



2022-23 Pro Se Calendar Volunteer Program Report

Program Description

Utah courts are seeing a high volume of debt cases being brought primarily by businesses against individual consumers who rarely have an attorney's help. The Utah State Bar's Access to Justice Office ("ATJ Office") manages the Pro Se Calendar Volunteer Program in Utah as one approach to address this inequity. The purpose of a pro se calendar is to ensure that the law respects a party's rights, as attorneys work collaboratively to reach a more manageable settlement or present arguments in a well-represented manner. This allows clients to feel supported by the justice system and ensures the court hears everyone's voice. Accomplishing this requires a clear process that uses recruitment, staffing and training to keep courts apprised, to support volunteers, and to inform and advise clients.

The ATJ Office provides volunteer opportunities for lawyers and ensures quality legal advice for people who cannot afford a lawyer. The ATJ Office is responsible for managing the Third District Pro Se Debt Collection ("DC") Calendar.

Participants Served

The ATJ Office assisted participants in 835 hearings this year by providing volunteers to give limited scope representation through the Pro Se Calendar Volunteer Program for the Debt Collection Consolidated Calendar.

Participating Volunteers

The Pro Se Calendars Volunteer Program relies on volunteers giving their time and expertise to provide limited scope representation at a debt collection hearing. Our office uses law firm visits, CLE events, and other training to recruit volunteers, both individually and from participating law firms. The program is also listed on the Utah Pro Bono Opportunities Portal available at <https://app.joinpaladin.com/utahprobono/> for anyone seeking a pro bono opportunity.

Process for Individuals: Each week, the ATJ Office sends an email to program attorneys who have indicated an interest in the program. When they initially sign up, we provide volunteers with several resources to support their experience. They then respond by letting our office know how many hearings they will take. We provide them with case assignments which include the necessary contact information for plaintiff's counsel and the debtor, access to all filings and minute entry through a volunteer XChange account, along with sample emails and additional guidance if needed.

Process for Law Firms: Once a month on their designated week, we contact the firm's program lead who sends an office email requesting volunteers for the calendar. The lead gives us the names and contact information for these volunteers. We then send case assignments to each and provide support as needed.

This year, there were a total of 64 volunteers serving in the Pro Se Calendars Volunteer Program. Which is an increase from the 57 who volunteered last year.

The pro se calendar continues to provide unique opportunities under special practice rules. Law students and law school graduates can practice without a license under Rule 14-807. This rule allows them to practice law under the supervision of a Utah licensed attorney in good standing. This year, there were 8 calendar volunteers working under Rule 14-807. Inactive and out of state attorneys can use Rule 14-803 to practice under a special license to give pro bono service, renewable annually through the ATJ Office. This year, there were 4 calendar volunteers working under Rule 14-803 to help clients with limited scope representation.

Report Methodology and Definitions

When collecting data, the ATJ office counts distinct hearings (as opposed to the number of cases filed). This is necessary because a case may be continued from time to time, and it will reappear on the calendars. The continuation creates a new hearing. The ATJ will again appoint a volunteer (sometimes the same volunteer will stay with the defendant, but other times a new volunteer is assigned due to the limited scope nature of the attorney's representation). This creates a disparity in statistics as there are more hearings than cases on pro se calendars.

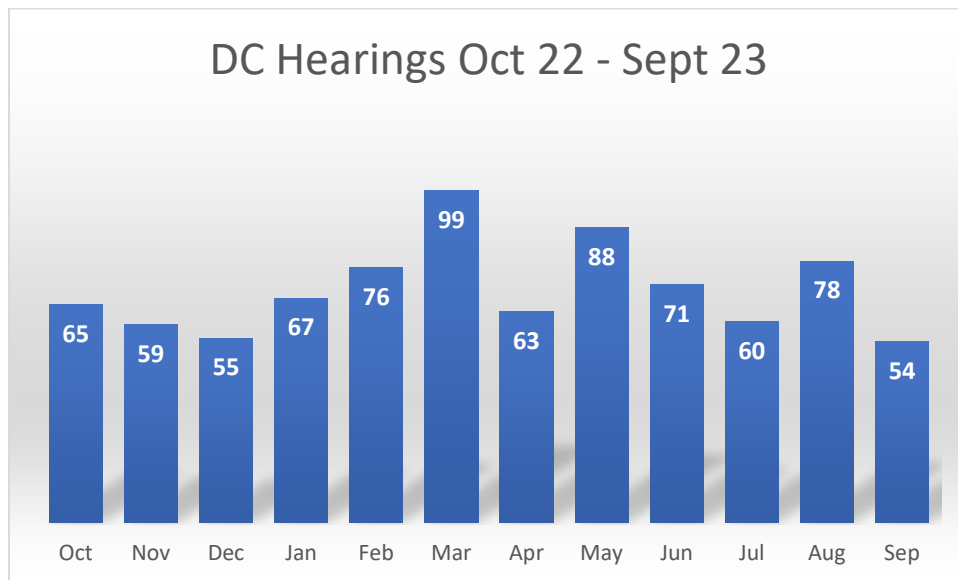
As with last year, our office gathered information on debt categories, the amounts in controversy, creditors, if there was a breach, then the savings lost for the client, volunteer performance, and hearing outcomes. Additionally, this year we added indicators including:

