

Agenda

Committee on Resources for Self-represented Parties

September 26, 2014
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		Judge Marsha Thomas - Chair
Honoring Judge Baxter		Judge Marsha Thomas
Why we are here and what we have done	Tab 1	Judge Marsha Thomas
Committee composition & membership	Tab 2	Nancy Sylvester
Subcommittees and new projects	Tab 3	Nancy Sylvester & 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.

December 12, 2014

March 13, 2015

June 12, 2015

TAB 1

Judicial Administration Rule 3-115

RULE 3-115. COMMITTEE ON RESOURCES FOR SELF-REPRESENTED PARTIES

Intent:

To establish a committee to study and make policy recommendations to the Judicial Council concerning the needs of self-represented parties.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.

(2) *Duties of the committee.* The committee shall:

(2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;

(2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;

(2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;

(2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and

(2)(E) develop an action plan for the management of cases involving self-represented parties.

Credits

[Added effective April 1, 2005.]

Judicial Administration Rule 3-115, UT R J ADMIN Rule 3-115

Current with amendments received through 4/15/14

Annual Self Represented Litigant Reports

Case Type	Total Cases			Self Represented Petitioner					Self Represented Respondent				
	CY10	FY12	FY13	CY10	FY12	FY13	Change 10-13	Change 12-13	CY10	FY12	FY13	Change 10-13	Change 12-13
Adoption	1,541	1,470	1,507	23%	24%	19%	-4%	-6%	3%	4%	4%	2%	1%
Civil Stalking	836	984	891	80%	81%	73%	-7%	-9%	84%	81%	75%	-9%	-6%
Conservatorship	209	237	160	14%	14%	13%	-2%	-1%	1%	0%	1%	0%	1%
Contracts	5,127	3,459	2,831	4%	5%	3%	-1%	-2%	82%	79%	63%	-19%	-16%
Custody and Support	1,142	1,135	1,129	36%	44%	33%	-3%	-10%	81%	79%	65%	-16%	-13%
Debt Collection	84,643	74,290	71,910	1%	0%	0%	0%	0%	98%	98%	84%	-14%	-14%
Divorce/Annulment	14,879	14,857	14,274	57%	58%	48%	-9%	-10%	81%	80%	68%	-12%	-12%
Estate Frml Pers Rep	353	348	395	5%	8%	6%	1%	-2%	0%	1%	0%	0%	0%
Estate Infrml Pers R	1,506	1,535	1,737	15%	17%	14%	-1%	-3%	0%	0%	0%	0%	0%
Eviction	8,173	8,843	7,734	16%	16%	14%	-3%	-2%	97%	97%	83%	-14%	-14%
Guardianship	1,346	1,387	1,457	60%	56%	54%	-6%	-2%	0%	1%	1%	1%	0%
Name Change	846	1,053	974	82%	84%	73%	-10%	-11%	0%	1%	1%	0%	0%
Paternity	1,078	1,277	1,187	26%	24%	21%	-5%	-3%	64%	64%	60%	-5%	-4%
Protective Orders	5,100	5,028	4,883	61%	61%	53%	-7%	-7%	80%	79%	65%	-15%	-14%
Small Claims	11,230	10	12	96%	50%	42%	-55%	-8%	98%	70%	58%	-40%	-12%
Temporary Separation	27	28	54	48%	39%	44%	-4%	5%	96%	75%	65%	-31%	-10%

More than 5% changes highlighted



FY 2013		Percent					Count				
		Both Parties with Attorney	One Party with Attorney	No Party with Attorney	Self Represented Petitioner	Self Represented Respondent	Both Parties with Attorney	One Party with Attorney	No Party with Attorney	Self Represented Petitioner	Self Represented Respondent
Case Type	Cases										
Adoption	1,507	2%	79%	19%	19%	4%	27	1,198	282	282	66
Civil Stalking	891	19%	15%	66%	73%	75%	165	135	591	646	669
Conservatorship	160	4%	82%	14%	13%	1%	7	131	22	20	2
Contracts	2,831	36%	62%	2%	3%	63%	1,019	1,754	58	78	1,792
Custody and Support	1,129	30%	41%	29%	33%	65%	342	459	328	375	737
Debt Collection	71,910	16%	84%	0%	0%	84%	11,414	60,296	200	226	60,459
Divorce/Annulment	14,274	30%	24%	46%	48%	68%	4,225	3,420	6,629	6,900	9,759
Estate Frml Pers Rep	395	1%	93%	6%	6%	0%	5	368	22	22	1
Estate Infrml Pers R	1,737	0%	85%	14%	14%	0%	4	1,484	249	240	4
Eviction	7,734	17%	70%	13%	14%	83%	1,278	5,437	1,019	1,048	6,424
Guardianship	1,457	2%	44%	54%	54%	1%	26	643	788	788	17
Name Change	974	1%	26%	73%	73%	1%	10	256	708	707	8
Paternity	1,187	38%	44%	18%	21%	60%	446	525	216	248	708
Protective Orders	4,883	29%	24%	47%	53%	65%	1,413	1,162	2,308	2,601	3,175
Small Claim	12	33%	33%	33%	42%	58%	4	4	4	5	7
Temporary Separation	54	31%	28%	41%	44%	65%	17	15	22	24	35

