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James H. Backman

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LAW SCHOOLS, LAW STUDENTS, CIVIC ENGAGEMENT, AND COMMUNITY-BASED RESEARCH AS RESOURCES FOR IMPROVING ACCESS TO JUSTICE IN UTAH

JAMES H. BACKMAN*

I. INTRODUCTION

This issue of the Utah Law Review demonstrates the need for improved access to justice in Utah and explores several resources available that positively impact access to justice. Eliot Milstein points out the contributions law school clinics have made over the past thirty-five years. This Article points to other law school resources available to assist with access to justice, especially the work done by faculty and students through community-based research and other forms of civic engagement.

I first learned about the related areas of civic engagement and community-based research by attending conferences sponsored by the National Society for Experiential Education and by organizations connected to service learning. The names given to this form of student involvement in the community through academic assignments are best understood, in my opinion, under the title of community-based research, service learning, or civic engagement. Civic engagement is a term used in recent years to measure student understanding,

* Member, Committee Counsel, ABA Standing Committee on Pro Bono and Public Service. The author acknowledges the work of Debbie Segal of Kilpatrick & Stockton in Atlanta, Georgia who co-wrote Pro Bono: No Longer Random Acts of Kindness that was excerpted in the Management Information Exchange Journal. Debbie Segal & Steven Scudder, Pro Bono: No Longer Random Acts of Kindness, MGMT. INFO. EXCHANGE, Spring 2005, at 36. Portions of that article are replicated here. Also, the author is grateful for the report drafts submitted by Jane Gill Kellenberger and Jesse Gaines who participated with him on an ABA Center for Pro Bono consulting visit to Utah in 2005. The author expresses his gratitude to Marilyn Smith, the principal drafter of the Pro Bono Committee's data collection project report, and to Mark Agrast, Doreen Dodson, John Cruden (government attorneys), Melanie Kushnir (law schools) and other Renaissance Commission members and ABA staff who provided significant input, drafting and editing on the ABA policy reports incorporated herein.

See Linda F. Smith, Why Clinical Programs Should Embrace Civic Engagement, Service Learning and Community Based Research, 10 CLINICAL L. REV. 723 (2004) [hereinafter Smith, Clinical Programs]. Professor Smith has also written an article commenting on community-based research “in which law students develop research projects to meet community needs.” Linda F. Smith & James H. Backman, Community Based Research: A New Concept in Legal Education 1, 1 (May 2005) (unpublished manuscript, on file with Linda F. Smith) [hereinafter Smith, Community Based Research].

interest, and active participation in our communities through the democratic processes of our society. Through community-based research students receive learning opportunities through research assignments connected to the community. Faculty and students involved seem to enjoy turning traditional academic research assignments focused on library resources into experiences in which students interact with community organizations as a primary source of research and object of the resulting work product.

Part II of this Article discusses the concept of civic engagement and community-based research generally. Part III explains why law schools should be involved in access to justice efforts. Part IV considers recent examples of community-based research at the two law schools in Utah, the S.J. Quinney College of Law at the University of Utah (“Utah College of Law”) and the J. Reuben Clark Law School at Brigham Young University (“BYU Law School”). Part V discusses the impact and result of community-based research on specific organizations. Part VI considers suggestions for future collaboration between community-based organizations and law school programs in which faculty and students may contribute to the improvement of access to justice.

II. WHAT ARE COMMUNITY-BASED RESEARCH AND CIVIC ENGAGEMENT?

Civic engagement is the theme adopted by Campus Compact, the premier service-learning organization for higher education, to describe an ideal for our students. Many commentators have pointed to the lack of civic engagement in the rising generation and have called for educational measures to combat this problem. The goal is to expose young people to our society through community service opportunities. The educational objective is to provide students learning opportunities connected to becoming good citizens who are aware and committed to democratic principles and are prepared to participate actively in our communities.

Community-based research involves students, faculty, and community members working collaboratively on research that is useful to nonprofit agencies, government entities, or neighborhood organizations. A unique characteristic of this kind of research is that the community serves as an active contributor and agent of change by participating in the design, execution, evaluation, and dissemination of academic research.

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4 Learn and Serve America is a grant program sponsored by the Corporation for National and Community Service. Created in 1993, the Corporation for National and Community Service is a public-private partnership promoting service learning and civic engagement for schools and higher education. See Corporation for National & Community Service, Learn and Serve America, History, Legislation, and Budget, http://learnandserve.org/about/lsa/history.asp (last visited Nov. 28, 2006).
A helpful organization called the CoRAL (Community Research and Learning) Network at Georgetown University has outlined prototypes for community-based research topics. Almost any of the approaches listed below can be conducted from a legal perspective involving a law student’s experience and knowledge gained in law school. Here is a list of the types of projects that can be, or have been, done by the CoRAL Network working with Community-Based Organizations (“CBOs”):

- Policy research: examine and analyze policies in a particular issue area; explore policy options and alternatives; review pros and cons of alternative policy options.
- Best practices: examine similar programs to explore best practices from other programs, to review their program evaluation methods, devise program innovations.
- Business planning: work with CBO staff to undertake strategic planning, outreach plans, marketing plans, devise training, and assess innovation implementation.
- Web-site construction: work with CBO staff to collect materials for a web site, design a site map, and construct an organizational web site for a CBO.
- Popular education and outreach: organize and/or create materials for outreach or popular education forums, organize an event, facilitate an event, document and assess effectiveness of an event.
- Grant-writing: undertake organizational research on program effectiveness, community needs, and funding possibilities; write draft proposals.

Other academic disciplines are active participants in promoting civic engagement and community-based research. Community-based research is related to a number of other forms of experiential education in which student engagement in the community is fundamental. All of these methods of teaching are aimed at helping students learn through their experiences. Clinical education places students in contact with clients or patients under the close supervision of clinical faculty.

Cooperative education and internships provide students with learning experiences through work-based placements for which students may earn academic credits and sometimes wages. Student research assistants earn wages for work they perform for professors or academic programs. Students involved in service learning fulfill assignments in the community that are related to the academic topic they are studying. Community service sponsored by student organizations is volunteer action without faculty supervision for which students earn no academic credit. In law school externships students learn through their experiences working in law offices and judicial chambers under the supervision of a mentoring attorney or judge. Student involvement in pro bono projects is another law school-sponsored opportunity for students to work with attorneys and clients. Practical, hands-on experiences result in valuable opportunities for learning. Experiential education theory emphasizes the process of reflection as an important component of processing all of these experiences to facilitate learning.

Community-based research requires students to work on faculty-supervised assignments in collaboration with a community-based organization (with the community). The research is drawn from the community (about the community) and is designed to yield a product useful to the community (for the community). Numerous scholarly works discuss community-based research in higher education. Community-based research is contrasted with traditional research assignments that students carry out primarily through books and library (or online) resources. An additional source of information comes from persons in the community-based organization or through contact with members of that community. The primary purpose of the research is not for publishing or for the professor's careful attention. Rather, the results are ideally produced for a community-based organization to further community objectives. The work product probably is not filed away in a professor's course file or published as an article or as a chapter in a book, but results in a report, a proposal, or a brochure to be disseminated by the community organizations. In traditional academic research, the community is often an object to be studied and it may have no role in the design of the research. In community-based research, the results are ideally produced for a community-based organization to further community objectives. The work product probably is not filed away in a professor's course file or published as an article or as a chapter in a book, but results in a report, a proposal, or a brochure to be disseminated by the community organizations. In traditional academic research, the community is often an object to be studied and it may have no role in the design of the research.

