

# Agenda

## Committee on Resources for Self-represented Parties

December 9, 2016  
12:00 to 2:00 p.m.

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

Welcome and introduction of new member, Judge Catherine Roberts, and member in new capacity, Judge Barry Lawrence	Tab 1	5 minutes	Judge Marsha Thomas, Chair
Approval of Minutes	Tab 2	5 minutes	Judge Marsha Thomas
Forms Update	Tab 3	10 minutes	Judge Barry Lawrence, Nancy Sylvester
Strategic Plan – proposed pro se e-filing language	Tab 4	5 minutes	Judge Marsha Thomas
Summary of review of ABA Report on the Future of Legal Services in the United States and Servicing Self-Represented Litigants Remotely: A Resource Guide	Tab 5	1 hour	All
Other subcommittee updates	Tab 6	20 minutes	All
Other Business		15 minutes	All

[Committee Web Page](#)

**Proposed Bimonthly Meeting Schedule:** Matheson Courthouse, Judicial Council Room, 12:00 to 2:00 p.m. unless otherwise stated.

February 10, 2017  
April 14, 2017  
June 9, 2017  
August 11, 2017

October 13, 2017  
December 8, 2017

# Tab 1

Last Name	First Name	Representing	Original Appointment	Current Appointment	Term Ends	Term Number	Term Years
Bentley	Leti	Public	28-Apr-14	28-Apr-14	28-Apr-17	1	3
Cameron	Tyler	Urban clerk of court	19-Aug-16	19-Aug-16	19-Aug-19	1	3
Collins	Lisa	Appellate clerk of court	11-Sep-12	26-Oct-15	26-Oct-18	2	3
Crismon	Sue	Utah Legal Services	28-Apr-14	28-Apr-14	28-Apr-17	1	3
Frank	Carol	Rural clerk of court	22-Feb-10	23-Nov-15	23-Nov-18	3 (2.5)	3
Griffith	Susan	Public	24-Feb-14	24-Feb-14	24-Feb-17	1	3
Hernandez	Carl	J Reuben Clark Law School	28-Apr-14	28-Apr-14	28-Apr-17	1	3
Howell-Powers	Jaclyn	S J Quinney College of Law	27-Oct-14	27-Oct-14	27-Oct-18	1	3
Knight	Elizabeth	Juvenile court judge	18-Jul-16	18-Jul-16	18-Jul-19	1	3
Lawrence	Barry	District court judge	23-Nov-15	01-Jan-17	01-Jan-20	1	3
McNeil	Shaunda	Bar	22-Jun-15	22-Jun-15	22-Jun-18	1	3
Martinez	Chris	Legal Aid Society of Salt Lake	28-Apr-14	28-Apr-14	24-Feb-17	1	3
Mittelstadt	Eric	OACAP	14-Mar-14	14-Mar-14	14-Mar-17	1	3
Roberts	Catherine E.	Justice court judge	01-Jan-17	01-Jan-17	01-Jan-18	1	1
Sudbury	Virginia	Low Income Attorney	28-Feb-11	24-Feb-14	24-Feb-17	2	3
Thomas	Marsha	Justice court judge	24-Feb-14	24-Feb-14	24-Feb-17	1	3
Thomas	Doug	District court judge	16-Mar-11	28-Apr-14	28-Apr-17	2	3
Ciccarello	Mary Jane	SHC	28-Feb-05	-	-	-	3
Van Buren	Jessica	State Law Library	28-Feb-05	-	-	-	3

# Tab 2

# **Minutes of the Committee on Resources for Self-represented Parties**

October 14, 2016

Draft. Subject to approval

## **Members Present**

Christopher Martinez, Eric Mittelstadt, Jaclyn Howell, Jessica Van Buren, Judge Barry Lawrence, Judge Douglas Thomas, Judge Marsha C. Thomas, Lisa Collins, Mary Jane Ciccarello, Shaunda McNeill, Tyler Cameron, Susan Griffith

## **Members Excused**

Judge Elizabeth Knight, Carol Frank, C. Sue Crismon, Carl Hernandez, Leti Bentley, Virginia Sudbury

## **Staff**

Nancy Sylvester

### **(1) Welcome and introduction of new members.**

Judge Marsha Thomas welcomed everyone to the meeting. The members took a few minutes to go over the executive summary of the two reports in the packet (the ABA Report on the Future of Legal Services in the United States, and the Remote Services Guide) and jotted down some notes on things the committee may not be doing but should be. They then placed these on the board.

