

**STANDING COMMITTEE ON
RESOURCES FOR SELF-REPRESENTED PARTIES
Meeting Minutes**

**July 13, 2007
Matheson Courthouse
Salt Lake City, Utah**

Members Present: Hon. John L. Baxter, Chair; Fred Anderson; Prof. James H. Backman; Mary Jane Ciccarello; Joe Derring; Chris James; Hon. Rodney Page; Stewart Ralphs; Hon. James Shumate; Prof. Linda Smith; V. Lowry Snow; Jessica Van Buren.

Members Excused: Pat Bartholomew; Hon. Christine S. Decker; Rep. Neil Hansen; Jay Kessler; James Upton.

Guests Present: Megan Risbon, Access to Justice Council

Staff Present: Mary Boudreau; Tim Shea; Carolyn Carpenter

WELCOME AND REVIEW OF 6/8/07 MEETING MINUTES

Judge Baxter welcomed all present. The minutes of 6/8/07 were approved by acclamation with minor amendments.

Judge Baxter noted that the committee's strategic plan is being positively mentioned with some frequency at various conferences throughout the country.

Mary Boudreau asked the committee if their meeting preference for 2008 is to meet every month, or to meet every month except November or December. The committee members agreed to meet every month except November, 2008. The meetings will continue to be held on the second Friday of each month from noon until 1:30 p.m.

SUBCOMMITTEE REPORTS

Bar Liaison: Judge Shumate noted that the Southern Utah Bar List of attorneys offering limited legal services is now on the court website. Judge Shumate reported that there has been less interest in lawyers providing limited legal services in 8th District. Ms. Boudreau suggested a possible solution could be to offer a perk to the attorneys at their fall forum to participate. Judge Page indicated that this is not a project to generate income for attorneys, but rather an opportunity for the bar to help solve a problem.

Lowry Snow stated he made the presentation to the bar in the Uintah Basin and both 8th district court judges were present. There were a lot of questions. This was an effort to energize the local bar to do what the local bar in St. George did with Judge Shumate. It was approached from the standpoint of access to justice as well as providing new opportunities in providing limited legal services. The Uintah Basin Bar's structure is not as cohesive as that of the Southern Utah Bar.

The meetings are held just once a year. It was hoped the attorneys and judges would see this as more than a revenue-producing device.

Judge Baxter asked Mr. Snow if he has any ideas about how to approach the issue. Mr. Snow indicated that something more intensive could likely be done with the Uintah Basin's local leadership. The Southern Utah Bar and its leadership have had as their agenda this year to promote and enhance pro bono work and took this on as a leadership initiative. It will require leadership from the Uintah Bar. The Utah Bar is working on encouraging that. The Access to Justice Council is divided into subcommittees and one of its active committees is a pro bono committee. Mr. Snow stated he is trying to coordinate what that committee is doing with the subcommittee of the Utah Bar as he takes the reigns as Utah Bar President.

Stewart Ralphs asked if the presentation in 8th district included materials. Mr. Snow said the documents provided by the Southern Utah Bar for the 5th District, which included the list of attorneys who are providing the unbundled services, was given to them.

Mr. Ralphs said that the description distributed by Ms. Van Buren, along with the attorney list from the Southern Utah Bar, should provide a model. It is easier to adopt something that is working somewhere else. Whether presentations are made to big groups like the Sun Valley Bar Conference, or in small local bar groups, they can be told that this is already being done, is easy to do, and is helping people who do not have access. Mr. Ralphs asked if the Bar is coordinating the attorney lists or is housing a central list.

Tim Shea suggested talking with Lincoln Mead about that, and suggested that in the Bar's database there be a feature for an attorney to check willingness to offer limited legal services, geographic districts, and subject matters. Putting that information into the database could generate a webpage of limited legal help lawyers that could be search by name, geographic area and subject matter. The court's webpage could link to that. One of the problems of relying on a local bar list is that the information is soon outdated, but the state bar's information is continually regenerated.

Mr. Snow indicated the Utah Bar has been working on that. The Bar is currently under contract with Lawyer Match, but Mr. Snow has met with Lincoln to determine what the database referral program will look like. Having attorneys mention their fees and specifically if they offer limited legal services was discussed. The Utah Bar can go online with their database as early as April. Mr. Snow stated this is high on his priority list, but the Bar must avoid interfering with their contractual obligation right now.

Linda Smith suggested when talking with the 8th district attorneys and judges, it may be useful to distinguish between a new way to practice law vs. providing limited legal services pro bono. Being explicit about a dual route with limited legal help might be a good idea. Since 8th District is a pilot district for the self-help attorney, it is important to entuse them about this.

Judge Shumate indicated he had a concern when many of his colleagues were opposed to the limited legal help concept in the beginning. Once the process was explained, they came around.

There will be an effort to win over the district court judges at their conference in September. Once judges are won over, it may be easier for the Bar to follow.

Fred Anderson said he was in the Uintah Basin for about 3 years and became familiar with the judges there. He expressed that the judges prefer that people have an attorney, but while he was there, was able to sell them on the forms Utah Legal Services developed for self-represented litigants, and expressed that unbundled services would be satisfactory to the judges. The practical side is that when the oil industry was not booming like it is now, attorneys were scrambling to get enough work. Now the attorneys, which are few in number, do not have enough time.