- Principal amount
- Proposed judgment amount
- Judgment amount
- Amount of garnishment

Focusing on data allows for informed strategies to determine program successes and how we can best use volunteers to make the most out of their time. A bonus of collecting this data is that doing so highlighted CLE topics we can offer. This helps us to better equip our volunteers.

Debt Collection Calendar

This year we again saw an increase in hearings on the DC Calendar. Last year, we facilitated volunteer services for 612 hearings. In 2022-23, the ATJ Office appointed volunteers on 835 hearings (an increase of 36.4%). The amount of hearings peaks during tax return season, from mid-February through April. The month with the lowest number of hearings was during the beginning of fall with September (54). This pattern is consistent with our 2021-2022 report.



Legal Practitioners Serving on the DC Calendar

Our office cultivates relations with law firms and attorneys willing to serve our Utah communities. Some of our regular DC Calendar, high-volume, volunteers are Mark Baer 55, Ted Cundick 15, Leslie Francis 54, and George Sutton 42. However, 39 of the attorney volunteers (59.1%) appear fewer than 3 times per year on the calendar. Licensed Paralegal Practitioners also provide services on this calendar as volunteers including Angela Willoughby 6, and Rheane Swenson 5. Law firms that regularly serve are Kirton McConkie and Parsons Behle & Latimer.

The ATJ Office covered 271 hearings (Keenan Carroll 116; Pamela Beatse 109; Megan Connelly 42; Kimberly Farnsworth 4). The local nonprofit People's Legal Aid provided staff services on 145 housing-related hearings including Marcus Degen 35, Matt Nepute 3, and Denise George LPP107.

After consultation with volunteers or staff, pro se litigants went forward representing themselves at 77 hearings.

Debt Collection Hearing Data

The ATJ Office collects the following data:

- Docket Number
- Case Number
- Case Type
- Hearing Date
- Hearing Type
- Plaintiff
- Defendant
- Plaintiff's Counsel
- Assigned Volunteer
- Category (auto, business, consumer, dental, housing, medical, payday loans, state/federal, utilities, and other)
- Original Creditor
- Amount in Controversy (very low, <\$500; low, \$500 to <\$1,000; medium, \$1,000 to <\$2,500; high, \$2,500 to <\$10,000; and very high, \$10,000+)
- Principal Amount (as prayed for)
- Case Summary
- Outcome (default; continued; settled; stricken; argued-ruled for plaintiff/defendant)
- Status (dismissed; still in effect; breached)
- Settlement Notes
- Amount Saved (the difference between the amount prayed for in the complaint less the settlement amount)