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9 See, e.g., LOKA INST., DOING COMMUNITY-BASED RESEARCH: A READER (Danny Murphy et al. eds., 1997); KERRY STRAND ET AL., COMMUNITY-BASED RESEARCH AND HIGHER EDUCATION (2003). "The book presents a model of community-based research (CBR) that engages community members with students and faculty in the course of their academic work. Unlike traditional academic research, CBR is collaborative and change-oriented and finds its research questions in the needs of communities." STRAND ET AL., supra, cover note. Conferences include Crossroads: Critical Issues in Community-Based Research Partnerships, sponsored in June 2004 by the Institute for Community Research; and Crossroad II: Community-Based Collaborative Research for Social Justice, scheduled for June 2007.
based research, however, the community is an essential partner in carrying out the research.\textsuperscript{10}

In many ways, community-based research fits more closely into a student’s academic program than other forms of experiential education. Research is a well-accepted academic assignment for a university dedicated to teaching and research. In contrast, clinical education must focus on both learning and the needs of the client/patient. Work-based learning in externships, internships, and cooperative education is driven by the needs of the employer or experience provider. Service-learning assignments place students for specified time periods to carry out responsibilities for community organizations. Research and learning have been linked in academic courses traditionally. The unique characteristic of community-based research is the collaboration expected between the students and community-based organizations.

III. WHY SHOULD LAW SCHOOLS BE INVOLVED IN ACCESS TO JUSTICE EFFORTS?

Law schools are uniquely positioned to contribute to the improvement of justice and professionalism.\textsuperscript{11} They are respected parts of the legal community with close contact to a number of constituencies. They are usually part of a larger university with access to resources of higher education.\textsuperscript{12} Law school alumni are involved in all aspects of law practice and the judicial system. Law students are in a position to be taught the ideals, professional responsibility, substantive laws, procedural rules, skills, and values of the profession of law by working with experienced lawyers and judges and with community leaders.\textsuperscript{13} The American Bar Association now requires law schools to “offer substantial opportunities” for student participation in pro bono activities.\textsuperscript{14}

\textsuperscript{10} See Strand et al., supra note 9, at 9 exhibit I.I.


\textsuperscript{12} See Smith, Community Based Research, supra note 1, at 1 (“Such ‘civic engagement’ in research has been proposed by educators from John Dewey to Ernest Boyer who urged that we ‘connect the rich resources of the university to our most pressing social, civic, and ethical problems.’ In developing community based research, it is important that the academy not view the community ‘as pockets of needs, laboratories for experimentation, or passive recipients of expertise’ but as community of stakeholders who participate in determining the research needs and direction.” (citations omitted)).

\textsuperscript{13} Letter from Dean Veryl V. Miles and Professor J.P. Ogilvy, Catholic Univ. Law School, to all law school deans (June 7, 2006) (on file with author) (“Law schools have both the obligation and the opportunity to make a substantial contribution to pro bono practice in this country by preparing students with the skills and values that will enable and encourage graduates to engage in pro bono practice throughout their legal careers.”).

\textsuperscript{14} ABA Standards for Approval of Law Schools 302(b)(2) (2005–06).
Law schools welcome opportunities for their students to be involved in meeting community needs because they provide meaningful learning experiences. Law schools are an important component of the justice system and they share public service missions with the practicing bar and the courts. Through the various methods of civic engagement, law schools and law students become resources for valuable collaborations between campuses and communities. 15

In summarizing the various methods of experiential education utilized by law schools, it is useful to describe their differences. The following model assesses the roles of the student, faculty, law school resources, and community-based organizations. The model lists the types of experiential opportunities from the least complex to those that require the greatest level of collaboration and resources to accomplish them. First, community service through student organizations typically involves high student commitment and initiative and moderate collaboration with community organizations. Second, various student products involving directed research, substantial writing requirements, and law journal articles require high student involvement and effort with moderate involvement of faculty advisors, community collaborators, and institutional resources. Third, law school clinics have high inputs from faculty and students and high demand on institutional resources; collaboration with community organizations is generally not a central part of clinical programs. Fourth, community lawyering courses represent high involvement of both faculty and students and moderate demands on community collaborators and law school resources. Fifth, externships require high involvement from the students and moderate demands on community organizations where the students are placed; faculty input and institutional resource requirements are moderate. Sixth, community-based research at its best requires high levels of commitment and involvement from students, faculty, and community organizations, and a moderate level of law school resources. 16

IV. RECENT EXAMPLES OF COMMUNITY-BASED RESEARCH AT LAW SCHOOLS IN UTAH

For the past several years, Professor Linda Smith has conducted a community-based research course at the Utah College of Law. The Utah Bar Journal explained Professor Smith’s contributions as follows:

Professor Smith has offered a course in Poverty Law in which students’ papers have covered topics as varied as “Criminalizing the Homeless” to

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16 The idea of a model that measures the complexity of service learning related to the demands on faculty and institutional involvement comes from Paul C. Godfrey, Louise M. Illes, and Greg Berry. See Paul C. Godfrey et al., Creating Breadth in Business Education through Service-Learning, 4 ACAD. MGMT. LEARNING & EDUC. 309, 311 tbl. 1 (2005).
“Medicaid Waivers” to “Why Utah Should Adopt [an] Earned Income Tax Credit” to “Reforming Utah’s Unemployment Laws” in partnership with agencies as varied as the ACLU, Utah Legal Services, the Disability Law Center, and Utah Issues. The students had the experience of writing high quality seminar papers that someone actually wanted to read and use!

More recently Professor Smith offered the Community Justice Study seminar in which...[s]tudents presented papers addressing various service delivery approaches, surveying what was currently done in our state, summarizing best practices and innovations in other communities, and making proposals to enhance justice in our community. Finally...the University of Utah initiated a University-Neighborhood Partnership with the intention of expanding our service-learning endeavors and promoting civic engagement in research and advocacy for the community.

During the 2005–06 school year, Professor Smith’s students in the community justice seminar at the Utah College of Law prepared lesson plans to be used in presentations and workshops to improve access to justice. Topics covered by the student projects included benefits, consumer bankruptcy, criminal law, education law, employment law, expungement, family law, immigration law, landlord-tenant law, small claims, and tax law. Professor Smith explained:

The People’s Law School provides legal information on a variety of topics in plain language to people who have not been trained in the law. The People’s Law School does not provide legal advice to individuals

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17 Smith, Community Based Research, supra note 1, at 1.
18 Smith, Clinical Programs, supra note 1, at 742. Deborah L. Rhode was critical of the proliferation of journals and faculty articles:

[M]ost commentators agree that much of what now ends up in print is unlikely to be read widely outside the author’s family, friends, and tenure committee...

...By contrast, law professors who are now churning out unreadable and unread tomes could instead be actually helping someone. Or more effectively teaching students to do the same. Or educating general audiences on legal problems and assisting policymakers on responses.

Rhode, Professional Responsibilities, supra note 11, at 160–61.
19 Smith, Clinical Programs, supra note 1, at 743–44.
about their legal problems, but we may be able to provide referrals to someone who can.\(^{21}\)

Professor Smith maintains a compact disc of materials and presentations from the community justice classes she taught between 2003 and 2005. The materials on the disc:

were developed for law students or lawyers to teach about basic areas of the law to individuals or groups in Utah. They focus on legal issues that affect low or moderate income individuals. They are not intended (and should not be used) to answer particular legal questions or provide individualized legal advice. Each subject area includes basic information that a lawyer or law student can use to learn about the area of law. This includes flyers written by Utah Legal Services lawyers (in Family, Benefits and Landlord Tenant), papers and outlines written by former students, and presentations written by attorney guest lecturers. Each subject area may also include: 1) Handouts that could be distributed to a class, 2) Sources for further information, and 3) Discussion Questions or Problems to use with a class.\(^{22}\)

I have offered similar community-based legal research courses for the past three years at BYU Law School. At one time, I taught a course titled the “Pro-Bono Assistance Seminar” in which I had all of the students working on projects to support pro bono programs conducted in Utah. In each of the last three winter semesters, I have offered the course under the title of “Community-Based Legal Research.” From eight to ten students were enrolled in each of the courses, but the course numbers increased to eighteen students in winter of 2006. Students have produced the following community-based research projects in my courses:

First, an Hispanic materials project has created several information brochures on immigration, taxes, protective orders for victims of domestic violence, and employment matters. The Minority Section of the Utah State Bar, Utah County Community Action, Utah Legal Services, and the Office of Hispanic Affairs will fund and disseminate the brochures in English and Spanish versions. Second, students have created a Community Law Help for Immigrants program in collaboration with students from two other law school courses, a paralegal course from Utah Valley State College and with political science and mediation students from undergraduate courses at BYU and UVSC. Third, students are producing a public service announcement as a project sponsored by the gang prevention task force at the Salt Lake Sheriff’s Office and the

\(^{21}\) Id.