Ms. Boudreau wondered about the possibility of a judge-attorney team from the 5th district presenting to 8th district. Judge Shumate indicated he would be willing to do that with a 5th district attorney if the leadership in the Uintah Basin was willing to set up a CLE.

Judge Baxter reported the letter (Tab 2) about Utah State Bar's possible promotion of unbundled legal services by attorneys that was signed by Judge Baxter, Judge Shumate and Lowry Snow was sent to Gus Chin, President of the Utah State Bar, and copied to Nate Alder, President-elect of the Utah State Bar.

Judge Page stated he has met with the Weber County Bar and disseminated the information from 5th district to them. There are many new attorneys in Weber County and they were very receptive. The older attorneys were not opposed to it. Judge Page will inform the Weber County Bar that Judge Shumate and a 5th district attorney are willing to present to them, and that perhaps the Davis County Bar Association can be included.

Education: Judge Baxter indicated he met with Diane Cowdrey, the Director of the Education Department, about the possibility of obtaining Richard Zorza for a session at the judicial fall conference and negotiations with him are under way. Ms. Cowdrey is trying to confirm the date of September 27, sometime between 1 and 3 p.m. Conference organizers will make an effort to see to it that members of this committee can hear Mr. Zorza speak at the conference.

Judge Baxter stated that based on being able to obtain Mr. Zorza on that date, a decision was made that they would not have a break-out session at this conference to talk about the limited legal services project, but would instead push for a break-out at the spring conference in May, 2008. That gives this committee more time to work with Commissioner Evans on a presentation at that time. Mr. Snow added that this will also allow more time to generate a statewide database.

Ms. Smith said she would be willing to ask her college dean if money is available to have Mr. Zorza speak to law students at the University while he is here.

Ms. Boudreau indicated that Mr. Zorza expressed interest in a more extended opportunity to speak, but the court's education department did not have the budget for this. His fee is approximately \$1,000 a day, but he could possibly speak in the morning or evening of the day he is here, in addition to his presentation at the conference in the afternoon.

Ms. Smith said she does not have a budget for this. Having Mr. Zorza come to the law school and opening it to law students and lawyers for CLE credit would be a possibility. It could even be a fundraiser. She indicated she is teaching a combined skills and ethics class on September 26th from 4-6 p.m. Perhaps Mr. Zorza could speak to the entire law school that evening. Ms. Smith will check with the college dean and get back to Ms. Boudreau.

Ms. Boudreau asked Mr. Backman whether he thought BYU would be interested. Mr. Backman responded that he will talk to Stan Needham, and see if he is interested in discussing the possibility with the dean.

Forms – Mr. Backman said Wayne Riches and Mary Boudreau will be attending the subcommittee meeting today. The temporary order packet is in the process of becoming available. Mary Jane Ciccarello is on the way to a guardianship packet and that will dovetail with what Wayne Riches is doing. The subcommittee has a clean slate after that so will await guidance. He reported that Stewart Ralphs is joining the subcommittee, as well as non-committee members April Hollingsworth and Judge Mower.

Ms. Smith said that Jessica Van Buren now has a link from the court's website to the law school website that shows her students' PowerPoint on what self-reps should expect when they come to court. Some corrections to the PowerPoint still need to be finalized and made. Ms. Smith reported that she has also pursued meeting with law-related education people to provide more community education. She indicated she has drafted a memo of understanding that has not been sent out to anyone yet, which she passed out to the committee.

Pilot Project – Jessica Van Buren reported that Mary Boudreau has been hired as the self-help attorney. She distributed a draft one-page summary of the project that will be ready for the press, the Judicial Council, attorneys, judges, pilot districts, etc. Ms. Smith asked that the committee review the summary and give her feedback.

Ms. Boudreau indicated computer monitors and other equipment are ready for the pilot districts. Ms. Van Buren added that the court just got a new PBX and there is a free call management system that comes with it.

Judge Page asked what the timeline is for receiving starting the public service. Ms. Van Buren stated that part of that will depend on how soon Ms. Boudreau has materials ready to start receiving calls. It is hoped it will begin sometime in the fall, sooner rather than later.

Two Building Block Requests Submitted

Ms. Boudreau reported she submitted the draft building block requests to Tim Shea for the second year of the pilot project and for the legal writing specialist. There is nothing more to report on them at this time.

Review Draft Letter for Submission to Supreme Court

Ms. Smith distributed copies of some edits she made in the materials supporting the change to Rule 14-802 that will be sent to Matty Branch. She reviewed her suggested language with the group. The memo will be on the agenda of the Supreme Court's August meeting.

After review, Stewart Ralphs made a motion to submit the letter with the revised memo to Matty Branch. The motion was seconded and carried unanimously.

New/Other Business

Judge Baxter informed the group that Truman, the therapy dog, died quickly after being hit by a car recently. There was a memorial service held at the Lincoln Center Courtyard, which was attended by Judge Baxter, Mary Boudreau and Jay Kessler. There was good press coverage, both on TV and in the newspapers, since Truman was a special dog to many people, serving as a therapy dog and obtaining the title of Therapy Dog of the Year at one point. The funds for a tree that was planted in his honor were raised by the employees of Catholic Community Services and by the homeless community. His ashes were placed at the base of the tree.

The meeting was adjourned.