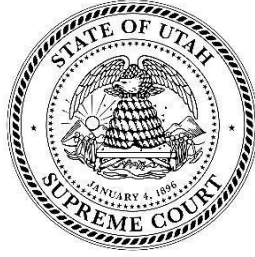


# UTAH SUPREME COURT AD HOC COMMITTEE



## Meeting Minutes

### Utah Supreme Court's Ad Hoc Committee on Regulatory Reform

#### Community Justice Advocates Work Group

Thursday, October 23, 2025

12:00 – 1:00

Online via WebEx

Attendance by WebEx: Maryt Fredrickson, Nick Stiles, Bre Hickerson, Judge Richard Mrazik, Dr. Jayme Walters, Andrea Donahue, Stacy Haacke, Janine Liebert, Hayley Cousin, Lakshmi Vanderwerf, Mark Steinagle, Megan Connelly

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1. Welcome
2. Review of Meeting Minutes (Tab 1)
3. Introduction of new member: Mark Steinagle, Director, Division of Professional Licensing (DOPL)
  - After a brief intro from Nick, Mark introduced himself and some of the current happenings at DOPL, including thinking about how to reform various industries and move away from the standard higher ed structures.
  - The committee members then introduced themselves to Mark
4. Discussion: Defining a CJA – Continuing to compile and refine the list of CJA characteristics (Tab 2)
  - Bre gave a high-level overview of the CJA definitions from the other states with analogous programs before the committee began brainstorming about the bullet points that we're compiling to describe what CJAs do in Utah.

## Brainstorming Our CJA Characteristics

### Areas where consensus may exist:

- Limited license follows the person, not the organization
- Not required to be tied to legal services organization because of risk of grant limitations reducing the people who can be served (this differs from AK's model and California's proposal)
- Central/clearing house entity for CLEs, licensing, and oversight (because scalability is limited under current models)
  - Andrea asked about this idea and who would act as the central clearinghouse entity that would develop the curriculum programs and oversee CJAs.
  - Judge Mrazik noted that there are multiple layers of this: (1) building curriculum, (2) teaching that curriculum, and (3) administrative oversight functions. He recommended that we adopt broad requirements for who can create curriculum and how. But once we get to deployment of those programs, we want any entity to be able to train and certify CJAs (e.g. churches, community orgs, non-profits, etc.). We don't want a lot of requirements there, such as limiting those entities to only legal services entities. So we could refine this by narrowing the administrative entity.
  - Nick asked how CJA programs are operating now. Dr. Walters noted that USU currently develops the curriculum and teaches it. The CJAs are supervised by the entities that they work for/with, and also report back to USU for reporting to the court.
  - Nick noted that the way we make this program scalable is by alleviating the burden of those administrative oversight functions. That's why we think a central oversight body like the bar would alleviate that burden.
  - Andrea mentioned that because of the nature of the temporary sandbox project, the bar and Supreme Court are accepting proposals and have authorized entities that are doing this now.
  - Judge Mrazik asked how this would apply in other professions, such as barbers. Mark asked if there is an administrative body that is regulating this program (or would we want it to) or is this an exemption from oversight. For example, in the massage industry, there is an explicit exemption in the statute that if an individual obtains a certification from one of the specific massage programs listed, they are exempted from oversight. He also noted that the UT legislature is currently trying to move away from a state-

regulated “license,” and more towards practical programs that certify individuals without the need for extensive oversight.

