



## Utah Supreme Court's Task Force on Regulatory Reform

Approved Meeting Minutes

May 13, 2020

Zoom Conference

3:00 p.m.–4:30 p.m.

<b>Attendees:</b>	<b>Excused:</b>
Justice Deno Himonas, Co-Chair	Heather Farnsworth
John Lund, Co-Chair	Heidi Anderson
Steven Johnson	Margaret Hagan
Justice Christine Durham (Ret.)	Rep. Brady Brammer
Brody Arishita	Gillian Hadfield
Nathanael Player	
Larissa Lee	<b>Staff:</b>
Lucy Ricca	Tyler Hubbard, Law Clerk, Supreme Court
Rebecca Sandefur	Michaela Choppin, Recording Secretary
Dean Gordon Smith	Helen Lindamood, Intern
Thomas Clarke	
	<b>Guests:</b>
	Tyler Felt

- 1. Welcome and approval of April 29, 2020 minutes:** (John Lund)
  - John Lund welcomed everyone to the meeting and asked for approval of the minutes.
  - Justice Himonas moved to approve the March 4, 2020 minutes. The motion was seconded and it passed unanimously.
- 2. Discussion—Updates: Introduction of Helen Lindamood and Tyler Felt; COVID-19 website posting; search for Economist and Data Analyst** (Rob Jepson, Lucy Ricca, and J. Himonas)
  - Introductions
    - Helen Lindamood is introduced, intern assisting Reg Reform under Jepson and Ricca.
    - Tyler Felt is introduced, medical professional who has expressed an interest in participating in the Sandbox

- Application has opened for COVID-19 related proposals.
  - Ricca: Two applications as of this morning, contacting applicants to finalize proposals before review. Confidential at this time.
  - J. Himonas: what is the next step? Before everything launches, the Task Force makes decisions.
    - Smaller group (Clarke, Lee, Ricca, Lund, and Sandefur) does assessments and recommendations. Open to additional interested members but a significant time commitment.
    - Task Force takes proposals to the Court after the Task Force has made a collective decision.
    - Schedule meetings on an emergency basis, or switch to weekly
    - Ricca: Quick responsiveness is important when approving proposals. Calendaring with Jepson and Lindamood
  
- Search Economist and Data Analyst
  - J. Himonas: Ready to make RFP. Any objection? (*None noted*)
  - Sandefur: Applicant Qualifications? Do you want a real economist? Or what kind of capabilities are you looking for?
    - Clarke: We need cost benefit expertise, potentially microeconomics background; Listing requesting Masters in Econ or related field.
    - To be revied by Lund and Ricca

3. **Discussion—Communications Outreach and Potential Presentations** (John Lund, Lucy Ricca, Rob Jepson, Justice Durham, and J. Himonas)

- Communications Outreach
  - Lund: Lucy send out pieces by J. Himonas and Sandefur that went out today or recently, one out on the Recorder supporting California. Important vote coming up in California.
    - Nathaniel has done work with community and access organizations, continued work towards arranging CLEs and info sessions for other audiences.
  - Ricca: Informational sessions for groups that we are reaching out to. Send out an email to groups saying that we are accepting COVID-19 emergency applications.
  - Larissa Lee has already sent out to self-identified groups.
  - May 20<sup>th</sup> scheduled as a general information session run through the Bar.
    - Led by J. Himonas and Mr. Lund, will explain what the proposed rule changes are. Talk about the application process and COVID-related stuff, then data and risk assessment stuff.
    - Lund: make sure people actually sign up. Tap the Bar to drum up interest.
    - Jepson: Normal procedure is to go through the CLE department, then is sent to Bar membership. Reach out to Bar President first, put more expedience on what we're trying to do.
  - J. Durham: Setting something up with Women Lawyers of Utah.
  - J. Himonas: Working with ULaw Dean. Also met with the Young Lawyers Division. Both went well. Met with Plaintiff's association, went well too. New Bar survey: 70% of

members of the Bar have not heard about the rule changes. 70% of their litigation folks oppose it.