Judge M. Thomas then introduced Tyler Cameron to the committee. She had the members introduce themselves. She also introduced Judge Elizabeth Knight, who was excused from the meeting today.

### **(2) Approval of minutes.**

Judge Lawrence moved to approve the minutes with several corrections by Ms. Ciccarello. Mr. Mittelstadt seconded the motion. It passed unanimously.

### **(3) Where we are as a committee on our priorities (subcommittee reports)**

Judge M. Thomas went over the FY 2016 self-represented party statistics in Utah. Judge Lawrence and Ms. McNeill said it was not surprising, but troubling, that there is a lopsidedness in debt collection and eviction cases. The committee then had a discussion on ways to get people to court to receive help who have a significant amount of legal issues. Ms. Ciccarello gave an example of New York City, which funded legal services at around \$200 million for every person going through an eviction in the city. The funding was provided because it was found to be cheaper to provide legal services than to deal with the repercussions of having so many people with evictions on their records.

Judge M. Thomas then went over the strategic plan priorities.

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Minutes of the Committee on Resources for Self-represented Parties

October 14, 2016

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### **Self-Help Center**

Ms. Ciccarello discussed the Self-Help Center's (SHC) assistance with the pro se calendars. They are helping with about half of them right now and they do so in the mornings outside of helpline hours. Ms. Ciccarello then discussed training of frontline clerks on the Self-Help Center resources. In Moab and Price there has been a restructuring of the clerks' offices, including allowing clerks to help complete forms. The clerks are training on the various modules and then tested on each one. In the rural areas, there are few legal referrals to make because lawyers are not populating the new Bar directory yet. Licensed Lawyer is working better in the urban areas.

The committee then discussed the court funding process and the need for the SHC to do a little less than it's been doing. Mr. Martinez noted his concern that with the SHC stepping away from some of the Pro Se Calendars, they have become less efficient.

Ms. Van Buren noted that they are not creating new forms now, just amending old ones. And Ms. Ciccarello said the SHC got rid of chat as a contact option because it was inefficient.

### **Legislation/Rules**

Ms. Sylvester then discussed some developments on Rule 14-807, which include concerns by Bar Admissions about some of the provisions the Supreme Court adopted at this committee's request, for example, having a course requirement for law students but not law graduates. Ms. Howell-Powers will contact the schools about how much the rule is being used.

### **Virtual Services/Navigator Subcommittee**

Judge M. Thomas noted that the word navigator may be causing problems, even if the concept is a good one.

Judge M. Thomas then discussed an idea of using bookmobiles in rural areas. Grace Acosta, State Director of Bookmobiles, contacted Susan Griffith to see if they can form a partnership to bring legal services to rural communities on these bookmobiles.

Ms. Griffith said with respect to remote services, they are applying for a grant extension and are hoping to make a big push to increase the use of these virtual clinics. They are now statewide. Timpanogos Legal Clinic (TLC) can go up to 200% of poverty; Utah Legal Services is piloting doing the same. TLC screens now through ULS. The screening process can be laborious and sometimes clients are lost in the process. Ms. Griffith said some divorce cases get hung up with the final findings of fact and decree of divorce. So they need a trigger to the clerks to make the referral to TLC on those. TLC does a quarterly pro se calendar in Fourth District, and Choice Legal Services will do a flat fee to draft the final documents.

### **Education subcommittee**

Judge M. Thomas said this is an area where the committee could have more going on. She noted that she is on a subcommittee that recently updated pro se guidelines for justice court judges. The committee also discussed using survey monkey to gauge what training is needed for clerks, for example. Do the clerks need a refresher on resources for self-represented parties?