Note: Self represented count based on the party "Pro Se" indicator of "Y".

TAB 2

Judicial Administration Rule 1-205

RULE 1-205. STANDING AND AD HOC COMMITTEES

Intent:

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:

(1) *Standing committees.*

(1)(A) Establishment. The following standing committees of the Council are hereby established:

* * *

(1)(A)(ix) Committee on Resources for Self-represented Parties;

* * *

(1)(B) Composition.

* * *

(1)(B)(ix) The Committee on Resources for Self-represented Parties shall consist of two district court judges, one juvenile court judge, one justice court judge, three clerks of court--one from an appellate court, one from an urban district and one from a rural district--one member of the Online Court Assistance Committee, one representative from the Utah State Bar, two representatives from legal service organizations that serve low-income clients, one private attorney experienced in providing services to self-represented parties, two law school representatives, the state law librarian, and two community representatives.

The Committee on Resources for Self-Represented Parties

Last Name	First Name	Representing	E-mail
Bentley	Leti	Public: Moab Multicultural Center	letibentley@frontiernet.net
Collins	Lisa	Appellate clerk of court	lisaac@utcourts.gov
Crismon	Sue	Utah Legal Services	willander@q.com
DiReda	Michael	District court judge	mdireda@utcourts.gov
Evershed	Ryan	Juvenile court judge	jjohanse@utcourts.gov
Frank	Carol	Rural/Urban clerk of court	carolcf@utcourts.gov
Griffith	Susan	Public: Timpanogos Legal Clinic	soneil@xmission.com
Hernandez	Carl	J Reuben Clark Law School	dominguezd@law.byu.edu
Jeffs	Robert	Bar representative	rljeffs@jeffslawoffice.com
Martinez	Chris	Legal Aid Society of Salt Lake	cmartinez@lasslc.org
Mittelstadt	Eric	OCAP	eric@utahlegalservices.org
Procarione	Barbara	Rural/Urban clerk of court	barbarap@utcourts.gov
Sudbury	Virginia	Low Income Attorney	virginia@lovs.biz
Sylvester	Nancy	STAFF, AOC	nancyjs@utcourts.gov
Thomas	Marsha	CHAIR, Justice court judge	jlbaxter@utcourts.gov
Thomas	Doug	District court judge	dbthomas@utcourts.gov
Van Buren	Jessica	State Law Library	jessicavb@utcourts.gov
		S J Quinney College of Law	

Ex Officio

Ciccarello	Mary Jane	Self Help Center	maryc@utcourts.gov
Medina	Rhianna	Moab Multicultural Center	rhianamedina@yahoo.com
Sargent	Keri	6th District Juvenile Court	keris@utcourts.gov

TAB 3

**Project Ideas for the Committee on Resources for Self-Represented Parties:
Doc Assembly/Assistance/Case Resolution**

<u>Project idea</u>	<u>Description</u>	<u>Notes</u>
Utah Dispute Resolution in justice courts	Have UDR come into justice courts in order to help with consumer law calendars and get cases resolved quickly	
Paralegals in libraries on Friday afternoons	Paralegals could help with filling out forms once a week in the local and law libraries	
Justice Bus	Justice bus is something that California has. It typically travels to help rural farming communities with legal help (roving clinic) and it is staffed primarily by law students but also has several supervising attorneys. This could be useful for getting more pro bono legal services to rural areas.	
Duplicate Timpanogos Legal Center projects	Timpanogos Legal Center does Tuesday night bar nights (advice) and document preparation (1x/month) and has also applied for a grant to do Doc prep/virtual clinics in rural areas using Zoom software.	
Document assembly	Have an office in every district that does this to keep "garbage" filings from reaching clerks.	
Mediators	Have debtor-creditor, landlord-tenant, domestic relations mediators in every district	
Pro bono mediators	Mediators need 300 hours of mediation to become certified. Perhaps getting those who need the training to come to the rural courts to help with consumer issues could be helpful.	
Court clerks help with OCAP	Now that eFiling has been implemented, clerks have more time, so maybe they could help the public navigate OCAP, especially in the rural areas	
"Patron Motions" in juvenile court	Patron motions are like ex parte letters. Parents or other interested parties can make motions to the court to, for example, take the juvenile to Disneyland, without going through a probation officer, who can only provide recommendations.	