- Maryt asked for other programs like that and about passive regulation that occurs only if something goes wrong. Mark noted that there are similar exemptions for licensure section for military contractors. The passive regulation basically assumes that the individual + their sponsoring entity are empowered to determine what they are qualified to do and an oversight body would only get involved based on complaints.
- Judge Mrazik noted that this self-executing oversight component is certainly a concept that lawyers have adopted, because there are no certifications for specific areas of law, etc.
- Nick asked Mark if there are entities that are licensed where the unlicensed massage therapists work, for example. Mark noted that this is the case in some Dept of Health and Human Services, but that the vast majority of DOPL’s licensing is for individuals and not entities.
- Can work for a paid entity (like a hospital) but likely cannot charge a fee for the CJA services, in order to meet the ATJ target.
- CJAs can be paid by their employer, and they may be more employable because of their CJA certification. CJAs can also be volunteers.
- CJAs cannot sign documents or file papers or otherwise act as an agent of a person the way LPPs can. They exist to help a self-represented person represent themselves better.
  - Hayley noted that she would appreciate a narrow subset of ways that CJAs could act as agents, such as negotiating on behalf of clients about debt management.
  - Nick asked if there were other ways we could refine that carve-out, and Haley mentioned that the mediation context is another scenario where CJAs could serve as agents.
  - Nick mentioned that he went to community court this week and noted the need for mediators in Utah who could help advocate for self-represented people.
  - Judge Mrazik asked if the CJA should have to be present with the client or if the CJA could represent the client without them being present. Haley noted that currently CJAs are being trained to be able to negotiate without the client being present, but that they are more of an intermediary without decision-making authority. This means that everything has to go back to the client.

- Lakshmi noted that the rules for mediation already allow for third-party individuals to participate and accompany clients in mediations for support. So, that could encompass the carve-out we want here. Haley mentioned that it would just be helpful to explicitly define the scope of CJAs, even if it is redundant based on those rules anyway.

### **Needing further discussion:**

- Malpractice insurance if not in a sponsoring entity? No general rule requiring this, but a promotion of avenues providing this insurance and protections in place for consumers already (such as entity insurance).
  - Judge Mrazik mentioned that most consumers don't realize that attorneys are not required to maintain malpractice insurance. He noted that we would need some kind of centralized structure otherwise requiring malpractice insurance would stifle rates.
  - Dr. Walters noted that most legal aid organizations have general liability insurance that would cover what CJAs are doing there. Mandating this for CJAs would definitely be a financial burden, and if this isn't required for attorneys, it seems precarious to require CJAs for it, especially since they can't charge for their services.
  - Nick summarized that requiring this is not in the best interest of expanding the CJA program. Judge Mrazik agreed but noted that we should be sure to summarize this discussion to help the court understand that if they want to require insurance, we would need to create some sort of structure/procedure to alleviate the financial burden.
- Supervision & if so: duration (limited or forever) and ratio of atty to CJA
  - We discussed this in the context of the central clearinghouse entity discussed above.
- Criteria for sponsoring entities
- Interface between the limited license for legal assistance with other licensing (social workers, nurses, etc.)
  - Nick noted that there could be some complexity when you are dealing with individuals who are licensed by multiple entities (such as nursing + CJAs).
  - Mark noted that he is not concerned at all about this because DOPL handles this across jurisdictions already. The only question is whether the behavior would have been a violation of each license the person carries, and then

DOPL would take action if the behavior would be a violation of another licensing body's professional rules.

- Maryt asked if any CJAs have discussed that interplay on the frontlines. Haley said that she wasn't overly concerned about this, but one thing that she runs into is that other ethical codes will specifically prohibit providing legal advice. She said CJAs just view their separate certification as an exemption for that "violation."
- Disciplinary options where needed?
  - We've discussed previously that OPC could handle disciplinary action and help provide consumer protection. Nick asked if we had thoughts on that.
  - Judge Mrazik said that the current OPC process includes a confidentiality element, where judges for example, are only notified of claims with merit. Judge Mrazik noted that including an element like this would be really helpful for CJAs and other pro bono organizations. And to add a statistic, Judge M. noted that somewhere between 2/3 and 3/4 of all complaints are resolved without notification by OPC.
  - Haley noted that because of the variety of training programs, we would want to have a way to organize complaints in OPC in a way that recognizes the scope of each individual program.
  - Nick mentioned that an alternative licensure arm of the bar could be a great place to house this as well. Megan expressed some concerns about the bar as additive and useful but also potentially limiting for programs like CJAs. There are also capacity issues if the bar is used given the existing set of mandates. This may warrant executive level/management discussions if this is pursued.

## Structure of the Report

- Judge M. noted that it would be helpful to provide the first and second preferences of the committee and provide insight about the discourse we've had if we don't have answers to some of these components. Providing the court with alternatives for our preferred solutions is always helpful as well.

## Additional research

- Bre to research the relationship of the Bar to these types of programs in other states and how the programs handle complaints/discipline.