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### **Malpractice insurance**

Judge M. Thomas reported that this priority is on hold.

### **Forms subcommittee**

Judge Lawrence met with the Board of District Court Judges about their concerns on forms. The forms committee also met with the Supreme Court, which wants to do the forms because of the paralegal practitioner need. Dan Becker has discussed having a standing committee on forms through the Judicial Council.

### **Rule 16 subcommittee**

Ms. Sylvester gave an update on the subcommittee. She said they are waiting on some data to come in, but anecdotally it looks successful. In Fourth District, for example, many of the hearings Commissioner Patton is setting are being cancelled because parties are getting the list of requirements done in their cases.

### **Lawyer Directories and Referral Services Subcommittee**

Ms. McNeill gave some updates from the AAA Taskforce. She asked for feedback from Ms. Ciccarello and Ms. Van Buren on the new Bar directory. Ms. Van Buren provided some feedback on the directory about its ease of use; she said some of the questions are not always on point when she's helping someone, though. Ms. McNeill said the Bar is pushing LexBlog as a way to help lawyers get their names out. About 600 lawyers have signed up for the directory.

Courthouse Steps is not doing well and likely won't continue after awhile. Ms. Van Buren suggested moving it to more of a virtual services model.

Ms. McNeill reported that on November 9, there will be an invitation-only legal services forum. It will basically be a once a year round table discussion of what all of the legal services providers are doing in Utah.

Judge M. Thomas circulated suggested language for the strategic plan regarding pro se e-filing and asked for suggestions on how it can be improved.

## **(4) Other Business/Future Meetings**

The next committee meeting will be December 9, 2016.

The meeting adjourned at 2:04 pm.

# Tab 3

1 **Rule 1-205. Standing and ad hoc committees.**

2

3 Intent:

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

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

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

9 Applicability:

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

11 Statement of the Rule:

12 (1) Standing committees.

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

14 (1)(A)(i) Technology Committee;

15 (1)(A)(ii) Uniform Fine Schedule Committee;

16 (1)(A)(iii) Ethics Advisory Committee;

17 (1)(A)(iv) Judicial Branch Education Committee;

18 (1)(A)(v) Court Facility Planning Committee;

19 (1)(A)(vi) Committee on Children and Family Law;

20 (1)(A)(vii) Committee on Judicial Outreach;

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

22 (1)(A)(ix) Language Access Committee;

23 (1)(A)(x) Guardian ad Litem Oversight Committee;

24 (1)(A)(xi) Committee on Model Utah Civil Jury Instructions;

25 (1)(A)(xii) Committee on Model Utah Criminal Jury Instructions; ~~and~~

26 (1)(A)(xiii) Committee on Pretrial Release and Supervision;

27 (1)(A)(xiv) Committee on Court Forms.

28 (1)(B) Composition.

29 (1)(B)(i) The Technology Committee shall consist of one judge from each court of record, one justice  
30 court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two  
31 court clerks and two staff members from the Administrative Office.

32 (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district court judge who has  
33 experience with a felony docket, three district court judges who have experience with a misdemeanor  
34 docket, one juvenile court judge and three justice court judges.

35 (1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one  
36 district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6,

37 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college  
38 of law.

39 (1)(B)(iv) The Judicial Branch Education Committee shall consist of one judge from an appellate  
40 court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial  
41 Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the Board of Justice Court  
42 Judges, one state level administrator, the Human Resource Management Director, one court executive,  
43 one juvenile court probation representative, two court clerks from different levels of court and different  
44 judicial districts, one data processing manager, and one adult educator from higher education. The  
45 Human Resource Management Director and the adult educator shall serve as non-voting members. The  
46 state level administrator and the Human Resource Management Director shall serve as permanent  
47 Committee members.

48 (1)(B)(v) The Court Facility Planning Committee shall consist of one judge from each level of trial  
49 court, one appellate court judge, the state court administrator, a trial court executive, and two business  
50 people with experience in the construction or financing of facilities.

