Agenda

Utah Judicial Council's Standing Committee on Resources for Self-represented Parties

March 12, 2021
12:00 p.m.-1:30 p.m.

Via Webex

Welcome and approval of January minutes (Tab 1)	Judge Rich Mrazik
Roundtable check-in on emerging issues related to COVID-19	All
Follow up on prior discussions (Tab 2): • CLE credit for pro bono work (Judge Mrazik, Nancy Sylvester) • Employment law (Sue Crismon) • Community outreach (Jonathan Puente) • Technology (remote hearing access issues; MyCase-Sue Crismon, Judge Mrazik) • Evictions (CDC moratorium ending, People's Legal Aid) • Debt collection • Updates to Rules of Civil Procedure (effective May 1, 2021-Nancy Sylvester, Nathanael Player)	All
Other business	Judge Rich Mrazik

Next meeting: May 14, 2021

Meeting schedule: Every other month on the second Friday at noon

Tab 1

Utah Judicial Council's Standing Committee on

Resources for Self-Represented Parties Summary Minutes

Via Webex
January 8, 2021
12:00 PM – 1:30 PM

Members	In attendance	Excused	Via phone conference
Judge Suchada Bazzelle	X	X	
Sue Crismon	X		
Monica Fjeldsted		X	
Leslie Francis	X		
Nicole Gray	X		
Susan Griffith	X		
Carl Hernandez	X	X	
Judge Catherine Hoskins			
Jacob Kent	X	X	
Judge Richard Mrazik - Chair	X		
Shawn Newell	X		
Judge Katherine Peters		X	
Nathanael Player	X		
Charles Stormont	X		
Peter Strand		X	
Virginia Sudbury	X		
Janet Thorpe	X		
Law Librarian (vacant)		X	
Guests	In attendance	Excused	Via phone conference
Kim Paulding (Utah Bar Foundation)	X		
Jeff Daybell	X		
Amy Hernandez (Domestic Violence Program Coordinator)	X		
Kara Mann (Language Access Program Coordinator)			
Justice Christine Durham (Access to Justice Commission)			
Rob Jepson (Access to Justice Commission)	X		
Pamela Beatse (Access to Justice Commission)	X		
Amy Sorenson (Access to Justice Commission)			
Staff	In attendance	Excused	Via phone conference
Nancy Sylvester	X		

(1) Welcome and approval of minutes

Judge Mrazik welcomed members and guests to the meeting. Mr. Sudbury moved to approved the minutes and Mr. Newell seconded. The motion carried.

(2) Evictions:

People's Legal Aid now spends 40 hours per week person answering phones, which is an uptick from 20 hours in the fall. PLA has developed a form on deficient conditions.
The committee discussed placing the form on the court website. PLA is also working on developing forms regarding illegal self-help.
Utah Legal Services has noted that as moratoriums continue, landlords are taking illegal self-help steps to get tenants out. (lockouts, utilities off).
The committee discussed sending PLA's form through the forms committee, but Mr. Player said it wouldn't be prioritized before February. The committee discussed that temporary restraining orders on deficient conditions are an option but they are complicated. PLA's form is simple. The committee discussed that if a person is not current on rent, a TRO may be the only option on a deficient conditions claim.
Motion: Sudbury moved, and Ms. Crismon seconded on having Mr. Player link the Self-Help Center website to PLA's form for notice of deficient conditions as well as ULS's. The motion carried.

(3) Outreach on evictions:

Mr. Newell will connect with PLA. Kim Paulding has been emailing with Mr. Newell regarding outreach to schools. There is a lot of red tape on communications unless you're a preapproved source, which the courts are. Kim has been in contact with Cathy Dupont and Judge Noonan. Judge Mrazik will call Judge Noonan.