\(^{22}\) Id.
Sentry project from the United States Attorney’s Office aimed at preventing gun violence. Fourth, a student has assisted the Utah Lake Restoration Project by preparing incorporation and tax exempt status documents and a web site. Fifth, a student has developed a law student pro bono assistance proposal to present to the BYU Law School deans in cooperation with the Utah State Bar pro bono office. Sixth, a student has led a team of students in assisting A Child’s Hope Foundation in their work as an international agency working with adoption orphanages in developing countries and assisting with adoption placement opportunities for the children in these orphanages.\(^{23}\)

Students at both law schools have undertaken various other projects in connection with community organizations.\(^{24}\)

\(^{23}\) Smith, Community Based Research, supra note 1, at 2.

\(^{24}\) To illustrate the value and quality of student projects, it is easiest to include examples. Appendix A includes excerpts from two student projects on important access to justice issues. The full version of both projects are on file with the author and available on request. The first project was completed by Chad Noakes, a University of Utah College of Law student from Professor Linda Smith’s Community Justice Study seminar in Fall 2005. The second was completed by Lily Huntington Mott, from my Community-Based Legal Research course in Winter 2006 at BYU Law School.

The following is a list of community-based research projects completed by law students in the past few years: reviving the Tuesday Night Bar in collaboration with the Central Utah Bar Association; implementing a new pro bono outreach and recruitment program among stay-at-home attorney moms; establishing the Pro Bono Alliance; creating a plan for recruiting the managing partners of Utah’s largest law firms to gain their commitment and buy-in to a pro bono philosophy and program; developing a training program and brochure about immigration; assisting the coordinator for the Pro Bono Legal Services program with The Church of Jesus Christ of Latter-day Saints (“LDS”) Hispanic Initiative in implementing a pilot program in Salt Lake City; organizing and formatting a new electronic version of the Utah Domestic Relations Manual; explaining bankruptcy forms and providing a sample bankruptcy petition; developing a community partnership outreach center idea involving several academic department programs at BYU; working with Midvale City’s Community-Building-Community, [see Midvale City, Community Building Community, http://www.mivalecity.org/cbc.main.html (last visited Nov. 28, 2006); working on immigrant concerns; preparing materials on date rape and statutory rape for a training program; preparing articles of incorporation, bylaws, and a website (preservation of Utah Lake); preparing a brochure on predatory lending and paycheck loans (United Way Homebuyer and Mortgage Counseling Services); creating a packet on Haitian adoptions (Children’s Hope Foundation); and working with the Standing Committee on Resources for Self-Represented Parties (Administrative Office of the Courts).

Additionally, teams of students working with the courts on forms for the Committee on Resources for Self-Represented Parties also produced: a form for custody modification; a temporary order packet for divorce proceedings consisting of a motion, affidavit, and
Several other professors at BYU Law School have offered courses in which the students were assigned to produce a community-based research product. Professor Lynn Wardle offered a course on children and the law. The students researched and published the Utah Juvenile Court Guidebook in 1998, a thorough supplement updating the materials in 2000, and a second edition of the guidebook in 2004. Each student researched cases, legislation, law review articles, and other published materials, and talked with professionals in the field. The students then wrote one or more chapters for the guidebook. As Utah had no current monograph or resource book describing the various proceedings, procedures, standards, and principles of practice in the juvenile courts in the state, the publication of the Utah Juvenile Court Guidebook was very welcome. The Administrative Office of the Courts purchased dozens of copies of the guidebook for its juvenile court employees (including probation officers) to use, and many private attorneys and public law offices also requested copies of the guidebook for use by attorneys who have little or no experience with the juvenile courts in Utah.

Professor Larry Farmer assigned students to complete projects in creating computer-aided practice systems. In a seminar on Feminist Theory and Race Relations, Professor Cheryl Preston involved students in community-based projects. Professor Preston described her experience with the students:

I had a student who joined with a Spanish-speaking community group and got together several students to write brief explanations and give presentations to this group on basic aspects of American law, such as domestic law, simple criminal law, basic contracts, torts and liability, immigration, etc. Another student did a project with a high school to talk to girls about their clothing and modesty; another wrote a presentation with visuals to give to high school girls about being competent, taking charge of their lives, going to law school, etc. Another one met with elementary Spanish-speaking students at Joaquin Elementary School and

order; a guardianship of adults packet for situations involving incapacitated or disabled adults; an adoption forms packet designed for step-parent adoptions; and a small estate packet for transfer of title to homes.


talked to them about going to college and career goals and their concepts of adulthood.\textsuperscript{27}

Professor David Dominguez teaches a course titled “Community Lawyering.”\textsuperscript{28} His students worked with the Boulders Apartments (“Boulders”), a low-income housing complex, to establish a community center there.\textsuperscript{29} In the process of working on the project, the students and residents sponsored a Boulders Community Festival, involving many of the residents in the planning and accomplishment of a very successful fair for the surrounding neighborhood.\textsuperscript{30} Students learned to practice “collaborative justice.” By this term, Professor Dominguez describes

[a process of equipping and empowering everyday people, especially the poor, to act in concert as their own lawyers, pursuing legal problem solving at the grassroots level on terms most meaningful to their circumstances and relationships. . . . The strategy of Community Lawyering is to lessen the growing demand for legal services by teaching the community what more it can do for itself, capitalizing on its own informal problem-solving capabilities as much as possible before turning to attorneys.\textsuperscript{31}

The group was also successful in leading the Boulders residents in negotiating improved bus services in their area.\textsuperscript{32} This past year, the community lawyering students are assisting juveniles from ethnic minority groups in juvenile detention hearings.\textsuperscript{33}

A few years ago, Dean Kevin Worthen had a few students who used directed research to help the Provo City attorney’s office address broad issues that were on the horizon for that office. The idea was to help the city be more proactive and prepared for future decisions.

\begin{footnotesize}
\textsuperscript{27} E-mail from Cheryl B. Preston, Professor of Law, BYU Law School, to author (July 18, 2006) (on file with author).
\textsuperscript{29} Dominguez, Community Lawyering, supra note 28, at 31–33.
\textsuperscript{30} Id. at 32.
\textsuperscript{31} Dominguez, Community Lawyering, supra note 28, at 31.
\textsuperscript{32} Id. at 32–33.
\textsuperscript{33} Dominguez, Equal Justice, supra note 28, at passim.
\end{footnotesize}
Several courses at BYU Law School have service-learning assignments. Students in the basic mediation course serve as mediators in local small claims courts and with BYU's Dispute Resolution Center. Students in the youth and mediation course serve as victim-offender mediators through the juvenile court and they partner with the Provo School District in providing parent-teen mediations for students involved in truancy proceedings.

Professor Susan Griffith, a former director of the Utah Legal Services office in Provo, assigns students to work with community organizations through several "Law Help" seminars she offers each year. In her domestic violence intervention seminar, students work with Utah Legal Services attorneys and with the local Women and Children in Crisis center. In the elder law seminar, students visit local senior centers during lunches on a weekly basis for interviews with seniors with legal problems to be handled by participating law students in the seminar. In the street law course, students partner with Community Action and with the Food and Care Coalition in providing assistance to community members with legal problems. In Professor Griffith's domestic relations seminar, students assist Utah Legal Services in providing assistance to self-represented parties using the forms created through the Utah State Courts Online Court Assistance Program ("OCAP").

Professor Daniel Medwed from the Utah College of Law explained a community-based research assignment he provided:

One year I allowed students in my Wrongful Convictions seminar to write, in lieu of a traditional seminar paper, an in-depth analysis of a prisoner's request for assistance to the Rocky Mountain Innocence Center [RMIC], a non-profit organization that investigates and litigates post-conviction claims of innocence in Nevada, Utah and Wyoming. If I recall correctly, about five of the fifteen students chose this option over the traditional paper route. Jensie Anderson permits students in her Criminal Process Clinic to work at the RMIC.

See, e.g., Brigham Young University, Domestic Violence Intervention Class Syllabus, http://fc.byu.edu/tpages/service/domestic.doc (last visited Nov. 28, 2006) (describing seminar where students may assist the Orem City Victim Advocate, Orem City Attorney, and Utah Legal Services in helping clients who are victims of domestic violence).