51 (1)(B)(vi) The Committee on Children and Family Law shall consist of one Senator appointed by the  
52 President of the Senate, one Representative appointed by the Speaker of the House, the Director of the  
53 Department of Human Services or designee, one attorney of the Executive Committee of the Family Law  
54 Section of the Utah State Bar, one attorney with experience in abuse, neglect and dependency cases,  
55 one attorney with experience representing parents in abuse, neglect and dependency cases, one  
56 representative of a child advocacy organization, one mediator, one professional in the area of child  
57 development, one representative of the community, the Director of the Office of Guardian ad Litem or  
58 designee, one court commissioner, two district court judges, and two juvenile court judges. One of the  
59 district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its  
60 discretion the committee may appoint non-members to serve on its subcommittees.

61 (1)(B)(vii) The Committee on Judicial Outreach shall consist of one appellate court judge, one district  
62 court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level  
63 judicial education representative, one court executive, one Utah State Bar representative, one  
64 communication representative, one law library representative, one civic community representative, and  
65 one state education representative. Chairs of the Judicial Outreach Committee's subcommittees shall  
66 also serve as members of the committee.

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

74 (1)(B)(ix) The Language Access Committee shall consist of one district court judge, one juvenile court  
75 judge, one justice court judge, one trial court executive, one court clerk, one interpreter coordinator, one  
76 probation officer, one prosecuting attorney, one defense attorney, two certified interpreters, one approved  
77 interpreter, one expert in the field of linguistics, and one American Sign Language representative.

78 (1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of seven members with  
79 experience in the administration of law and public services selected from public, private and non-profit  
80 organizations.

81 (1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of two district court  
82 judges, four lawyers who primarily represent plaintiffs, four lawyers who primarily represent defendants,  
83 and one person skilled in linguistics or communication.

84 (1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist of two district court  
85 judges, one justice court judge, four prosecutors, four defense counsel, one professor of criminal law, and  
86 one person skilled in linguistics or communication.

87 (1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of two district court  
88 judges, one juvenile court judge, two justice court judges, one prosecutor, one defense attorney, one  
89 county sheriff, one representative of counties, one representative of a county pretrial services agency,  
90 one representative of the Utah Insurance Department, one representative of the Utah Commission on  
91 Criminal and Juvenile Justice, one commercial surety agent, one state senator, one state representative,  
92 and the court's general counsel or designee.

93 (1)(B)(xiv) The Committee on Court Forms shall consist of one district court judge, one juvenile court  
94 judge, one justice court judge, one court clerk, one appellate court staff attorney, one representative from  
95 the Self-Help Center, the State Law Librarian, the Court Services Director, one member selected by the  
96 Online Court Assistance Committee, one representative from a legal service organization that serves low-  
97 income clients, one paralegal, and one representative from the Utah State Bar.

98 (1)(C) The Judicial Council shall designate the chair of each standing committee. Standing  
99 committees shall meet as necessary to accomplish their work. Standing committees shall report to the  
100 Council as necessary but a minimum of once every year. Council members may not serve, participate or  
101 vote on standing committees. Standing committees may invite participation by others as they deem  
102 advisable, but only members designated by this rule may make motions and vote. All members  
103 designated by this rule may make motions and vote unless otherwise specified. Standing committees  
104 may form subcommittees as they deem advisable.

105 (1)(D) At least once every six years, the Management Committee shall review the performance of  
106 each committee. If the Management Committee determines that committee continues to serve its  
107 purpose, the Management Committee shall recommend to the Judicial Council that the committee  
108 continue. If the Management Committee determines that modification of a committee is warranted, it may  
109 so recommend to the Judicial Council.

110 (1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized  
111 by Section 78A-6-901, shall not terminate.

