



Utah Supreme Court's Task Force on Regulatory Reform

Approved Meeting Minutes

July 22, 2020

Zoom Conference

3:00 p.m.–4:30 p.m.

Attendees:

Justice Deno Himonas, Co-Chair

John Lund, Co-Chair

Justice Christine Durham (Ret.)

Brody Arishita

Gillian Hadfield

Heather Farnsworth

Rob Jensen

Heidi Anderson

Larissa Lee

Lucy Ricca

Rebecca Sandefur

Dean Gordon Smith

Nathanael Player

Steven Johnson

Thomas Clarke

Staff:

Tyler Hubbard, Law Clerk, Supreme Court

Helen Lindamood, Intern, Reg Reform TF

Absent:

Rep. Brady Brammer

Excused:

Margaret Hagan

Guests:

Jason Valez

Tyler Felt

Noella Sudbury

Meilani Santillan

1. Welcome and approval of July 8, 2020 minutes: (John Lund)

John Lund welcomed everyone to the meeting and then asked for an approval of the minutes.

J. Himonas moved to approve the July 8, 2020 minutes. Mr. Johnson seconded the motion, and it passed unanimously.

2. Discussion – Application Update (Lucy Ricca)

The Task Force has received 13 applications so far and the small group has been processing applications in the order they were submitted. Two applications' Court Recommendations have

been approved by the full task Force, but the Supreme Court will not be authorizing any entities until after their vote on Standing Order 15. This vote is currently scheduled for August 12th.

Mr. Johnson's group will meet August 3rd, to get the Bar's Rules Committee recommendations on Standing Order 15 to Court before they vote.

3. Presentation – Status of Outreach Efforts (Noella Sudbury and Meilani Santillan)

Ms. Sudbury helped facilitate Utah's Clean Slate law which establishes that some Utah residents with a criminal record may no longer have to petition once eligible to seek expunge one's criminal record. At present, the law only applies to those with a limited scope of misdemeanor charges and the legislation did not establish any system which informs persons when their record is expunged. The UT Clean Slate law passed in 2019 legislative session, went into effect in May 2020.

With the help of Code for America and Ms. Santillan, Ms. Sudbury hopes to enter the Sandbox to build out a platform for Utah citizens which informs those who have benefited from the Clean Slate legislations and supports the expungement process at no cost to the user for those who do not qualify for expungement under the Clean Slate legislation.

The current expungement process in Utah is costly, complicated, long, and often requires paying an attorney to determine eligibility and navigate the process. The process is generally 12-18 months long and, even if conducted without legal advice, includes several fees for the consumer, including \$65 application fee (non-waivable), \$65 certification fee per conviction. \$135 filing fee per court. Some clinics and online guides are available, but these are limited. Those seeking expungement must do so in each court where they have a conviction, rather than seeking expungement for one's entire record, because there is no centralized system. The cost of legal representation for the expungement process ranges from \$300-\$3,000, not including the associated fees. Ms. Sudbury cited that recent data established that about 25% of Utahans have a criminal record, meaning that about 800,000 persons could at some point be a target user of her proposed solution.

Ms. Sudbury's proposed solution is a digital service that provides general and individualized legal advice. Her plan is to launch a general info site to help users look identify next steps in seeking expungement. Once established, the digital service would build out more specified user guidance based on their existing records. This portion, which would be built in partnership with a data company and give advice with AI support, would operate within the Sandbox Ms. Sudbury also hopes that data gathered from the digital platform after implementation would inform and facilitate revisions/adjustments to existing Clean Slate legislation.

4. Discussion – Technology Update (Heidi Anderson)

Hiring an intern to support the Task Force's website needs would be \$10.50-\$15.10/hour. Ms. Anderson is putting together an application and sample problem to send out to higher education technical programs. Timing would be dependent on Ms. Anderson getting the application out and reviewing applicants. Funding for the position would come from the Office of Innovation grant. Anticipating ~10 hours week, subject to Brett Johnson's pricing.

Motion to move forward in hiring an intern, subject to Mr. Johnson's price projections made by Mr. Johnson, seconded by Ms. Sandefur.

5. Discussion – Communications Update (All)

Recent bar presentations went well. In some of these presentations, legal community members have expressed concern about a separate ruling body governing regulation of legal service innovations.

J. Durham and Dean Smith are preparing for the next communications effort presentation, the Women Lawyers of Utah Panel next week. Following this presentation, the next step in communications efforts is to encourage lawyers to consider the sandbox as an avenue to expand their practice.

The Task Force is not moving forward with any new additional press efforts until the Court makes their decision on the rule changes and the standing order. If the Office Legal Services Innovation is founded following the Court's vote on Standing Order 15, Brett Johnson will be working with the office on communications efforts moving forward.

Guest, Tyler Felt, commended the Task Force's efforts to also communicate report efforts to the public.

6. Discussion – Timing (J. Himonas)

Comments close tomorrow and will be delivered to the Court. J. Himonas is optimistic about the Court's position. The vote is scheduled for August 12th. If everything goes to plan, there will be a functioning Innovation Office by the end of August 2020.

8. Adjournment and next meeting:

The meeting adjourned at 4:10 p.m. The next meeting will be held on August 5, 2020 from 3:00 – 4:30 p.m. via Zoom.