E-mail from Daniel Medwed, Professor of Law, S.J. Quinney Coll. of Law, Univ. of Utah, to author (July 18, 2006).
Judge Paul Cassell, before he began his work as a judge on the United States District Court for the District of Utah, invited students in his victims rights seminar at the Utah College of Law to be involved in projects with the community:

I recall that a few years ago a student did a paper on "murderabilia" (things like paintings from Charlie Manson, hair clippings from mass murderers, etc.)—sold for profit. That paper was then used by the Utah Council on Crime Victims as a basis for a proposal to the state legislature. 38

Professor Wayne McCormack, from the Utah College of Law, explained his involvement with community-based organizations and the scholarly work that has stemmed from it:

Starting in 1995, I was heavily involved in planning for the University's involvement with the Olympics. In figuring out jurisdictional issues for security planning, I became interested in counterterrorism which eventually resulted in a course, a book, and a number of law review articles. That work still continues as I am now chairing a committee dealing with a study of disaster mitigation under a FEMA grant. Another outgrowth of the Olympic planning was an article on the first amendment and public events. 39

Professor Linda Smith pointed out:

[T]he extern program's connection with courts, governmental agencies and private non-profit law offices provides an additional way in which the law school can come to learn of problems the community wishes to address. Then, seminar papers, law review notes, and even professorial studies can be designed to address actual community legal problems. 40

38 E-mail from Paul Cassell, Professor of Law, S.J. Quinney Coll. of Law, Univ. of Utah, and Judge, U.S. Dist. Ct. for the Dist. of Utah, to author (July 21, 2006) (on file with author).
39 E-mail from Wayne McCormack, Professor of Law, S.J. Quinney Coll. of Law, Univ. of Utah, to author (July 18, 2006) (on file with author); see also Wayne McCormack, Emergency Powers and Terrorism, 185 MILITARY L. REV. 69 (2005); Wayne McCormack, Inchoate Terrorism: Liberalism Meets Fundamentalism, 37 GEO. J. INT'L L. 1 (2005); Wayne McCormack, Military Detentions and the Judiciary: al-Qaida, the KKK, and Super-State Law, 5 SAN DIEGO J. INT'L LAW 7 (2004); Wayne McCormack, Patriot, Privacy and Politics, Houston Lawyer (Jan./Feb. 2004).
40 Linda F. Smith, Professor of Law and Clinical Program Dir., Univ. of Utah, S.J. Quinney Coll. of Law, Presentation at Catholic University, Learning from Practice, Externship Conference II, Relation of Externships to University Service-Learning
Centers at both of Utah's law schools have also produced valuable community-based research. Examples of faculty-sponsored research projects involving students in community-based research are provided by the Wallace Stegner Center for Land, Resources and the Environment. The center offers a master of laws degree. Participating students must complete one seminar in which they prepare a major paper based on their research. Some of these student papers have been produced in collaboration with a community partner.

The Criminal Justice Center brings together various academic departments and colleges at the University of Utah and the Utah Commission on Criminal and Juvenile Justice ("UCCJJ"). The center formalizes a successful research partnership between the University and criminal justice agencies in the State of Utah. Over the years, through this collaboration between academia and government:

- more than 30 studies have been completed, ranging from a $200,000 National Institute of Justice examination of sentencing guidelines in Utah to a $5,000 study of crime in Salt Lake City apartment complexes. A number of position papers have also been developed for U.C.C.J.J. in response to inquiries from state officials. The projects have touched on issues of great importance and with practical implications, such as:
  - research on alternative incarceration strategies and intermediate sanctions for, among others, the Utah Department of Corrections
  - analysis of racial bias and minority overrepresentation in the Utah justice systems for the Utah Task Force on Racial and Ethnic Fairness [and]
  - studies on the prevention of juvenile delinquency in Utah.

Objectives, or, How Extern Programs Can Lead Law Schools to Civic Engagements (Mar. 2003); see also id. at 752–53. Professor Smith also stated:

All law students have research and writing requirements to fulfill, through seminar papers, independent study projects, or law review notes. Could it be possible to focus their energies on researching the problems that confront the neediest in our community? Might student seminar papers be read not only by the professor, but by a community agency needing the research and analysis for its own work?

Smith, Community Based Research, supra note 1, at 1; see also Smith, Clinical Programs, supra note 1, at 742–43.


Ongoing and current projects include an evaluation of the Utah Board of Juvenile Justice grantees, a study of mentally ill offenders in Utah state prisons, an evaluation of Salt Lake County’s drug courts, and a cost of crime survey and meta-analysis of criminal justice programs in Utah.43

Two centers from BYU Law School regularly involve students in international community-based research. The International Center for Law and Religion Studies directed by Professor Cole Durham sponsors a program of Center Fellows.44 Each fellow spends the first part of the summer in an externship with an area legal counsel office for The Church of Jesus Christ of Latter-day Saints (sometimes referred to herein as the “LDS Church”). The fellows return for the second half of the summer to be paid research assistants for the center. The center has responded to requests for input on draft laws affecting religious believers and associations in numerous countries, including Albania, Azerbaijan, Bulgaria, Croatia, the Czech Republic, Estonia, France, Hungary, Kazakhstan, Macedonia, Peru, Romania, Russia, Serbia, Slovakia, and Ukraine. . . . [and] [w]orked with numerous religious organizations in war torn Bosnia to develop a religious association’s law that will provide protection for all religious groups.45

The International Center also sponsors an annual conference on law and religion in early October. Student assistants often have community-based research assignments connected with that conference. The World Family Policy Center, founded by Professor Richard Wilkins and currently directed by Scott Loveless, involves students in preparing for an annual World Family Policy Center Forum held at BYU during the summer.46

Student organizations have produced several community projects connected to access to justice. At BYU Law School the Government and Politics Legal Society (“GPLS”) sponsors the annual State and Local Government Conference. Students in the program plan the annual conference.47 The students select the

43 University of Utah, S.J. Quinney College of Law, Criminal Justice Center, UCJC Background, http://www.law.utah.edu/ucjc/background.asp (last visited Nov. 28, 2006).
45 Brigham Young University, The International Center for Law and Religion Studies, Concrete Results, http://www.iclrs.org/results.htm (last visited Nov. 28, 2006).
topics (doing research both by speaking with attorneys they know and attorneys suggested by faculty, and by reading and more traditional research). At one time, the GPLS partnered with several entities, Ballard Spahr Andrews & Ingersoll, the ACLU, and the Utah League of Cities and Towns, but it has been over a decade since a co-sponsor has been involved in planning the conference.

Students participating in the Education and Law Journal at BYU Law School provide class presentations for local high school civics classes on legal topics. Professor Brett Scharffs has organized first-year law students to be mentors on a weekly basis with a sixth-grade class of students from a neighborhood school in a part of Provo with high poverty and low high school graduation rates.

Other student organizations at BYU Law School available to link with community-based organizations include the Latino/a Law Student Association, Minority Law Student Association, Native American Law Student Association, Natural Resources Law Society, Public Interest Law Forum, and the Women’s Law Forum. These student groups have new student officers each year. Community-based organizations should consider contacting these groups to discuss possible projects for involvement of law student volunteers. BYU’s Public Interest Law Forum also raises money through their annual book sale and through an auction to support several students working with public interest placements during the summer.

University of Utah student organizations also noted several examples of ways students have partnered with non-profit organizations in access to justice related projects. One recent project provided clothing and personal items for the Homeless Youth Resource Center. As part of the preparations and promotion for the service project, the two sponsoring student organizations (the Latter-day Saint Student Association and the Gay and Lesbian Law Alliance) invited a speaker from Equality Utah to explain the legislation on emancipation of minors that was successfully adopted by the Utah Legislature. The law outlines the way a sixteen- or seventeen-year-old can go to a judge and be emancipated from his or her parents.