112 (2) Ad hoc committees. The Council may form ad hoc committees or task forces to consider topical  
113 issues outside the scope of the standing committees and to recommend rules or resolutions concerning  
114 such issues. The Council may set and extend a date for the termination of any ad hoc committee. The  
115 Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc  
116 committees shall keep the Council informed of their activities. Ad hoc committees may form sub-  
117 committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or  
118 recommendations to the Council, upon expiration of the time set for termination, or upon the order of the  
119 Council.

120 (3) General provisions.

121 (3)(A) Appointment process.

122 (3)(A)(i) Administrator's responsibilities. The state court administrator shall select a member of the  
123 administrative staff to serve as the administrator for committee appointments. Except as otherwise  
124 provided in this rule, the administrator shall:

125 (3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and  
126 announce vacancies on ad hoc committees in a timely manner;

127 (3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective  
128 appointee and information regarding the prospective appointee's present and past committee service;

129 (3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the  
130 prospective reappointee, the length of the prospective reappointee's service on the committee, the  
131 attendance record of the prospective reappointee, the prospective reappointee's contributions to the  
132 committee, and the prospective reappointee's other present and past committee assignments; and

133 (3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on  
134 recommendations received regarding the appointment of members and chairs.

135 (3)(A)(ii) Council's responsibilities. The Council shall appoint the chair of each committee. Whenever  
136 practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

137 (3)(B) Terms. Except as otherwise provided in this rule, standing committee members shall serve  
138 staggered three year terms. Standing committee members shall not serve more than two consecutive  
139 terms on a committee unless the Council determines that exceptional circumstances exist which  
140 justify service of more than two consecutive terms.

141 (3)(C) Members of standing and ad hoc committees may receive reimbursement for actual and  
142 necessary expenses incurred in the execution of their duties as committee members.

143 (3)(D) The Administrative Office shall serve as secretariat to the Council's committees.

1 **Rule 3-117. Committee on Court Forms**

2 **Intent:**

3 To establish a committee to determine the need for forms and to create forms for use by litigants in all  
4 court levels.

5 **Applicability:**

6 This rule shall apply to the judiciary.

7 **Statement of the Rule:**

8 (1) The committee shall conduct a comprehensive review of the need for court forms to assist parties  
9 and practitioners in all court levels.

10 (2) The committee shall create forms as it deems necessary for use by parties and practitioners,  
11 including forms for the Online Court Assistance Program.

12 (3) Process for form creation.

13 (3)(a) The committee shall adopt procedures for creating new forms or making substantive  
14 amendments to existing forms, and procedures for expediting technical or non-substantive amendments  
15 to forms.

16 (3)(b) Forms should be written in plain language and reference the statutes and rules to which the  
17 forms apply.

18 (3)(c) The committee shall solicit input from other interested groups as it deems appropriate. The  
19 committee may establish subcommittees using non-committee members to facilitate its work.

20 (3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms.  
21 However the Judicial Council's designation of a form as mandatory is not binding on a decision-maker  
22 asked to review the legal correctness of the form.

23 (3)(e) The Office of General Counsel shall staff the committee and shall review all forms for legal  
24 correctness before final approval by the committee.

25 (4) The State Law Librarian shall be responsible for maintaining and archiving the forms.

26

# Tab 4

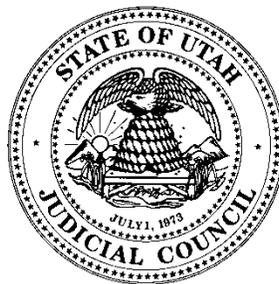


# Utah State Courts

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## Committee on Resources for Self-represented Parties

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Strategic Plan  
September 29, 2015

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**The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.**

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## **(1) Executive Summary**

The Committee on Resources for Self-represented Parties has been a standing committee of the Judicial Council since 2005. The committee completed two prior strategic plans in 2006 and 2011, and those plans have guided the direction of the committee to date. Just as in 2005, vast numbers of self-represented parties continue to patronize the Utah State Courts today.

