

Agenda

Committee on Resources for Self-represented Parties

February 8, 2013
12:00 to 2:00 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Conference Room B, Suite W19

Welcome and approval of minutes	Tab 1	Judge John Baxter
What's next?	Tab 2	Tim Shea

Committee Web Page: <http://www.utcourts.gov/committees/ProSe/>

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

April 12, 2013
June 14, 2013
August 9, 2013
October 11, 2013
December 13, 2013

Tab 1

Draft: Subject to approval

Minutes		Committee on Resources for Self Represented Parties			
Meeting Date	November 30, 2012			Meeting Room	Judicial Council Room
Committee Member	Present	Excused	Committee Member	Present	Excused
Fred Anderson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Scott Johansen	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge John Baxter, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jose Lazaro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Emily Chiang	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Russ Minas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Jane Ciccarello	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Shauna O'Neil	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lisa Collins	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barbara Procarione	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
David Dominguez	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Stewart Ralphs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Michael DiReda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Virginia Sudbury	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Carol Frank	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Douglas Thomas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Robert Jeffs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jessica Van Buren	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Staff	Tim Shea				

Topic	Approve minutes of February 10, 2012	By	Judge Baxter
Motion: Approve as prepared.		By	Stewart Ralphs
Vote:	Yes All No Abstain	Pass	<input checked="" type="checkbox"/> No Pass <input checked="" type="checkbox"/>

Topic	Remembering Pat Bartholomew	By	
Discussion: The committee remembered Pat Bartholomew with a moment of silence.			

Topic	Self-Help Center	By	Mary Jane Ciccarello Jessica Van Buren
<p>Discussion: Ms. Ciccarello reported that the legislature enacted a statute making the Self Help Center fully staffed and statewide. She described the nature and volume of the Center's work. She said there are inquiries about all level of courts and an increasing number of inquiries about criminal matters.</p> <p>Ms. Ciccarello said the Center employs six part time attorneys and one full time attorney, and there are five Spanish speakers among them. She said that the attorneys have been visiting different courts and holding regular training sessions. She said the Center continues to work on public outreach and has made, since November, presentations to the staff at several non-profit agencies that help minority and other communities.</p> <p>Judge Baxter suggested giving a similar report to the Judicial Council. Professor Dominguez suggested using the BYU production facilities to record training and outreach sessions so that they might reach a</p>			

broader audience. Mr. Ralphs said that the Timpanogos Legal Center might also be an appropriate partner.

Action: Ms. Ciccarello and Ms. Van Buren will prepare a report to the Judicial Council. They will further consider recording training and outreach sessions and report to the committee.

Topic	Resolution Day	By	Virginia Sudbury
<p>Discussion: Ms. Sudbury reported that she is interested in developing a pilot program that uses volunteer lawyers to help pro se litigants at a designated calendar. If this limited scope, pro bono calendar works, then it may be a useful model to extend to other court calendars. She said that the Bar's conflict rules prevented the original model in which her law firm would serve as a clearinghouse for the lawyers. She believes, however, that the program can still work provided lawyers act individually rather than through a central clearinghouse.</p> <p>Ms. Sudbury said that the commissioners she had approached viewed the effort favorably. She said some of the lawyers she has approached also are willing, although they want the ability to charge a fee for limited legal representation.</p> <p>Professor Dominguez asked whether charging a fee for services would remove the program from the committee's consideration. Mr. Shea thought not, although the court cannot be perceived as referring parties to the lawyers or endorsing the lawyers or their services. Professor Dominguez expressed concern that a lawyer might counsel a client in such a way as to promote further work by the lawyer. Professor Chiang expressed the same concern. Mr. Ralphs said that a model in which the lawyer acting in a pro bono capacity referred a party to another lawyer for possible paid legal representation, but never to oneself, should address that concern.</p> <p>Mr. Shea suggested that Ms. Sudbury research a model that accommodates all of the restrictions needed for the courts and the bar, yet still meets the objectives, and try that model on a limited basis to get some experience. Mr. Minas suggested developing the program through the Family Law Section.</p>			
<p>Action: Ms. Sudbury will investigate further and report to the committee.</p>			

Topic	OCAP Report	By	Russ Minas Stewart Ralphs
<p>Discussion: Mr. Minas and Mr. Ralphs reported OCAP has not yet transitioned to HotDocs. Ms. Van Buren said that the order to show cause component has not yet been fixed.</p>			

Topic	Volunteers Filling in Forms	By	Mary Jane Ciccarello Jessica Van Buren
<p>Discussion: Ms. Ciccarello said that the Self-Help Center Attorneys spend a lot of time helping parties complete forms, and there may be an alternative that would mean more time for more substantive work. She said that helping a person complete a form is permitted by statute and not considered the practice of law under the Supreme Court's rules. Ms. Van Buren said that sometimes the law library has an intern who helps people complete court forms.</p> <p>Ms. Ciccarello said that the federal AmeriCorps program offers money to organizations for purposes such as this, and that a local organization, Latinos in Action has expressed a possible interest in partnering with the courts. Our goal would be to have Latinos in Action recruit and train volunteers and use AmeriCorps money to pay them. The volunteers also get school credit for their service. She said that California has</p>			

begun a similar program called JusticeCorps.

Judge Baxter said that in a previous experience AmeriCorps required matching funds. He thought it may not be realistic to build and administer a new program with current staff. Ms. Ciccarello said that Latinos in Action would be responsible for some of the administration if we were able to establish a partnership with them. Mr. Shea said that some of the time helping people complete forms might be redirected to administration and still save some time.

Action: : Ms. Ciccarello and Ms. Van Buren will continue their research into building a program.

Topic	Forms	By	Tim Shea
Discussion: Mr. Shea reviewed with the committee the web pages and forms that have been published since the committee's last meeting and plans for the future.			

Tab 2

What's next?

- More clinics and workshops, especially videos and webinars
- More forms and webpages
- Compliance and enforcement programs
- More judge and clerk training
- Involve community service organizations
- JusticeCorps model
- Alternative procedure for cases without lawyers.