The Women’s Law Caucus conducts an annual Sub-for-Santa drive and contributes the donated goods and money to organizations like the YWCA, the

52 See UTAH CODE ANN. § 78-3a-1003 (2004).
Women's and Children's Center at Odyssey House, or the homeless shelters. They also sponsor a spring bake sale and donate the proceeds to a community organization. This past year the donations went to South Valley Sanctuary, a battered women's shelter in West Jordan. The Minority Law Caucus and the Native American Law Student Association also have community-based projects regularly.

The Public Interest Law Organization sponsors an annual fundraiser to provide several students with Lionel Frankel fellowships for summer work they are providing for a pro bono or public interest organization. Students prepare proposals for the work they plan to do through the fellowship.

Both law schools give students opportunities to work with local attorneys on pro bono cases through Utah's Pro Bono Initiative and BYU's Pro Bono Alliance. These programs work closely with the Utah State Bar to identify participating attorneys, and Utah Legal Services or specific local law firms to identify pro bono cases and clients.

The J. Reuben Clark Law Society sponsors a Pro Bono Legal Services Program focusing primarily on assisting clients referred to the participating attorneys through ecclesiastical leaders from the Catholic, Jewish, Episcopalian, and Latter-day Saint Church communities. A good part of their emphasis has focused on Hispanic clients with a wide range of legal concerns in addition to the frequent immigration issues involved.

Both the Utah Bar Foundation and the J. Reuben Clark Law Society (Salt Lake City Chapter) provide monetary awards to students selected from the Utah and BYU law schools because of their involvement in public interest. These funds provide a fitting reward to students for their civic engagement activities in the community.

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IV. RESULTS CONNECTED TO COLLABORATION WITH SPECIFIC COMMUNITY-BASED ORGANIZATIONS

A. Utah Legal Services

Our students at the Utah College of Law and BYU Law School have worked closely with Utah Legal Services. Numerous students have externship placements at Utah Legal Services in which they earn from two to six credits for the supervised work they perform. Students from Utah’s Pro Bono Initiative and BYU’s Pro Bono Alliance handle cases referred to the program through the pro bono coordinator at Utah Legal Services.

Utah Legal Services has provided a monthly bankruptcy clinic in the Provo office under a United Way grant since January 2006. BYU law students from my community-based legal research course assisted the Utah Legal Services pro bono coordinator by updating a Debtors’ Counseling Clinic Manual and designing sample bankruptcy petition responses for a hypothetical bankruptcy client. A team of students also prepared materials for a brochure to serve as content for presentations or lessons for a community legal education class provided by Utah Legal Services or pro bono attorneys serving at the monthly clinic. Even though bankruptcy filings are down significantly under the newly enacted bankruptcy laws, the materials are now up-to-date and usable for any pro bono attorneys or programs for debtor counseling. Finally, two students from the community-based legal research course worked on formatting the Utah Legal Services Domestic Relations Manual.

B. Utah State Bar Association

Two student projects have been conducted with local bar associations. First, in the Pro Bono Assistance Seminar, a student worked closely with the Pro Bono Coordinators from the Utah State Bar and Utah Legal Services. The result was a BYU Law School/State Bar Association Pro Bono Alliance. The student representing the law school’s Public Interest Law Forum prepared a proposal for the law school deans. The proposal that was prepared as the student’s course

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assignment gained approval. The next semester, the same student enrolled in the community-based legal research course in order to implement the new Pro Bono Alliance. He prepared web materials describing the program, including forms for students and attorneys to use in registering for participation. The kick-off meeting for the new program, planned by the student together with the state bar and ULS coordinators, included speeches by the law school dean and Justice Ronald Nehring of the Utah Supreme Court. The Pro Bono Alliance has operated for two years with more than twenty attorneys and a total of thirty students participating, about ten the first year and twenty this past year. Utah Legal Services has provided appropriate client referrals.

A second project resulted in the revival of the Tuesday Night Bar program in Provo under the direction of the Central Utah Bar Association. A team of students made arrangements for meetings with bar association officers, judges, law professors, and the managing paralegal, and prepared documentation describing the process for the successful reintroduction of this popular lawyer consultation service in Provo. Now, because of the organizing efforts and materials prepared by the students from the class, the Central Utah Bar Association sponsors the monthly Tuesday Night Bar held at the Academy Square library building in Provo. A second monthly session is being held in partnership with the legal studies program at Utah Valley State College using attorneys from the Central Utah Bar Association’s recruiting efforts.

C. Administrative Office of the Courts

One group of students in my community-based legal research course provided assistance to the access to justice coordinator in the Administrative Office of the Courts in preparing a Survey of Resources for Public Access to the Courts. The project involved inventorying and contacting all pro bono, pro se, public interest, and “low bono” sources for legal help in the State of Utah, accurately and clearly describing those resources for the general public as well as public interest and

63 The law school at Brigham Young University had initially sponsored the Tuesday Night Bar in Provo from 1993 until about 2000. Students from Professor Larry Farmer’s course on legal interviewing and counseling participated in these weekly attorney consultation sessions as part of the class assignment. After a time, Professor Farmer restructured the class so the student skills training was based on simulated exercises. As a consequence, the Tuesday Night Bar came to an end.
volunteer attorneys, and then creating a list that can be incorporated into the Utah courts’ existing web page and readily and regularly updated.64

This past year, I assigned students in my course to prepare model forms in partnership with the Standing Committee on Resources for Self-Represented Parties through the Administrative Office of the Courts.65 I serve on that committee together with Professor Linda Smith from the Utah College of Law. The project turned out to be very successful for all of the participating students. I will describe the individual forms involved and the process for student drafting in some detail because it appears that students from the University of Utah and Brigham Young University will have continuing opportunities to participate in this fruitful collaboration in alternating semesters.66

In all, the students prepared five form packets for review. The self-help clinics conducted by Fred Anderson and his colleagues at Utah Legal Services are in operation on a rotating basis in Salt Lake City, Provo, Ogden, Brigham City, Nephi, Richfield, Manti, Price, and Roosevelt. The clinics have developed forms that are used in matters that typically arise at these clinics. Most self-represented clients at the clinics are seeking assistance in divorce matters. The most commonly used forms are packets for (1) temporary orders and for (2) modification of divorce (custody, child support, or parental visitation). Another commonly requested form is the packet for (3) guardianship of adults (incapacitated or disabled parties). There is also a (4) step-parent adoption packet of forms. The forms subcommittee also decided to work on a packet for (5) small estates. Six students accepted the assignment to work on revising these forms. Their tasks consisted of checking the forms against the current statutes and case law affecting them and revising the forms to make them more understandable to self-represented parties by editing them to follow plain-English guidelines the students had studied. The students completed and submitted revised drafts of these forms by the end of the semester. During the summer, attorney members of the forms subcommittee from the Committee on Resources for Self-Represented Parties reviewed the student revisions for the temporary order and the adult guardianship forms packets. Mary Boudreau from the Administrative Office of the Courts will then review the revised student drafts to make them conform to a unified style adopted previously for plain-English forms that have gone through the required Judicial Council review. The end goal is to have them adopted as official Utah State court forms. Ultimately, the new forms should be available as officially approved forms in plain English for self-represented parties. Two of the students wrote papers to accompany and explain the revisions they had made in their packet of forms to

66 See infra notes 110–11 and accompanying text.
give a clearer narrative to understand the form revision process and decisions made along the way.

**D. J. Reuben Clark Law Society Pro Bono Legal Services Program**

Two students prepared presentations to be used as training materials in connection with the LDS Church Hispanic Initiative.67 The LDS Church’s Office of General Counsel and the Pro Bono Committee of the J. Reuben Clark Law Society’s Salt Lake City Chapter were the collaborating community partners for the project. A presentation and an accompanying flyer on employment law were prepared in Spanish. A second Spanish-language presentation explained landlord/tenant law principles relevant to Hispanic pro bono clients.

**E. Midvale City**

Two students accepted the invitation from the Mayor of Midvale City to work with the city’s community action committee. One student prepared materials for presentations and lessons aimed at teenage pregnancy. The student gathered and organized helpful information about statutory rape and date rape, explaining the criminal remedies available for victims and their families. Another student prepared a paper about making a Violence Against Women Act self-petition. The materials included a background of the law, the eligibility requirements, and practice tips.