(4) MyCase

There is currently a pilot project in 7th District for MyCase. There are issues with validating a persons' identity that are being sorted out. IT is working on prioritizing it statewide for divorce, temporary orders, evictions, and debt collection. This is a front burner issue for Judge Mrazi, Judge Pettit, and Judge Shaughnessy, the latter two of whom are on the Council. They would like this this statewide and with the ability to e-file. Ms. Paulding said there is CARES Act money available. Cities/Counties have to apply by January 12th for it. The money is to assist populations over 200,000.

(5) Debt collection

The Access to Justice Commission is focused on debt collection issues. The University of Arizona just issued debt collection report on medical debt.
https://docs.google.com/presentation/d/1Zkpb_Sq-xbmTFGQrs5nApmi9IBoa46flWHTg7Zp4DXo/edit
.
Some of its recommendations are as follows: trial diversion, train community health workers to give limited legal advice (sandbox). Messaging focus: even if you are liable for the underlying debt, if you engage in the process, the amount you owe will be less. Most people don't appreciate that this is a legal problem or have more pressing issues like

divorce and criminal cases. Mr. Stormont's wife works for a marketing company. /he said he could ask her and her boss to join one of the committee meetings to give ideas on how to market the courts' resources. "Don't mess with Texas" is a good example.

(6) Civil Rules updates

Mr. Player is going to add in QR codes to court forms. More access, more notice in rules coming out May 1.

(7) Outreach

Mr. Stormont noted the Jazz team's new initiatives: https://kslsports.com/450218/jazz-to-sponsor-college-scholarship-for-each-win/
Mr. Newell said he has the contact information for Gina Calvert, Community Relations Director (Utah Jazz), when and if needed.

It was noted that mail is not a valid way of reaching people. You have to do it all: social media, texting, mail, repeatedly. The Utah Bar Foundation funded an addcampaign for PLA and they are not using mail at all. The Law library has a Facebook page and Nathanael is insisting on regular posting.

(8) Pro bono help to court calendars:

Mr. Daybell said he would love to see more support for the pro bono calendars. He said they currently have enough people wanting to participate in their cases but PLA is constantly struggling to find volunteers. The pro bono calendars at least give us an opportunity to funnel people that might be receptive. He noted the clerk-needs report and said clerks have done an incredible job of making it easy to get to hearings.

(9) Outreach, continued:

The committee discussed asking the grants administrator to seek out grant resources to design and launch a campaign about court self-help resources. There is reticence about the grants administrator taking on too much, but people on the Council would like to see an expansion of that role, too.

It was noted that ULS has partnered with the courts and Bar before to get grants for getting tech resources to increase access: LSC TIG grants (Legal Services Corporation gives Technology Initiative Grants to its recipients to develop technology solutions for legal services). https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig

Ms. Paulding expressed concerns that the Self-Help Center is not funded sufficiently. The current messaging is start on the court website and if you can't find the help you need there, then call the SHC. The committee discussed working with Geoff Fattah on messaging and finding out what it would cost. UBF funded a campaign for the courts about not coming to the court, but going online instead. Judge Mrazik will call Geoff and work with Council.

Ms. Francis noted that her experience (in guardianship) is that people often have questions that they either don't know how to articulate or that bleed over into legal issues so the Self-Help Center can't answer.

(10) Employment law:

Rob talked to Lauren Skolnick. Lauren is interested in expanding existing clinic through her class. Wage theft: don't need to be a lawyer to make the claim.

(11) CLE Credit for Pro Bono:

Judge M: Need to revise rules to match recent updates to pro bono rules. The Board of District Court Judges supports the effort.

(12) Technology: What's working Memorandum (from Judge Hoskins)

1. Having a time set for virtual hearings regularly for both attorneys and pro se defendants.

Explanation: This pandemic has forced us to go remotely and there have been three huge benefits. I do not believe but for this catastrophic type incident we ever would have made so many strides virtually. First, Defendants can handle initial appearances, pre-trials, pleas, orders to show cause in less time than it takes for some people to have a 15 minutebreak. This has ensured that people do not have to miss at least a half day or in many cases a full day of work for 10minute hearing. This has also helped with child care issues. One of the few things that causes me huge guilt is when people come to court after missing a full day of work only to have the matter continued.

