

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

**February 8, 2008
Matheson Courthouse
Salt Lake City, Utah**

Members Present: Hon. John L. Baxter, Chair; Fred Anderson; Prof. James H. Backman; Pat Bartholomew; Mary Jane Ciccarello; Christine James; Robert Jeffs; Jay Kessler; Jose Lazaro; Hon. Rodney Page; Stewart Ralphs; Hon. James Shumate; Prof. Linda Smith; Jessica Van Buren.

Members Excused: Joe Derring; Hon. Christine S. Decker; Rep. Neil Hansen; Stewart Ralphs.

Staff Present: Marianne O'Brien; Tim Shea; Carolyn Carpenter

Welcome and Review of Minutes

Judge Baxter welcomed all present. The minutes of 12/14/07 were approved as prepared by acclamation.

Introduction of Jose Lazaro

Judge Baxter introduced Jose Lazaro, who has been appointed to replace Jim Upton on this committee, representing the community.

Report on Attorney Pilot Program

Mary Jane Ciccarello reviewed the Self-Help Center Statistics with the committee. She noted that the number of people calling for help is growing. Most concerns are regarding domestic issues and many have questions about procedural issues. Ms. Ciccarello updated the committee on the following:

- Calls to the Self-Help Center started out with landline calls. This week the center is beginning to accept cell phones calls.
- Help began with the pilot district courts only and now contact has been made with all the justice courts in the pilot districts.
- Ms. Ciccarello has visited Farmington and will visit within the next two weeks, all the district courts in the pilot areas and many of the justice courts.
- A major discovery has been the lack of computer access and computer literacy from many callers. Ms. Ciccarello gave some examples of the difficulties.
- Standardized forms and easy access to forms is needed.
- A list from the Davis County Bar Association of lawyers who have self-identified for providing limited scope representation has been provided. It is available at clerk counters or is mailed or emailed by Ms. Ciccarello to callers who need it.

Robert Jeffs indicated the Bar is struggling with how to exert influence on attorneys to provide limited scope services. The Bar is revamping the lawyer referral service which will be web-based. The problem is there has not been as much interest making a requirement that if lawyers are going to be listed on the web service, some reduced fee services need to be provided. He is hopeful that will happen as the program moves forward.

Ms. Smith suggested there be a list available for any attorneys who want to sign up to provide pro bono and low bono limited legal services.

Judge Page noted that the key to the effective lawyer referral program in Davis County has been the Bar. Judges cannot get involved.

Judge Page volunteered to speak with Judge Payne in 8th district to see if he knows an attorney who would be willing to push the lawyer referral program. Judge Baxter asked Ms. Ciccarello to ascertain, when she visits 8th district, if the Bar there has an interest in providing unbundled services or if the oil boom in that area has affected the interest of attorneys in providing limited legal services.

Ms. Smith suggested that OCAP is difficult for many people who have limited computer literacy. She suggested that having documents in Word or WP format is much easier for people than they are PDF format. Individual items that are needed can be printed rather than an entire packet.

Jim Backman asked if clerks could help with some of the procedural issues. Ms. Ciccarello responded that the issues people call about are too complicated and the callers have no knowledge of what is going on. It takes 20-30 minutes for her to look at the entries on a case so she can explain to callers what has happened and what the next procedural step is. Clerks do not have the time to do this. Procedural issues are hugely problematic for people.

Judge Page affirmed that procedural issues involve legal issues in many cases, and clerks do not understand the legal ramifications of many of them.

Ms. Smith asked how long the pilot will be funded.

Tim Shea responded it is funded until June and will likely be funded for a year after that. At that time, data collected from the pilot districts will be presented to the legislature to approve funding for the self-help program to go statewide.

Public Education and Outreach

Ms. Smith reported that Mr. Shea has generated a brochure, based on discussion at the last committee meeting and the input from the subcommittee on public education and outreach, to inform people about the court's website that includes information for self-represented litigants. The brochure will also provide other vital legal information about and guidance.

Ms. Ciccarello reported that she is generating a list of community service providers. The idea is to go to the providers and talk with them so they can help the people they serve get information and access to the courts. She will additionally speak to the service providers about getting them to link their websites to the court websites where appropriate.

Judge Baxter indicated that he is working with Kris Prince in the AOC education department to develop a presentation to the justice court judges and district court judges. The group from this committee who attended the conference at Harvard will condense the information they received so it can be presented to these bodies. The Chief Justice also wants a presentation made to the appellate courts. A break-out session with the Bar will also be needed to inform them. Many judges have some concerns about advocacy in pro se cases. Judge Baxter will look at the DVDs they received at the Harvard conference for hypothetical situations that could be presented to the judges and the Bar to allay their concerns.

Judge Page stated that, at a recent Inns of the Court meeting, it was apparent that the Bar has concerns about the interjection of a judge in the court proceedings of a pro se litigant, particularly if only one party is pro se. These will need to be resolved in order to make headway.

Robert Jeffs said the Bar asked him to write an article about the Southern Utah Bar Association and the program they have developed. The Bar is awarding the Southern Utah Bar Association with a state service award. They will be a poster child at the mid-year Bar meetings and used as a springboard to try to get the other regional bars and attorneys throughout the state energized.

Web Information

Mr. Shea distributed his draft brochure he generated about self-help resources. The idea is to keep the brochure short, concise, simple and largely with information that will not frequently need to be changed. The group reviewed the brochure. Mr. Shea asked that any suggestions on content and layout be forwarded to him.

Mr. Shea reported he has been working on co-habitant abuse information and forms and Marianne O'Brien is working on small claims information and forms. This has been the approach for communication of information to the self-rep litigant. Outreach is not necessarily communicating with the self-rep litigant directly, but with the people they look to for other services. It is hoped one website will be able to link to anything mentioned in the brochure. It is hope that everything will dovetail. It is important to build tools that Ms. Ciccarello can use.

Mr. Shea noted the new court's website is now driven by Google searches rather than by subject matter.

Mr. Jeffs pointed out that search for information using the Google process will bring up all kinds of information, and lots of it, that people do not understand. People who are not sophisticated about what they need will not know what it is they have. They will get a lot of unrelated information.

Mr. Shea expressed that some of the old functionality of the website may need to be restored, particularly for pro se litigants.

Attorney Member

Judge Baxter reviewed the names he has received as a suggested attorney member on this committee. The committee made comments about each nominated individual regarding their qualifications. Mr. Shea and Judge Baxter will contact nominees to ascertain their interest and commitment in serving on this committee.

The meeting was adjourned until April 11.