**F. Timpanogos Community Network, Centro Hispano, and the Center for Economic Self Reliance at the Marriott School**

One of the students in the community-based research course prepared a successful Americorps grant proposal for the BYU Marriott School Center for Economic Self Reliance. Fellows under the grant are working with Centro Hispano in Provo. This year, a student prepared a proposal for that same office seeking a student to be the community service-learning coordinator for Centro Hispano and the Timpanogos Community Network. The student coordinator’s role is to promote and assist with university programs from a variety of academic departments interfacing with Centro Hispano, an organization serving Hispanic newcomers in Utah Valley.

In a previous year, a student prepared Spanish-language pamphlets designed to introduce Hispanic newcomers with various aspects of laws affecting them regularly.68 The student prepared brochures in Spanish and English on tax,  

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68 See ALEC DUNN, DO YOU QUALIFY FOR A TAX REFUND? (on file with author) (focusing on tax law); ALEC DUNN, HOW CAN I BECOME A LEGAL RESIDENT OR CITIZEN?
immigration, landlord-tenant, wage claims, and workers' compensation. He worked closely with Centro Hispano, Utah Legal Services, and the governor's office.

G. Guardian ad Litem

A student in the community-based research course worked with the web designer for the Guardian ad Litem office in revising the design and content for the office's website.69

H. Home Buyer and Mortgage Counseling Services, Community Action

Another student collaborated with the United Way of Utah County's Homebuyer and Mortgage Counseling services program in preparing a payday loan pamphlet explaining the problems and alternatives available for low-income debtors.70

VII. LESSONS FOR FUTURE PARTICIPATION OF LAW STUDENTS WITH THE COMMUNITY THROUGH CIVIC ENGAGEMENT AND RESEARCH

Although the main focus of this Article is to provide information about community-based courses being taught at the two law schools in Utah, I have purposefully given a broad overview of the wide range of experiential education opportunities available to law students as well as non-academic community service projects carried out by law school organizations. These resources from the law schools have regularly contributed to improving access to justice in our state. However, I agree with Professor Linda Smith's assessment, in concluding that the efforts can be far better coordinated, evaluated, and planned if some central community entity takes that responsibility.71

A committee in Utah under the chairmanship of Justice Ronald Nehring from the Utah Supreme Court and Scott Sabey from the Utah State Bar will soon make their recommendation for an Access to Justice Council in Utah.72 This council

70 See TODD SPARKS, THE DANGEROUS ROAD OF PAYDAY LOANS (on file with author).
71 Smith, Clinical Programs, supra note 1, at 753–54.
72 The Access to Justice Task Force made a recommendation that the Utah State Bar should establish an Access to Justice Board in its final report in 1997. UTAH STATE BAR,

\begin{quote}
PRELIMINARY FINAL REPORT OF THE ACCESS TO JUSTICE TASK FORCE OF THE UTAH STATE BAR 7 (1997) [hereinafter ACCESS TO JUSTICE REPORT].

The Access to Justice Board shall work to:

\begin{itemize}
\item Establish, coordinate and oversee a statewide, integrated, non-duplicative, civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals;
\item Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;
\item Promote adequate levels of public, private and volunteer support for Washington State's civil equal justice network;
\item Serve as an effective clearinghouse and mechanism for communication and information dissemination;
\item Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;
\item Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;
\item Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;
\item Promote widespread understanding of civil equal justice among the members of the public through public legal education;
\item Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and
\item Address existing and proposed laws, rules and regulations that may adversely affect meaningful access to the civil justice system.
\end{itemize}
\end{quote}


\footnote{E-mail from Kai Wilson, Director of And Justice for All, to author (Aug. 14, 2006) (on file with author) (indicating the Access to Justice Council would be modeled after the Washington Access to Justice Board).}
coordinating pro bono and legal service delivery statewide.75 It is precisely the kind of approach needed to accomplish the improvements recommended in this Article and in other articles in this Access to Justice issue of the Utah Law Review.

In the next section, Part VII.A, I will give some suggestions by which the law schools and the community can take better advantage of the civic engagement activities of law students. Final comments focus on the examples of community-based research discussed in this Article. First, I will share some thoughts about the other examples of community-based activities of law schools outlined above including (A) community service by law school student organizations; (B) individual student research through directed research, law journal articles, and required substantial writing papers; (C) service-learning courses including law school clinics, LawHelp seminars, and community lawyering; and (D) externships.

A. Community-Based Activities of Law Students

In connection with general civic engagement and service-learning, I remind community organizations and professors alike that the Lowell Bennion Community Service Center76 at the University of Utah is one of the best coordinating offices of this type anywhere. BYU’s Center for Service and Learning77 focuses primarily on student service in the community that is not related to academic classes or departments. There is an academic Service-Learning Community of Practice at BYU,78 however, which has been led this past year by Professor Gary Daynes. In the coming year, Professor Kevin Burr from the School of Technology will direct this academic-based service-learning entity that brings together professors who are interested in providing and promoting service-learning courses. For improved communication and coordination of projects, every student organization, every law professor interested in starting a new service-learning or community-based research course, and every community-based organization involved in creating community-academic partnerships should make contact with these coordinating entities at Utah and BYU. Other colleges and universities throughout the state also have similar centers or offices responsible for community service and service learning on their campuses. New opportunities should also arise through contacts with these offices or Utah Campus Compact,79 the state umbrella office for these kinds of experiential programs. These offices have developed good contacts and programs with community groups and they are knowledgeable about other campus-related programs involved in the community. It

75 Id.
77 Brigham Young University, Center for Service and Learning, http://centerfor service.byu.edu (last visited Nov. 28, 2006).
78 Brigham Young University, Faculty Center for Teaching and Learning, http://fc.byu.edu (last visited Nov. 28, 2006).
79 See Campus Compact, supra note 3.
is wise to contact them, so future opportunities arising for similar kinds of projects can benefit from current experiences.

Professor Linda Smith has previously suggested modeling a coordinating office for student-written projects after the Legal Scholarship for Equal Justice program\(^{80}\) organized by the Minnesota State Bar.\(^{81}\) Legal service organizations in that state prepare a list of proposed research topics from which students are able to choose as they prepare the required paper in an annual seminar conducted at one of the four Minnesota law schools.\(^{82}\) A similar organized approach under the direction of the Utah State Bar would be a very useful means of improving the availability and relevance of law school writing projects aimed at contributing to access to justice. Washington State also has a valuable database for collecting materials for general public availability through an organization called Law for Washington.\(^{83}\) Law students are encouraged to contribute materials to the Council on Public Education which is a standing committee of the Access to Justice Board in the State of Washington.

The topic of assessing the strengths and weaknesses of campus/community partnerships is often considered under the concept of “institutionalization” of service learning or civic engagement. Professor Andrew Furco, Director of the Service-Learning Research and Development Center at the University of California, Berkeley, has published a rubric that is used increasingly by higher education institutions across the nation as a vehicle for improving their ability to have meaningful involvement in their communities.\(^{84}\) For example, the California

\(^{80}\) Legal Scholarship for Equal Justice, http://www.lsej.org (last visited Nov. 28, 2006); see also Minnesota Justice Foundation, Legal Scholarship for Equal Justice, http://www.mnjustice.org/ (follow “Legal Scholarship for Equal Justice” hyperlink) (last visited Nov. 28, 2006) (“LSEJ is a collaborative project designed to address broad legal issues of current importance to poverty lawyers and their clients. It discerns which systemic problem areas facing legal services clients could be best addressed through a thoughtful legal analysis in a law school journal article or other faculty or law student scholarship.”).


\(^{82}\) See Minnesota State Bar Association, Legal Assistance to the Disadvantaged Committee, Legal Scholarship for Equal Justice, http://www2.mnbar.org/committees/lad/scholarship.htm (last visited Nov. 28, 2006) (“LSEJ has created a list of research topics of vital importance to disadvantaged people for use at the four law schools.”).