Second, the virtual hearings also allow greater flexibility with attorneys calendars. Now they can schedule multiple hearings across the state in a two hour time period. We are able to get cases continued in 2-3 weeks instead of 4-8.

Finally, people want to be afforded their day in court. Having a virtual trial on an expired registration or other minor infraction can be done in thirty minutes instead of the three hours that was previously required because of travel. This is also a much better use of the court's resources for these offenses.

2. Allowing for electronic submission via e-mail by defendants.

Explanation: This is more tied to small claims type cases, but it was an ordeal to allow defendants to file via e-mail. Now the clerks accept the process and it uses less clerk time and it is easier to track and faster. People still bring in trial documents, but e-mail use has been great.

3. Allowing clerks to work remotely.

Explanation: Clearly all of the clerks should not work remotely, but when we do have issues this is viable. I attended a conference of women judges and they talked about having to find places to hold court after a huge natural disaster. Now, should we get the huge earthquake that has been predicted since I was in elementary school or who knows whatever unforeseen natural or man-made disaster the courts could continue.

(13) Phone trees

The Self-Help Center has been receiving complaints from folks who say they can't reach someone at courthouses (especially at Matheson and Provo). Some of the phone trees people have to navigate to get help are pretty confusing and the messages folks have to listen to can be very long. Some best practices for phone menus suggest no more than 4 options per menu and no more than 3 menus. Suggestion to have all state courts go to the same phone number and then it's routed to the right courthouse. The email address for email filing is not visible for Third District. Between that and the phone tree, people are overwhelmed. Phone tree in visual form--Nathanael will map this out. Mycase would take pressure off clerks, resulting in fewer calls. Pilot versus statewide is because clerks are saying there is no way they can take on something that will result in more work. Kim Zimmerman is willing to come to a meeting to demo. She used to work for West Valley City where ODR started. Now works with AOC education department. Nicole Gray said people call the Supreme Court because they are so frustrated with the 3rd District phones. Ms. Sylvester sent this item to the Clerks of Court for their next meeting agenda.

(14) Fee Waivers

From Nathanael Player:
Judge Lawrence has indicated an interest in having the Board of District Court Judges review the criteria for waiving filing fees to bring uniformity to the issue. I think the Self-Rep Committee might want to weigh in on this important access to justice issue. Here are some thoughts:

Tatiana at Utah Legal Services has told me that difficulties with fee waivers make it hard for pro bono lawyers trying to help people in domestic cases. Pro bono lawyers are trained on family law issues, but not as intensively on difficulties in obtaining a fee waiver. In other states, the fact that an LSC-funded organization is involved with a case is grounds for an automatic fee waiver because the limitations on who an LSC-funded organization can help are so specific and searching.

The scrutiny involved with a fee waiver request (with a potential cost of about $400) seems wildly disproportionate when you consider the scrutiny involved with an affidavit of indigency in a criminal case (where the potential cost to the state is open-ended, but frequently thousands of dollars). The fee waiver request is 10 pages long and the affidavit of indigency is one or two pages.

I reviewed our fee waiver forms in my role on the Forms Committee two years ago. Judicial review of these requests in Utah is one of the most searching in the country. Most courts have a 1 or 2 page form to request a waiver of filing fees - we have 10. Our cumbersome process for getting filing fees waived creates real barriers to getting access from our courts. We can do better.

Nathanael will bring this back at the next meeting.