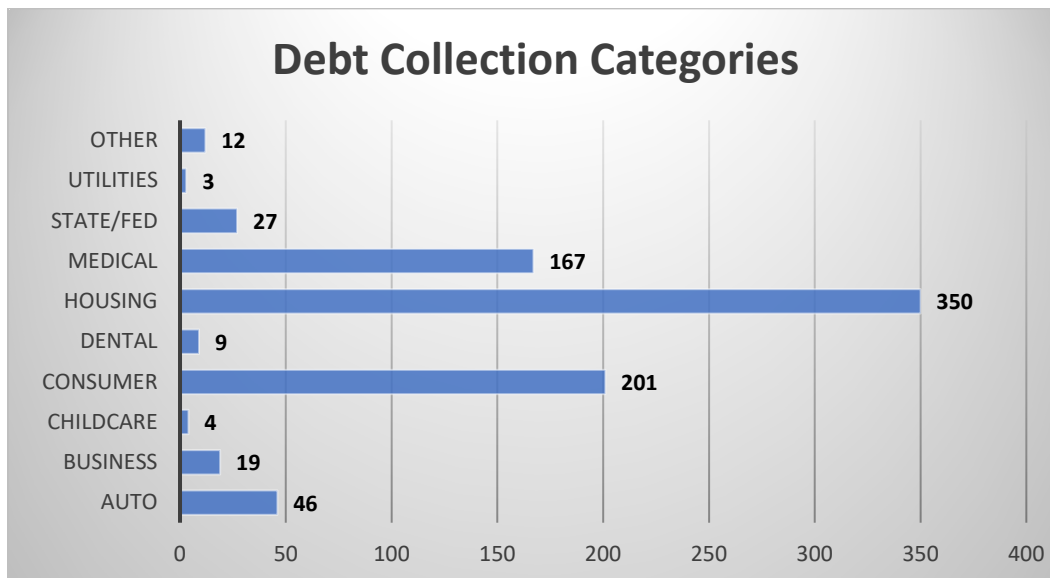
We collected this information from our volunteers and the court record including case filings and information in the minute entry. In addition, the ATJ Office prepares a summary of each case prior to the hearing. These summaries allow us to better match volunteers with the types of cases they are competent and comfortable taking. It also allows ATJ attorneys to be prepared to fill in if the volunteer becomes unable to serve or to appear in court.

Types of DC Calendar Matters

The top three debt types are housing (41.9%), consumer (24.1%), and medical (20.0%) matters. This is how we classify these debt types:

- Auto: auto cases include all secured debt relating to the financing of a vehicle, balances after repossession/auction, and auto insurance actions.
- Business: while volunteers do not represent businesses on the calendar, they do represent individuals who have signed personal guarantees as part of business loans.
- Consumer: consumer cases consist of a variety of credit card debts, personal loans, lines of credit, or charged off bank accounts.

- Housing: housing cases on the DC Calendar are typically attempting to collect unpaid rent, damages, court costs, attorney fees, and other fees.
- Medical: medical cases typically consist of urgent care clinics, ambulance transport, and contracted physician groups.
- State/Federal: state and federal cases can be anything from unpaid taxes, restitution for criminal judgments, and administrative judgments from agencies such as the Workforce Services.
- Utilities: plaintiffs often pair utility debt with other types of debt, and these debts can include unpaid water, gas, electric, telephone, or other utilities.
- Other: these cases include childcare fees, legal fees, or other uncommon fees.



Debt Collection Categories

Amounts in controversy

The ATJ office separated hearings into 5 separate categories based on the amount of money that the debt collector/plaintiff was seeking. We separated these categories into the following: very low (<\$500), low (\$500 to <\$1000), medium (\$1000 to <\$2500), high (\$2500 to <\$10,000), and very high (\$10,000+). Most hearings involved cases within the medium to high categories. The very low debt was generally either medical or utility debt. Some cases within the very high category sought amounts in the hundreds of thousands of dollars.

Outcomes for debt collections hearings

When serving on the DC Calendar, the volunteer has the possibility to work on multiple types of hearings. We can assign volunteers to a pretrial conference, motion to dismiss, motion to set aside, motion for judgment on the pleadings, motion for summary judgment, or objection to garnishment. This range of hearing types means that we can give attorneys flexibility in how they serve. Those who wish to argue get the chance to argue, while those who prefer to negotiate can negotiate.

The ATJ office tracked a variety of outcomes on the debt collection calendar. We tracked these categories:

