencies in rural communities and helping get the word out to them about the services offered by TLC and how it helps people in need. Often times, TLC just needs a place to meet that has internet so that it can provide its virtual services. Where a law firm or agency can provide an office with internet, TLC needs to build partnerships there. There are people on this committee in those rural communities that can help get those partnerships in place.

Lawyer of the Day project: This is Mary Jane Ciccarello's brain child. The idea with this project is that there would be a hotline lawyer who could give real legal advice, not just legal assistance like the Self-Help Center gives. The logistics are to be determined, and the program likely won't launch this year, but the idea is that anyone anywhere in the state could get legal advice from a "lawyer of the day" who is working from their home or office. This program would be for all kinds of cases, like consumer law, landlord-tenant, etc., but it would start with domestic because Utah Legal Services offers training modules in that area. This would be a partnership of the Self-Help Center and Utah Legal Services, but would be housed with Utah Legal Services and granted funded. Although callers would have to be Utah Legal Services-eligible (income, legal status, etc.), the Lawyer of the Day project would go a long way toward providing a real resource to the Self-Help Center and its patrons. Sometimes the Self-Help Center feels like its proverbial hands are tied when it comes to helping their patrons. Often, some simple legal advice will more efficiently steer court patrons and generally make the judicial system more efficient, but the Self-Help Center cannot offer it at this time. The Committee on Self-represented Parties can best support this project by educating community members and identifying access points. Because all of this must be bilingual from the get-go, especially in rural areas, Leti Bentley, for example, could help with identifying a location and internet access points in Grand and San Juan Counties.

2. Encourage improvement of lawyer directories to help people find lawyers who offer unbundled legal services and the Modest Means Lawyer Referral Program.

An issue has arisen with the Bar's new directory. Virginia Sudbury noted that when the Bar pulled its old directory system, her business noticeably dropped off. Jessica also offered an example of an attorney who hadn't had new business since November. The Bar is currently redoing their systems, including updating the website to make it more user friendly and trying to get attorneys to sign up for the searchable database. This has been an untenable situation for the Self Help Center, the Law Library, and the attorneys that both entities rely on for referrals. Mary Jane Ciccarello shared an article that said Bar directories are essential for self-help centers' referrals and that much business for the Bar is generated through those centers. Judge Thomas and Nancy Sylvester met with John Baldwin, who assured them that the Bar was actively acting on these concerns. He also expressed support for the committee writing a letter to each section informing attorneys of the need to affirmatively sign up with the new directory. Virginia Sudbury will draft a letter to the Bar sections; Sue will get in touch with the Bar Commission about this issue, and Mary Jane will circulate the article on this issue.

3. Educate the legal community, the social service providers, and client community to know how to best find the help they need whether through public interest, modest means or lawyer referral.

As providers of legal resources, individual committee members need to work on outreach to the community, ecclesiastical leaders, and social service providers about the resources available to help people with their legal issues so that those issues are addressed on the front end, rather than cleaned up on the back end. Letters would be helpful, as would brochures. Committee members would also do well to address via educational sessions some of the issues of providing "charity" without knowing the legal ramifications of it. For example, when an LDS bishop provides temporary housing to a family, but the family is ultimately evicted for failure to pay its rent, the eviction can cause even more problems down the road as the family seeks to gain longer term housing. Susan Griffiths volunteered that Timpanogos Legal Clinic uses 211 referrals, so getting these resources on existing lists would be most efficient.

4. Support the Utah State Bar webpage triage effort.

Utah Legal Services (ULS) is working with the Utah State Bar to launch an online guided referral. ULS is concerned about how quickly this effort will happen due to concerns over how to guide people. For example, there is quite a complex set of questions needed to guide people, but unless you have enough questions, you will

never get people to the right place. ULS also believes the project needs this committee's support, push, and resources in the form of information for the algorithm. Judge Thomas and Nancy Sylvester raised this issue with John Baldwin during a March 2015 meeting and he said that it is a project that the Bar is actively looking into and is meeting on. He confirmed that there has been a question of how to create the algorithm and also a resources question, i.e. how to do this cost effectively. From that meeting, it appears that both the committee and the Bar strongly support this project.

5. Support increasing availability of insurance for volunteer attorneys in all capacities.

The issue of malpractice insurance for attorneys who do not carry their own is an ongoing one. Because of its 501(c)(6) status, the Bar is unable to provide the insurance except when attorneys take on full pro bono cases (this includes signature program cases) and the Bar is able to maintain some measure of control over the case. The Bar must maintain its 501(c)(6) status because the Office of Professional Conduct (OPC) is housed there and its insurance carrier is very picky when it comes to the projects it will allow the organization to take on. The committee explored with the Bar the possibility of creating a 501(c)(3) out of the Access to Justice Department, but the Bar maintains that the option is not possible since 501(c)(3) organizations cannot receive all of their funding from one source. The Access to Justice Program is currently funded completely by Bar members' dues. In the alternative, the Bar has pledged to support efforts like Timpanogos Legal Clinics', which has its own insurance as a non-profit organization, and is in the process of expanding virtually across the state. The Bar will also continue to create "signature programs" out of the independent pro bono efforts already happening across the state.