\(^{84}\) See Andrew Furco, Self-Assessment Rubric for the Institutionalization of Service-Learning in Higher Education 2 (Campus Compact rev. 2002) (1998), available at http://servicelearning.org/filemanager/download/Furco_rubric.pdf. The rubric presented here is based on an original version that was first published in 1998. The original version of the rubric was piloted on eight campuses and was subsequently revised in 1999. The 1999 version of the rubric became part of a series of regional Service-Learning
State University system undertook an assessment plan based on the main goals of the institutionalization of service-learning rubric. The assessment plan has five dimensions: (1) philosophy and mission of service-learning; (2) faculty support for involvement in service-learning; (3) student support for and involvement in service-learning; (4) community participation and partnerships; and (5) institutional support of service-learning. Utah’s law school programs for involving students in the community can gain insights from these five dimensions for building and improving these opportunities for contributing to our legal system’s ability to provide access to justice.

With regard to institutionalization and building faculty support, both law schools in the state have identifiable contact points for creating partnerships between the law school and the community. Professor Linda Smith and Assistant Dean Kristin Erickson have been active organizers of community-based experiential programs at the Utah College of Law. Civil clinics, community justice courses, and the Pro Bono Initiative are long-standing contributions they have created for community-based student opportunities. At BYU Law School, I have been actively developing externships, law help seminars, and other public interest opportunities since 1992. My opportunities to serve on the Board of Trustees for Utah Legal Services, on the Utah State Bar’s Delivery of Legal Services Committee, on the Access to Justice Task Force, and currently on the Standing Committee on Resources for Self-Represented Parties through the Administrative Office of the Courts have assisted me in building relationships with key organizations and leaders in our local communities. I have had invaluable assistance from Professors Susan Griffith and Steve Averett, who both worked previously as Utah Legal Services attorneys. Professor David Dominguez has contributed in important and innovative ways through his community lawyering course. We have also developed strong community connections through our mediation courses taught by Professors Susan Bradshaw and Tamara Fackrell, who have involved students in mediations in small claims courts, juvenile court victim-offender mediations, and parent-teen mediations through the Provo School District’s truancy programs.

Student support and involvement are well established at our law schools. Student groups have independently discovered meaningful ways to be involved in the community. Enrollment in community-based courses and in clinics has grown steadily over the past fifteen to twenty years since these opportunities were first made available. Both schools have student organizations with valuable community outreach and service traditions.

Institutionalization Institutes, which were offered by Campus Compact. Since that time, more than eighty institutions have utilized the 1999 version of the rubric.

86 FURCO, supra note 84, at 2.
Consider community participation and partnerships. In many ways, the law school community has the ideal context for creating community/law school partnerships. Law schools are one of the three primary institutions in our legal system along with the courts and the bar associations. As such, we have clearly identified partners keenly interested in our students, who are available to provide meaningful community-based learning opportunities.\footnote{The final report of the Access to Justice Task Force in 1997 identified the following resources available for access to justice by the poor in Utah (each would be potential partners for community-based legal research):}

- Utah Legal Services: Statewide service, intake and screening. Experience in various poverty law practice areas. Legal forms and check lists.
- The Legal Aid Society of Salt Lake: Domestic law: divorces, protective orders.
- A Welcome Place: Immigration law.
- Guardian ad Litem Program: Child representation (Housed in the Administrative Office of the Courts).
- Disability Law Center: Disabilities law—guardianship.
- Utah State Bar Programs and Assets
  - Pro Bono Project: 1100 volunteer lawyers.
  - Domestic Violence Clinic (Salt Lake, Utah & Davis Counties): Protective orders, representation at hearings only.
  - In Forma Pauperis Project: Chapter 7 filing assistance, with forms and training. Bankruptcy Section sponsored—pro se video project in process.
  - Legal Assistants Division: Potential support volunteers.
  - Young Lawyers Division: Various pro bono efforts, Tuesday Night Bar.
  - Needs of Elderly Committee: Elder law resources.
  - Tuesday Night Bar: 1/2 hour consultations, referrals.
  - Lawyer Referral Service: Lawyer referral.
  - Litigation Section: Reduced fee plan (This is prepared, but not yet implemented).
  - Needs of Children Committee: Child law resources.
  - Delivery of Legal Services Committee: General pro bono issues and resources.
  - Alternative Dispute Resolution Committee: ADR tools.
  - Law & Technology Committee: Technology know-how.
  - Legislative Affairs Committee: State government lobbying.
  - Bar Sections and Committees: Expertise on various legal topics. Some funds are available.
- Law Schools—Student Clinics: J. Reuben Clark Law School, Brigham Young University. University of Utah College of Law.
- LawHelp: Multiple projects in Utah County, Elder law, domestic violence, immigration, interpretation, etc.
- Quick Court: Uncontested divorces—computerized.
non-profit community, including legal service attorneys, have strong ties to law schools as alumni, in recruiting recent graduates, in supervising students in credit-bearing externships and clinics and paid clerkships, and through many opportunities to participate in law school-sponsored events, programs, and continuing education sessions. More than two-thirds of Utah College of Law graduates and one-half of BYU Law School graduates take the Utah bar examination and begin their legal careers in Utah. Any other academic department at the universities would envy this advantageous position of law schools in having well-developed connections with our local communities.

Both universities have offices and dedicated groups of service-learning professors providing institutional support for the development of courses and promotion of student community engagement. At the University of Utah, the Lowell Bennion Center for Community Service is an invaluable resource in developing connections with community organizations with legal needs that would benefit from law school programs. At Brigham Young University, the Service-Learning Community of Practice, the Center for Service and Learning, and the

- Senior Lawyer Volunteer Project: Senior Citizen law, mostly estate planning.
- Utah Dispute Resolution: Free Mediation for under-privileged persons.
- United Way: Funding source.
- Utah Bar Foundation: Fund granting, funding source.
- American Bar Association: Pro bono and organizational support.
- Utah Minority Bar Association: Language capabilities and other resources.
- Utah State Judiciary: Judicial systems.
- Women Lawyers of Utah: Pro Bono Committee.
- Local Bar Associations: Statewide contacts and resources.
- Legal Assistants Association of Utah, Association of Legal Administrators, Utah Court Reporters Association, etc.: Misc. legal related organizations—resources.
- Law Firms: For complex matters and depth of experience.

ACCESS TO JUSTICE REPORT, supra note 72, at 16–18.


89 See Lowell Bennion Community Service Center, supra note 76.

90 See Faculty Center for Teaching and Learning supra note 78.

91 See Center for Service and Learning, supra note 77. I served as the founding director of the Jacobsen Center for Service and Learning founded at Brigham Young University in 1999 through generous donations from Ted and Florence Jacobsen. The Center for Service and Learning and the Community of Practice are continuing the
Faculty Center are champions and supporters of all forms of community-based service and learning.

The assessment rubric developed by Professor Andrew Furco provides several challenging suggestions to help guide future development of community-based learning and civic engagement at our two law schools. Among other points raised in his rubric for institutionalization document, we (the law schools and partnering community organizations) should work towards achieving the following goals:

- "Create an office... that provides assistance to faculty and students through facilitating meaningful community-service placements and assisting in course development." A coordinating entity such as the proposed Access to Justice Council would be a valuable addition to the presently existing infrastructures outlined above at the law schools.
- "Develop a strategic community civic engagement plan." Again, a community organization such as an Access to Justice Council is the kind of entity to create a strategic plan for the bar, the courts, the law schools, and legal service providers.
- "Create an information management system for efficient communication exchange among university/community partners." Development of a database is possible through the cooperative efforts of the law schools and the proposed Access to Justice Council.
- "Train faculty in experiential education... [and] recognize faculty involvement in retention, tenure, and promotion policies." These tasks are goals for the law schools to consider in facilitating the involvement of additional faculty members.
- "Organize a community engagement committee." The law schools already have committees related to this purpose, but the role of the committees could be more specifically focused on community engagement.
- "Involve community partners from the beginning in planning and developing programs and policies." All of us currently offering institutional support of these community-based learning opportunities at Brigham Young University.

92 See Faculty Center for Teaching and Learning, supra note 78.
93 See FURCO, supra note 84, passim.
94 Id. (1998).
95 Id.
96 Id.
97 Id.
98 Id.
99 Id.
community-based courses or conducting student organizations should remember this important principle for meaningful collaboration.

- "Community placements are established and maintained and potential opportunities are continuously explored."\(^{100}\) Law school faculty, student organizations, and community partners should remember to look for new connections between the law schools and the community and to take care in building current partnerships.