(15) Post-meeting follow up:

- MyCase (Judge Mrazik will follow up about going statewide; Janet will invite Kim Zimmerman to next meeting to do demo)
- Evictions (Nathanael connects to ULS and PLA resources on court webpage; Rob Jepson and Pam Beatse. help PLA get more pro bono help to calendars?)
- Outreach (Judge Mrazik will call Judge Noonan about Kim Paulding's request for sending info out to schools; launch larger campaign about court resources-Utah Jazz? Shawn's network?)
- CLE Credit for pro bono (Judge Mrazik and Ms. Sylvester will work on revising rules)
- What's working memorandum (Ms. Sylvester will put in formal format for presentation; Judge Hoskins check with other court levels)
- Fee waivers (Mr. Player will look at other states' rules; check in with Judge Lawrence re Board of District Court Judges actions)
- Phone trees (Ms. Sylvester and Mr. Player will take to clerks of court this month about best practices—Ms. Sylvester submitted the agenda item already; Mr. Player will map out current tree.)

(16) Adjournment:

The meeting adjourned at 1:40 p.m.

(17) Next meeting:

March 12, 2021 at noon via Webex.

Tab 2

CLE for Pro Bono
Rule Proposals

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1 **Rule 14-419. MCLE Credit for Pro Bono Services.**

2 (a) A lawyer may be awarded a maximum of three MCLE credits per year for

3 (1) providing pro bono services as that term is defined in Rule 6.1 of the Utah Rules
4 of Professional Conduct, or

5 (2) mentoring another lawyer or a law student providing such services.

6 (b) To receive MCLE credit, the services rendered must be referred from a sponsoring
7 entity as that term is defined in Rule 14-803.

8 (c) One Self-Study CLE credit hour, with a maximum of three hours, will be awarded
9 for

10 (1) providing the equivalent of five billable hours of pro bono services, or

11 (2) mentoring a lawyer or law student on an entire pro bono matter that is equal to
12 at least five billable hours.

13 (d) A lawyer seeking MCLE credit under this section must, consistent with Rule 14-
14 414(c), complete a declaration of services form to keep with their records. Earned credit
15 hours must be reported on an attorney's certificate of compliance.

Rule 14-413. MCLE credit for qualified audio and video presentations; computer interactive telephonic programs; writing; lecturing; teaching; live attendance, and pro bono services.

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(f) Under Rule 14-491, one Self-Study CLE credit hour, with a maximum of three hours, will be awarded for

(1) providing the equivalent of five billable hours of pro bono services, or

(2) mentoring a lawyer or law student on an entire pro bono matter that is equal to at least five billable hours.

****

1 **Rule 14-408.Credit hour defined; application for approval.**

2 **** (based on proposed amendments here)

3 (a)(4) An hour of Self-Study CLE for pro bono work provided under Rule 14-419 is
4 defined in Rule 14-413(f).

5 ALTERNATIVE:

6 (a)(4) An hour of Self-Study CLE credit hour for pro bono work provided under Rule
7 14-419 is defined as follows:

8 (1) providing the equivalent of five billable hours of pro bono services, or

9 (2) mentoring a lawyer or law student on an entire pro bono matter that is equal to
10 at least five billable hours.

Certificate of Compliance

UTAH STATE BOARD OF CONTINUING LEGAL EDUCATION

Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111

For July 1 _____ through June 30_____

Name: _____ Utah State Bar Number: _____

Address: Telephone Number: _____

_____

_____ Email: _____

Date of Activity	Sponsor Name/ Program Title	Activity Type	Regular Hours	Ethics Hours	Professionalism & Civility	Total Credit Hours
		Total Hours				

1. Active Status Lawyer – Lawyers on active status are required to complete, during each two year fiscal period (July 1–June 30), a minimum of 24 hours of Utah accredited CLE, which shall include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of the ethics or professional responsibility shall be in the area of professionalism and civility. Please visit www.utahmcle.org for a complete explanation of Rule 14-404.

2. New Lawyer CLE requirement – Lawyers newly admitted under the Bar's full exam need to complete the following requirements during their first reporting period:

- Complete the NLTP Program during their first year of admission to the Bar, unless NLTP exemption applies.
- Attend one New Lawyer Ethics program during their first year of admission to the Bar. This requirement can be waived if the lawyer resides out-of-state.
- Complete 12 hours of Utah accredited CLE.