TAB 7

Committee on Resources for Self-Represented Parties
Strategic Plan
Report to the Judicial Council

Table of Contents

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2. Previous Strategic Plans
3. Self-Represented Parties in Utah
4. Proposed Future Priorities

1. History of the Committee

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

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

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

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

Based on the results of the survey, the Committee presented a strategic plan to the Judicial Council July 2006. In that strategic plan, the Committee recommended the following goals for programs to assist self-represented parties: to ensure access to the legal system; to increase education of court users and court personnel and community organizations; to clarify the court system so it is understandable by ordinary citizens; to increase efficiency and effectiveness of the court system by reducing the time required of judges to explain court procedures, and reduce the number continuances; and to increase understanding of court orders.

Principles of the services provided were that they should be equally available throughout Utah; available to all parties involved (so defendants as well as plaintiffs) and available regardless of income; and that they should be designed to supplement and not to supplant legal representation.

The plan envisioned a web of services – some by the courts, some by community organizations, some by lawyers. The 2006 plan gave specific recommendations including the creation of a self-help support center; developing materials and resources for clinics and workshops; assistance from clerks; having the state law library educate and promote statewide access to legal information; and providing forms, instructions and information; improving the court website; improving clerical and judicial training. Rule changes were recommended to allow clerical assistance with forms by a broader

audience, and recommended support of unbundled legal services, and support of low, no-fee representation.

In addition to the 2006 strategic plan there was a subsequent update in 2011. In that updated strategic plan –continuation efforts were recommended for expansion of the Self-Help Center to serve the entire state; to continue to develop forms; to prepare instructional videos; to develop improved working relationships with the online court assistance program and the Utah state bar and to study alternative processes for self-represented parties.

In reviewing the recommendations from these two strategic plans most have been completed. The Self-Help Center was created and is flourishing state wide. A forms subcommittee was created and they in turn created (and created and created) many forms. Videos created and posted on the courts' YouTube channel. The unauthorized practice of law rule was changed to allow clerical assistance in completing a form when no fee is charged to do so. The website was redesigned featuring self-help resources. The Education Department offers a class about working with self-represented parties for court staff. Presentations to judges on best practices in Self-Represented litigation were given.

2. Previous Strategic Plans

The 2006 strategic plan is available at

<http://www.utcourts.gov/committees/ProSe/Strategic%20Plan%20Self%20Rep.pdf>

The 2011 strategic plan is available at

<http://www.utcourts.gov/committees/ProSe/Strategic%20Plan%202011.pdf>

[NOTE: Should we attach the plans or are the links enough]

3. Self-Represented Parties in Utah

The following chart shows the percentages of self-represented parties in district court cases for fiscal year 2014.

Case Type	Cases	Both Parties with Attorney	One Party with Attorney	No Party with Attorney	Self Represented Petitioner	Self Represented Respondent
Adoption	1,432	1%	75%	23%	23%	6%
Civil Stalking	973	8%	15%	77%	87%	83%
Conservatorship	153	1%	78%	21%	22%	3%
Contracts	2,853	20%	76%	4%	6%	77%
Custody and Support	1,314	11%	49%	40%	45%	84%
Debt Collection	66,717	1%	96%	2%	2%	98%
Divorce/Annulment	14,088	12%	29%	60%	64%	84%
Estate Personal Rep	2,077	0%	82%	18%	18%	0%
Eviction	7,770	3%	82%	16%	16%	97%
Guardianship	1,540	2%	32%	67%	68%	4%
Name Change	971	0%	17%	82%	82%	1%
Paternity	1,142	23%	43%	34%	40%	71%
Protective Orders	4,674	8%	20%	71%	84%	79%
Small Claim	5	20%	20%	60%	80%	60%
Temporary Separation	59	14%	25%	61%	61%	86%

[NOTE: Should we add information/statistics about the Self-Help Center here? i.e. who is asking for help? Also, is there information from the Public Trust and Confidence in the Courts or Access and Fairness surveys we want to add?]

4. Proposed Future priorities

[NOTE: Not currently in any order of priority – do we want to set a priority?]

- a. Support Utah Legal Services / Timpanogos Legal Clinic rural/virtual services delivery grant.
- b. Encourage improvement of lawyer directories to help people find lawyers who offer unbundled legal service and the Modest Means Lawyer Referral Program.
- c. Educate the legal community, the social service providers, and client community to know how to best find the help they need whether through public interest, modest means or lawyer referral.
- d. Support the Utah State Bar webpage triage effort.
- e. Support increasing availability of malpractice insurance for volunteer attorneys in all capacities.
- f. Analyze the third year practice rule.
Determine if changes can be made to better utilize law students.
- g. Increase educational opportunities to the self-represented through classes offered at public libraries / videotape / upload.
Continue series of public education classes in Spanish in partnership with public libraries, and possibly train others throughout the state to present them.
- h. Supply additional educational information on webpages – fotonovelas.
Add additional webpages and fotonovelas to Utah Court webpages.
- i. Identify opportunities for educating professionals who interact with self-represented parties.
Investigate which professionals could benefit, possible media for conducting education and who should educate and maintain the efforts.
- j. Investigate possible use of AmeriCorp/Justice Corps volunteers.
Determine what is involved with establishing a “Justice Corps” similar to what California, Illinois and other states have done.
- k. Develop concept of legal navigator (This could be a JusticeCorp volunteer who helps someone navigate the legal system or a clerk who helps self-represented parties navigate).
Recruit, train and support people around the state to help people complete forms, and to help people simply navigate courthouses.

- I. Explore community partnerships for outreach.
What is the community needing most in terms of training? What are the best vehicles for reaching the Latino community in different parts of the state? Continue series of public education classes in Spanish in partnership with public libraries, and investigate partnerships with other community providers.

- m. Continue to develop forms.
Review available forms and form-related issues, draft forms, gather feedback, and post on webpage.