- Lund: Ask Lawyers to study it before you say. When we have more substantive conversations with people, they see more of the positives. The YLD board was unanimous!
- J. Himonas: we will get a lot of opposition from the Bar. Ms. Sandefur and Justice Himonas have other articles going.
- J. Durham: get a list together of people who are interested and reach out. Other non-lawyer audiences that we should reach out to, like Housing Authority, people who are working on evictions, all kinds of people who are actually doing counseling but don't have a way to give decent legal advice to their clients.
- Focus on calendaring specific dates.

4. **Discussion—Attracting and piloting COVID-19 participants** (Lucy Ricca and Tom Clark)

- J. Himonas: if there are any specifics you want to reach out to, do that.
- Ricca: Website has been difficult. Indecision about changes. Need to make site easier to use/navigate. SJI grant has money earmarked for web.

5. **Action—Moving from a project manager to an Executive Director** (John Lund and J. Himonas)

- JOHN LUND: TABLE, COME BACK TO IN TWO WEEKS.

6. **Discussion—Utah Bar Foundation Study, Utah Access to Justice Commission, and Incubators** (J Himonas, J Durham, and Lucy Ricca)

- J. Himonas: Studying using money from BofA settlement looking at 200% of the poverty guideline or below. Two most interesting things were (i)the links to the justice desert, (ii) highlight cost as the principle deterrent.
  - Clarke: Some studies show cost being a deterrent, some don't. Obviously, cost is a deterrent at the low end, but it is at the middle class too. They don't have extra cash flow. It's not a cost issue, it's a value issue.
  - J. Himonas: Work with Bar Foundation and Access to Justice Commission?
  - J. Durham and Jepson agreed there were no conflicts.
  - Lund: Chart in study where support was given.
  - Sandefur: this is a useful tool. Those are important track this and show that you'd have to do another survey to track the progress. Would allow you to show more people are getting assistant.
  - J. Durham: Asterisk reflects assistance provided in the form of information and referral services in 2019. Limited scope of assistance. Volume of unmet needs shown in the chart. Focus on debt collection issue as a subset of financial issues.
  - J. Himonas: DV, gap is smaller than expected, stakes are HIGH.
- Player: Got an invitation with the Dean of the Social Work school at the U to talk about the incubator. Support from Anna Carpenter at Law School.
  - J. Himonas: Certificating social workers and librarians?? Survey social workers, build a course, pass that course, and then they can provide legal advice.

- J. Durham: General certification might not be that helpful across the broad spectrum of legal issues. Partnering with agencies hiring social workers and get the right kind of curriculum to them as needed.
      - J. Himonas: Those questions that they are typically asked and tailor it to that. Refer the rest out.
    - Ricca: First round being launched in the fall in AZ. Down the line we can learn from that.
      - J. Himonas J. Durham would love to participate to get support
7. **Discussion—Bar surveys and outreach to applicants** (Deno Himonas, John Lund, and Rob Jepson)
- No, we covered the Bar surveys.
    - Ricca: Larissa sent out the COVID call to self-identified participants. We've seen the result of that already, 2 submitted apps.
      - Rob: We've got two lined up for tomorrow, they sought us out. Maybe one non-profit.
      - J. Himonas: More the better.
      - Durham: very educational and thought-provoking. Might help with outreach.
8. **Discussion—Old business / new business:** (all)
- Lee: we received a comment from one of the people who are interested in the Sandbox about reaching out to the general public more than attorneys. Possibly using social media.
    - Worried about that it's really geared towards lawyers and that we're only looking for people from Utah. Hold a poll on the initiative and have it on social media. Also recommended having a way of people reaching out by phone for people who do not have internet access.
    - Clarke: MUCH higher levels of remote participation than in-person. Physical transportation or work barriers are more restrictive than internet access.
    - Sandefur: More access than you would think and people are willing to use it when it's available
    - Brody: Online dispute resolution process, first place it was piloted in high Hispanic places, low opt-out rates. Once we provide that service, they do use it and they do like it.

9. **Adjournment and next meeting:**

The meeting adjourned at 4:02. The next meeting will be held on May 27, 2020 from 3:00–4:30 p.m. via Zoom.