In the current strategic plan, the committee recommends a) continued support including increased funding for the Self-Help Center; b) the development and implementation of a court navigator program; c) continued forms development; d) changes to the third year practice rule; e) improvement of lawyer directories and the development of a guided webpage for referral to legal services; f) increased availability of malpractice insurance for volunteer attorneys; g) support for the development of virtual legal services delivery; and h) increased education for those who interact with self-represented parties.

## **(2) Committee History**

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 [CJA Rule 1-205 \(1\)\(B\)\(viii\)](#) sets the committee composition.

Rule 3-115 dictates that the committee shall provide leadership to identify the needs of self-represented parties, coordinate resources to meet those needs, assess available services, 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 managing cases involving self-represented parties.

The committee began meeting in June 2005. Committee members first assessed self-represented parties' needs 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 revealed 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."

### [The 2006 Strategic Plan](#)

Based on the results of the survey, the Committee presented a strategic plan to the Judicial Council in July 2006.<sup>1</sup> In that strategic plan, the Committee recommended the following goals for any programs developed to assist self-represented parties: ensure access to the legal system; increase education of court

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<sup>1</sup> The 2006 strategic plain is available at <http://www.utcourts.gov/committees/ProSe/Strategic%20Plan%20Self%20Rep.pdf>

users, court personnel, and community organizations; clarify the court system so it is understandable by ordinary citizens; increase the efficiency and effectiveness of the court system by reducing the time required of judges to explain court procedures and, in turn, reduce the number of continuances; and increase understanding of court orders.

The overarching principle of the plan was that any services provided had to be equally available throughout Utah to all parties involved (defendants as well as plaintiffs); available regardless of income; and 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, and some by lawyers. The 2006 plan gave specific recommendations including the creation of a self-help support center; development of materials and resources for clinics and workshops, and greater assistance from judicial support staff. The plan recommended 1) having the state law library educate and promote statewide access to legal information; 2) providing forms, instructions and information; 3) improving the court website, and 4) improving clerical and judicial training. The plan further recommended rule changes to allow clerical assistance with forms by a broader audience, support for unbundled legal services, and support for low- and no-fee representation.

### [The 2011 Strategic Plan](#)

2011 saw the 2006 Strategic Plan updated with new recommendations and expanded prior recommendations.<sup>2</sup> The 2011 Strategic Plan recommended expanding the Self-Help Center service area to the entire state, continuing to develop forms, and preparing instructional videos. Additionally, the plan recommended developing improved working relationships with the Online Court Assistance Program (OCAP) committee and the Utah State Bar, and also the study of alternative processes for self-represented parties.

### **Accomplishments**

Most of the recommendations from the two prior strategic plans have been completed.

- The [Self-Help Center](#) was created and is flourishing state wide.
- A forms subcommittee was created and they in turn have created (and created and created) many [forms](#).
- Instructional videos have been created and posted on the courts' [YouTube channel](#).
- The unauthorized practice of law rule, [Special Practice Rule 14-802\(c\)\(3\)](#), was changed to allow clerical assistance in completing a form when no fee is charged to do so.
- The [Utah Courts website](#) was redesigned to feature self-help resources.

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<sup>2</sup> The 2011 strategic plan is available at <http://www.utcourts.gov/committees/ProSe/Strategic%20Plan%202011.pdf>

- The Utah State Courts Education Department now offers classes to court staff and judges on working with self-represented parties.
- And committee members, including John Baxter, Lowry Snow, Marsha Thomas, and others, have made presentations to judges on best practices in self-represented litigation.

### (3) Self-Represented Parties in Utah

The following chart shows the percentages of self-represented parties in selected district court case types during fiscal year 2015.<sup>3</sup>