**Project Ideas for the Committee on Resources for Self-Represented Parties:
Education**

Project idea	Description	Notes
Outreach to rural communities to find advocates	Self-rep parties need more advocates who can take what has happened in the courtroom and explain it to the pro-se parties so that they can have greater success in complying with court orders.	
Resource/navigator clerk @ each court	Train one clerk to be a resource/navigator liaison to help self-rep parties access the various resources that can help them navigate the court system.	
Training court clerks to be more helpful	There is a need to change the culture of the courts so that clerks help more. They CAN help if the information is on the website, but they need to be trained on this.	
Training court clerks	In rural areas, clerks can be trained to provide checklists to people coming to court so that they are not traveling 50 miles without a vital document and having to go back and forth until they have everything they need.	
Educating the public, faith communities about resources available and problems with limited help	Issue: sometimes LDS bishops will pay for housing temporarily, but then a person is evicted and the eviction is much worse for that person in terms of future housing. Need education, outreach.	
More advertisement of pro bono programs	Courthouses do not typically have much advertisement of pro bono, low bono programs, especially in rural areas, so we need to ramp up the advertising.	
Youtube videos	What to expect when you come to court	
Youtube videos	Place links or QR codes on summons regarding what to expect when you come to court	
Videos in OCAP	Either before filers can start OCAP or at end before printing docs, view video re common errors in filings, overview, etc. "Education vs. Advocacy"	
Spanish videos	We need more videos in Spanish explaining the court process.	

**Project Ideas for the Committee on Resources for Self-Represented Parties:
Education**

<u>Project idea</u>	<u>Description</u>	<u>Notes</u>
OCAP update	OCAP provides documents for uncontested cases, like divorces, but it gives no guidance on what happens if someone answers the petition. A short synopsis would at least help orient litigants to the fact that they would need to take further action if this is done.	
More collaboration with judges, law enforcement, agencies	In order to increase access to the judiciary, there needs to be more outreach to judges, law enforcement, and agencies about the needs of pro se litigants and resources available, particularly the non-native speakers, and also more education to the local agencies about how the court system works.	
National Judicial College : Communication and Perceptions of Fairness in Cases Involving Self-Represented Litigants	Get the speaker, Kelly Tait, to come do judicial education on perceptions of fairness with Self-rep litigants	
Attorney mentoring, education re hours commitment in pro bono case	Most attorneys lack confidence to do pro bono in an area that is unfamiliar, so this is a big barrier to getting volunteers since they are concerned about being sued for malpractice. Another issue is the time commitment. Attorneys do not want to take on big cases. Average time on case is 14 hrs, but this is not well known.	

**Project Ideas for the Committee on Resources for Self-Represented Parties:
Rules/Legislation/Funding**

<u>Project idea</u>	<u>Description</u>	<u>Notes</u>
Statute change: expungements	Expungement language in statute is problematic because it is so muddled and unclear to litigants (public interest language).	
Re-draft law student rule	The rule regarding law students being able to appear on behalf of clients may need to be revised in order to be more inclusive in allowing students to help with low income clients.	
"No dispo available" issue	Defendants' rap sheets often times look worse than they are, which affects opportunities to get jobs, housing. For example, if a homeless person gets an assault and then doesn't appear 15 times, then it looks like 15 different assaults occurred. Potential change to the software?	
Viack for ULS, Self Help Center	Currently, ULS is using Skype to help them reach rural clients, but it's not that reliable, and in some areas they only have dial up internet. S-H Ctr originally requested a similar system, but there is a funding issue due to tech support needed.	
Malpractice Insurance	Get malpractice insurance through the bar that covers both pro bono AND lo bono (modest means) projects. This is an undercurrent to all lo bono projects, and it is something that the bar knows about but has done nothing on yet.	

**Project Ideas for the Committee on Resources for Self-Represented Parties:
Self-Help/Triage**

<u>Project idea</u>	<u>Description</u>	<u>Notes</u>
Google analysis	Bring pro bono, lo bono (ULS, Self-Help Ctr) resources to top of Google search instead of paid legal providers	
Web-based screening program	Screening program through a website that will help people get to the right place by asking them questions. I.e. if they want an expungement, sent to ULS expungement clinic.	
Clearinghouse for pro bono projects	Constantly updated list on new pro bono/lo bono projects available to members of the community	