3. House Counsel – House Counsel Lawyers must file with the MCLE Board by July 31 of each year a Certificate of Compliance from the jurisdiction where House Counsel maintains an active license establishing that he or she has completed the hours of continuing legal education required of active attorneys in the jurisdiction where House Counsel is licensed.

EXPLANATION OF TYPE OF ACTIVITY

Rule 14-413. MCLE credit for qualified audio and video presentations; computer interactive telephonic programs; writing; lecturing; teaching; live attendance.

1. **Self-Study CLE**
   No more than 12 hours of credit may be obtained through qualified audio/video presentations, computer interactive telephonic programs; writing; lecturing and teaching credit. Please visit www.utahmcle.org for a complete explanation of Rule 14-413 (a), (b), (c) and (d).
2. **Live CLE Program**
   There is no restriction on the percentage of the credit hour requirement which may be obtained through attendance at a Utah accredited CLE program. **A minimum of 12 hours must be obtained through attendance at live CLE programs during a reporting period.**

Rule 14-~~418~~419. MCLE Credit for Pro Bono Services.
No more than ~~six~~ three ~~(6)~~ credit hours may be obtained for pro bono services during a reporting period. 1 credit hour may be obtained after providing 5 hours of pro bono services, or mentoring a new lawyer on an entire matter. Please see Rule ~~14-418~~ 14-419 for a full explanation on how to calculate CLE hours for pro bono services.

THE ABOVE IS ONLY A SUMMARY. FOR A FULL EXPLANATION, SEE RULE 14-409 OF THE RULES GOVERNING MANDATORY CONTINUING LEGAL EDUCATION FOR THE STATE OF UTAH.

Rule 14-414(a) – On or before July 31 of alternate years, each lawyer subject to MCLE requirements shall file a certificate of compliance with the Board, evidencing the lawyer's completion of accredited CLE courses or activities ending the preceding 30th day of June.

Rule 14-414(b) – Each lawyer shall pay a filing fee in the amount of $15.00 at the time of filing the certificate of compliance. Any lawyer who fails to complete the MCLE requirement by the June 30 deadline shall be assessed a $100.00 late fee. Lawyers who fail to comply with the MCLE requirements and file within a reasonable time, as determined by the Board in its discretion, and who are subject to an administrative suspension pursuant to Rule 14-415, after the late fee has been assessed shall be assessed a $200.00 reinstatement fee, plus an additional $500.00 fee if the failure to comply is a repeat violation within the past 5 years.

Rule 14-414(c) – Each lawyer shall maintain proof to substantiate the information provided on the certificate of compliance filed with the Board. The proof may contain, but is not limited to, certificates of completion or attendance from sponsors, certificates from course leaders, ~~or~~ materials related to credit, or 14-813 declaration of services. The lawyer shall retain this proof for a period of four years from the end of the period for which the Certificate of Compliance is filed. Proof shall be submitted to the Board upon written request.

I hereby certify that the information contained herein is complete and accurate. I further certify that I am familiar with the Rules and Regulations governing Mandatory Continuing Legal Education for the State of Utah including Rule 14-414.

A copy of the Supreme Court Board of Continuing Education Rules and Regulation may be viewed at www.utahmcle.org

Date: _____ Signature: _____

Make checks payable to: ***Utah State Board of CLE*** in the amount of ***$15*** or complete credit card information below. Returned checks will be subject to a $20 charge.

Billing Address: _____ Zip Code _____

Card Type: ☐ AMX ☐ MC ☐ VISA

Account # _____ Expiration Date:(e.g. 01/07) _____

Name on Card: _____

Cardholder Signature _____

Please Note: Your credit card statement will reflect a charge from "BarAlliance"

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