#### 2015 Data

Case Type	Cases	Both Parties with Attorney	One Party with Attorney	No Party with Attorney	Self-Represented Petitioner	Self-Represented Respondent
Adoption	1,352	1%	84%	14%	14%	4%
Civil Stalking	858	13%	18%	69%	79%	77%
Conservatorship	143	1%	84%	15%	15%	2%
Contracts	2,608	28%	71%	1%	1%	71%
Custody and Support	1,281	20%	49%	31%	36%	76%
Debt Collection	67,510	2%	98%	0%	0%	98%
Divorce/Annulment	13,227	19%	31%	50%	52%	80%
Estate Personal Rep	2,107	0%	87%	12%	12%	0%
Eviction	7,465	4%	83%	13%	13%	96%
Guardianship	1,622	1%	43%	56%	57%	3%
Name Change	1,041	0%	17%	83%	83%	1%
Paternity	1,043	36%	44%	20%	23%	61%
Protective Orders	4,744	23%	35%	42%	48%	71%
Small Claim	9	0%	22%	78%	78%	100%
Temporary Separation	85	19%	38%	44%	52%	73%

<sup>3</sup> Provided by Kim Allard, Director of Court Services, in August 2015.

#### **(4) Proposed future priorities**

##### **(a) Continue support for the Self-Help Center.**

The Self-Help Center serves thousands of self-represented parties each year. Due to the Judicial Council's commitment to continue its financial support of the Center, the Center, in turn, continues to increase the services it provides.

The committee supports additional funding for the Self-Help Center to allow expansion of the services they provide to self-represented parties, and also to increase educational efforts to judges, court staff, social services, government agency staff, and to self-represented parties.

##### **(b) Develop and implement a court navigator program.**

Building on successful models from other states, the Utah State Courts could design a program whereby AmeriCorps/JusticeCorps members, court clerks, or others could provide procedural, navigational, or other assistance to self-represented court patrons.

The committee recommends investigating how other states have developed these programs, and if feasible, supports implementation.

##### **(c) Continue to develop forms.**

A forms subcommittee meets regularly to review forms and forms-related issues, and also create new forms and informational web pages. Proposed forms are forwarded to appropriate judicial leadership for review, and once finalized, are posted on the Utah courts' website and used extensively.

The committee recommends continuing and refining the forms subcommittee and process.

##### **(d) Analyze and amend the Law Student and Law Graduate Legal Assistance rule**

The purpose of the "third year practice rule" ([Rule 14-807 of the Utah Code of Judicial Administration](#)) is "to provide eligible law school students and recent law school graduates with supervised practical training in the practice of law for a limited period of time and to assist the Bar and the judiciary to discharge their responsibilities to help create a legal system which helps provide access to those individuals of limited means."

The committee recommends analyzing and amending the Law Student and Law Graduate Legal Assistance rule in order to increase valuable skills-building opportunities for law students and recent law school graduates and to also increase access to legal services.

##### **(e) Encourage improvement of lawyer directories, webpage triage efforts, and referral sources.**

The Utah State Bar provides directories for lawyer referral services and it is also in the process of creating a guided referral system to direct consumers and social service providers to the appropriate legal resources.

The committee recognizes the importance of these directories, guiding online systems, and referral sources for self-represented parties. The committee recommends supporting these efforts and increasing collaboration between the providers and users of these directories and online resources so that the end result is comprehensive and beneficial to all users. The committee encourages the immediate implementation of an online lawyer referral directory.

**(f) Support increasing availability of malpractice insurance for volunteer attorneys in all capacities.**

The Utah State Bar and some legal service providers currently provide malpractice insurance for volunteer attorneys, but generally the attorneys must take on a full case to be covered. So there is still a gap in coverage for volunteer attorneys that provide legal services other than those requiring an appearance to be entered, such as simple legal advice and document preparation.

The committee recommends that this area be studied and that recommendations be made to close this gap and enable more attorneys, including non-traditional attorneys, to volunteer.

**(g) Support the development and implementation of virtual services in rural areas.**

The delivery of legal services to rural communities is often the first thing to be impacted when non-profit legal service organizations' funds are cut. But new technology is now changing how and in what circumstances legal services can be provided to these communities. Virtual services, such as remote document preparation, offer new hope for self-represented litigants who are isolated by geography and a lack of meaningful access to legal services.

The committee supports the increased use of technology to provide virtual legal services delivery to self-represented parties, especially to those in rural communities. Both Utah Legal Services and Timpanogos Legal Clinic are currently working on rural virtual service delivery projects and the committee supports their efforts and those like them.