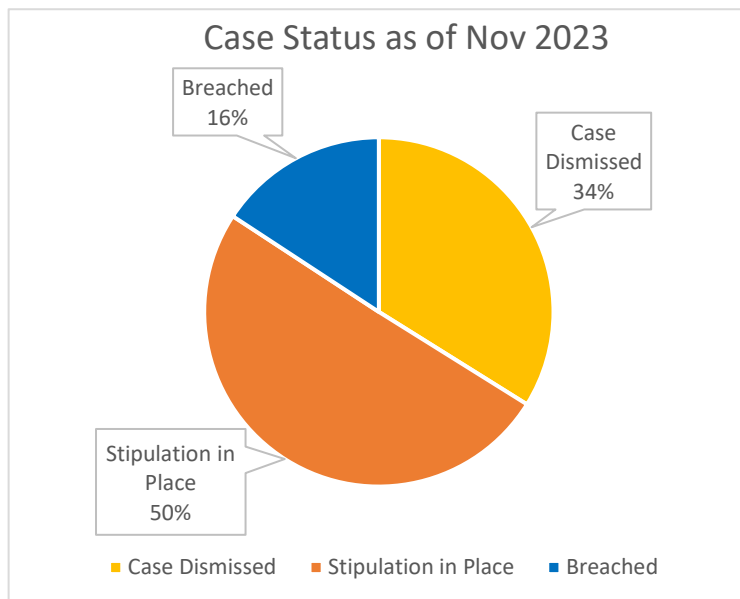
- Continued – when the court continues the hearing to a later date, or by stipulation of the parties with the court’s permission.
- Settled – when the parties were able to reach a stipulated agreement or settlement.
- Stricken – when the hearing was cancelled (can happen for a variety of reasons such as the plaintiff satisfied the debt or made an agreement before the volunteer was assigned, notice issues, the defendant failed to appear, and others).
- Argued-Ruled for Plaintiff – when the volunteer argued the case on jurisdictional grounds or on the merits and lost.
- Argued-Ruled for Defendant – when the volunteer argued the case on jurisdictional grounds or on the merits and won.

We also tracked whether the case was dismissed, the stipulation was still in effect, or if the stipulation was breached. Finally, we tracked information about the judgment, post-hearing interest rate, and the amounts saved by the volunteer through negotiating.

Defendants who work with an attorney have better outcomes. They have a better understanding of the terms they are agreeing to because of working with the lawyer. They also can negotiate stipulations with terms they are able to follow. Volunteer assistance allows both sides to leave these disputes in a better position.

Volunteers resolve most cases through negotiation but there is still the potential for an argument before the judge. Within the past year, 49 cases were argued. The judge ruled on behalf of the defendant 14 times and the plaintiff 35 times.

Savings for DC Calendar Clients



To calculate the amount of money saved, our office took either (1) the amount of money sought in the complaint or (2) the proposed judgment/current amount alleged and subtracted the stipulated amount from cases that were dismissed or still in effect (amount saved = amount in complaint/proposed judgment – stipulated amount). We collected this information from documents in Xchange or from the minute-entry in the record. Relying on this method,

Volunteers saved participating defendants \$621,587.96.

However, not all stipulations are 'read onto the record,' and we did not order hearing transcripts. This means we have undercounted the total amount saved. Our calculations also do not take into consideration money saved through reduced interest rates, how the amount plead in the complaint increases through interest, attorney fees, and court costs as litigation drags on, if the judge dismissed the case after argument, or if the debt collector decided to voluntarily dismiss the case.

As of November 2023, there were 214 stipulations still in effect, 67 breached, and 144 cases were dismissed after the debt was satisfied through the stipulated agreement. In cases with a volunteer lawyer, the data shows only a 15.8% breach rate after the parties came to a stipulated agreement.

The ATJ office collected data on which debt collectors and/or creditors regularly appear on the calendar. This includes their typical amount of and type of debt for which they are collecting. We can provide more detailed information if you would like to set up a meeting. The top 10 plaintiff's law firms and attorneys making appearances on the calendar are:

Cullimore Office	339
Johnson Mark LLC - Sean Umipig, Sean Morrissey	83
Chad McKay	60
Quinn Kofford	55
Gurstel Law Firm P.C. - Spencer Lythgoe, Chadd Johnson	53
Joseph Beecroft	29
Lacey Cherrington	24
Greg Constantino	19
Mountain Peak Law Group - Heather Valerga, Brody Valerga, Stacy Stein	17
Knight Adjustment Bureau - Jay Barney	14

Summary

In conclusion, we collected this data to look for patterns on the difficulties that volunteers may be facing as they represent their limited scope clients. We also want to track issues and trends to identify systemic issues. We also plan to take this data and to use it to help plan CLEs. Volunteers are aware that we are collecting this data, and upon request, they meet with us to access the information. We have found that volunteers appreciate the data, as it allows them the chance to see the good that they are doing to help their clients.

The ATJ Office offered 18 hours of free Continuing Legal Education ("CLE") credits this year, and 7 of these hours qualified as ethics credits. These CLE events provided needed information and support to volunteers. The ATJ Office has resumed visiting law offices to present them with information on the Pro Se Calendar program, so they have an ongoing firmwide opportunity to serve. They will be using the Utah Pro Bono Opportunities Portal and www.utahlegalhelp.org to make training videos and materials available.