**(h) Suggest opportunities for educating those who interact with self-represented parties.**

The responsibility for educating those who interact with self-represented parties is shared among many organizations.

The committee recognizes and promotes the importance of efficiently announcing new resources for self-represented litigants to those stakeholders who educate judges, court staff, law school personnel, and social service providers.

**(i) Support pro se e-filing.**

The Committee on Resources for Self-Represented Parties supports allowing self-represented litigants to eFile documents and to fully participate in the court's eFiling system in their cases.



## **(5) Committee on Resources for Self-Represented Parties**

Judge Marsha C. Thomas Chair, City of Taylorsville Municipal Justice Court

| Nancy Sylvester Associate General Counsel, Administrative Office of the Courts

Leti Bentley Outreach and Service Director, Moab Valley Multicultural Center

| Tyler Cameron Judicial Assistant, Second District Court

Mary Jane Ciccarello Director, Self-Help Center

Sue Crismon Director of Pro Bono, Utah Legal Services

Lisa Collins Clerk of Court, Utah Court of Appeals

| ~~Judge Michael DiReda~~ ~~Second District Court~~

| ~~Judge Ryan Evershed~~ ~~Eighth District Juvenile Court~~

Carol Frank Judicial Case Manager, Sixth District Court

Susan Griffith Executive Director, Timpanogos Legal Center

Adjunct Professor, BYU J. Reuben Clark Law School

Carl Hernandez Associate Professor, BYU J. Reuben Clark Law School

Jaclyn Howell-Powers Career Counselor

University of Utah S. J. Quinney College of Law

| Judge Elizabeth Knight Third District Juvenile Court

| Judge Barry Lawrence Third District Court

Chris Martinez Attorney, Legal Aid Society of Salt Lake City

Eric Mittelstadt Deputy Director, Utah Legal Services

| ~~Barbara Procarione~~ ~~Judicial Team Manager, Seventh District Court~~

Virginia Sudbury Attorney, Law Office of Virginia Sudbury

Judge Doug Thomas Seventh District Court

Shaunda McNeill Utah State Bar Representative

Jessica Van Buren Director, Utah State Law Library

# Tab 5

Committee on Resources for Self-Represented Parties / October 2016  
Summary of review of ABA Report on the Future of Legal Services in the United  
States and Servicing Self-Represented Litigants Remotely: A Resource Guide

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*What we'd like to incorporate in Utah:*

Expediting Litigation

Streamlining & expediting litigation

5.2 Expedited Litigation procedures

ABA Rec. Streamlining coordinate "service" in all rules of Civil Procedure

5.2 Expedited Procedures

Virtual Access

Emailing Policy

Text / Email District Wide

Virtual and Expanded Hours Access to Courts

Virtual Access to Courts

5.4 Online Dispute resolution

Increase video conferencing at courthouses

Incorporate smartphone

New models for delivery

Language Access

ABA Rec 5.2 Need for better interpreter access

Expand availability of translators for a wider variety of language

5.3 Multilingual Materials

Collaboration Efforts

Better Collaboration with the bar and law students to increase pro bono involvement.

Law School Curriculum

Other

5.2 Plain language forms

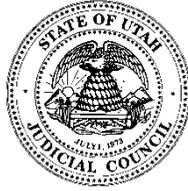
Expand court facilities to assist pro se litigants

Remote court website publication of summons (see: Alaska)

2.1 ABA Model Regulatory Objectives

ABA Rec 2.2 – Better regulation of UPL in conjunction w/ LLLT efforts

# Tab 6



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

## MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Self-represented Parties Committee  
**From:** Nancy Sylvester *Nancy D. Sylvester*  
**Date:** December 6, 2016  
**Re:** Subcommittee Updates

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Virginia Sudbury is unable to attend but reports that the pro se clinic calendar is rollicking along and the Limited Scope Section is planning its next CLE (the first, on Rule 4-904 Informal Hearings, was a success).

**The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.**