- "Create community-based demonstration projects to encourage faculty, student and community collaboration."\(^{101}\) An issue of the *Utah Law Review* like this one helps all of us discuss and learn about existing community/law school partnerships. All who are currently involved in meaningful projects should find ways to publicize and promote these opportunities with fellow faculty, students, practicing lawyers, and leaders of community organizations.

- "Evaluate partnership outcomes."\(^{102}\) To build and improve, we need to carefully assess what is being done.

**B. Community-Based Research**

The courses described as community-based research in this Article are taught annually by Professor Linda Smith at the Utah College of Law and by me at BYU Law School. For the benefit of other law school faculty members and community organizations, several principles should be kept in mind. The following principles of community-based research are from the book *Community-Based Research and Higher Education*.\(^ {103}\) First, effective community-based research is built on collaboration; second, community-based research involves multiple sources of knowledge going beyond library research in books, articles, cases, and statutes to include experiential knowledge of community partners and members of the community affected by the research; third, the methods of disseminating research products extend beyond traditionally published books and articles to include

\(^{100}\) *Id.*

\(^{101}\) *Id.*

\(^{102}\) *Id.*

\(^{103}\) KERRY STRAND ET AL., COMMUNITY-BASED RESEARCH AND HIGHER EDUCATION: PRINCIPLES AND PRACTICES 8 (2003).

CBR is a collaborative enterprise between academic researchers (professors and students) and community members. CBR validates multiple sources of knowledge and promotes the use of multiple methods of discovery and dissemination of the knowledge produced. CBR has as its goal social action and social change for the purpose of achieving social justice.

*Id.*
community education lesson plans, presentations, grant proposals, brochures, and web pages; and fourth, community-based research is aimed at producing social action and change that tie in particularly well with the goal of improving access to justice.

1. Collaborative Partnerships

Collaboration is emphasized to remind faculty and students from the law schools and community members or community organizations that they are all involved in a law school/community partnership. The authors of Community-Based Research and Higher Education suggest ten principles of successful community-campus partnerships. The task of collaborating with others as experts in the community organization or because of their involvement in the community issue under research has a direct impact on the methods used in conducting the project.

104 I have expanded their second principle—"CBR validates multiple sources of knowledge and promotes the use of multiple methods of discovery and dissemination of the knowledge produced"—into my second and third principles. Id.

105 See id. at 29 exhibit 2.1. The following is a list of the ten principles of successful community-campus partnerships:

Entering partnerships
1. Share a worldview
2. Agree about goals and strategies
3. Have trust and mutual respect

Conducting partnerships
4. Share power
5. Communicate clearly and listen carefully
6. Understand and empathize with each other
7. Remain flexible

Outcomes of partnerships
8. Satisfy each other’s interests or needs
9. Have their organizational capacities enhanced
10. Adopt long-range social change perspectives

Id.

106 Possible partners include legal service providers, community-based organizations, informal community groups, hospitals, schools, local and state agencies, public housing organizations, cultural centers, ethnic and national groups, and cities.

Areas of possible focus include multi-cultural programs, disabilities, special education, elderly services, environmental issues, health issues, housing and homelessness, public interest advocacy, low-income legal services, education, domestic violence, youth and juvenile delinquency, mediation, and immigration.
Skills of working with other people and building trust and respect for one another are necessary components of completing a project successfully.

Reciprocity is often emphasized in all forms of service learning. The law school participants and the community members involved are both serving and being served, learning from one another and teaching each other. Both sides of the partnership should be involved in designing the research and in implementing the project. It changes the traditional academic research approach of studying a community to a methodology that is conducted in the community, with the community, and for the community.

Both Professor Linda Smith and I have come to similar conclusions that the best community-based research is built on outstanding relationships between the students and the community. Some students make initial contact with a community partner and they deliver the required product to the community partner, but they have virtually no continuing collaboration over the course of the school semester. These students and research projects have missed the most satisfying and most productive parts of conducting community-based research. In comparison, those students who have discussed and developed the plan for their research in close collaboration with the community partner and who have had regular meetings and contact with each other through the full implementation of the research plan have learned and benefited from the project in significantly more meaningful ways. Students typically have had to revise and change the original plan along the way as they receive helpful feedback and input from the community partners, and the required flexibility results in a far more useful product overall. After all, the real measure of the success of a community-based research project is whether the resulting product is actually studied, used, and disseminated to further the social action or social change intended.

Several of the students in Professor Linda Smith’s community justice course have taken on research assignments while others take part in the portion of the class dedicated to teaching law in the community. Research projects are tied to specific community organizations such as Utah Legal Services, the Disability Legal Center, the American Civil Liberties Union, the Crossroads Urban Center, and Utah Issues. In each of these contexts, students have had opportunities to develop valuable collaborative partnerships with attorneys supervising the student research. The fact that a specific community organization was working with the student in developing the research plan, in assisting with the implementation of that plan, in critiquing and revising drafts along the way, and in using and disseminating the final product added significantly to the student learning experience and to the quality of the final results.

In contrast, students working on teaching law in the community also conducted research and produced useful materials, presentations, and lesson plans. Usually these students interviewed specific attorneys and community organizations in producing their teaching products. However, they did not have the benefits of working with an engaged and interested partner who was planning from the outset to take the student’s work product and use it for the benefit of the community partner. The students producing teaching materials were required to produce an
outline of the law for the use of an attorney or other students assigned to teach that
topic in a community setting. They also prepared some form of a handout and an
actual lesson plan and/or instructional materials. Students eventually had the
opportunity to use their teaching materials by giving presentations to community
groups as part of an envisioned “People’s Law School.”107 Professor Linda Smith
acknowledges the problems they faced in finding low-income community
members willing to come to the student-run classes. It worked best for them when
they were able to present the lessons to a captured audience. She gave two
examples where that worked: the Family Support Center required community
members needing transitional housing to attend certain classes and the Odyssey
House had a women’s and children’s program in which participants were required
to attend classes.108 They tried presenting people’s law school classes at the
Heartland apartment complex where a number of recent immigrants reside. Those
few who voluntarily attended had limited English abilities, so the students found
ways to adapt the classes and materials to the audience. This experience resulted in
producing Spanish-language versions of some of the lesson materials. Next year,
the lessons will be for the community leaders working with Heartland apartment
residents.

I have had similar experiences with students in my community-based legal
research course over the past three years. One student took on an ambitious project
to produce materials for recently arrived immigrants in our community. He
produced brochures on various legal topics in both English- and Spanish-language
versions.109 At first, he gathered the information and produced the materials
without having any specific community partners in mind. He planned on
distributing the resulting pamphlets to a number of community organizations but
he did not consult or collaborate with them directly until after the brochures were
finished. He continued the project as a directed research course the next year. This
time, however, he worked directly with Utah Legal Services, Utah County
Community Action, and the Governor’s Hispanic Affairs Advisor in planning,
producing, and disseminating the resulting brochures. He was pleased that a couple
of these organizations were willing to supply a small budget for the color
reproductions of the brochures. He also made meaningful revisions of original
brochures as a result of collaboration with these community partners.

One of my most successful projects this past year was the revised form
drafting accomplished by my students in partnership with the Standing Committee
on Resources for Self-Represented Parties.110 The students were able to work
closely with attorney Fred Anderson from Utah Legal Services, who drafted the
currently used version of these forms for the self-represented parties’ clinics he

107 Telephone Interview with Linda Smith, Professor of Law and Clinical Program
Dir., Univ. of Utah, S.J. Quinney Coll. of Law, in Salt Lake City, Utah (Aug. 25, 2006).
108 Id.
109 See supra note 68 and accompanying text.
110 See supra Part IV.C.
provides on a rotating, scheduled basis throughout the state.111 Two other members of the committee’s forms subcommittee, attorneys Marsha Thomas and Mary Jane Ciccarello, also worked closely with the students in reviewing their initial proposed form revisions. Mary Boudreau of the Administrative Office of the Courts is reviewing the final drafts of the revisions to give them a uniform edit before they are passed on to the full committee for review and approval. Eventually, the revised forms will be presented to the Judicial Council for their approval in order to have the final work product on the Utah courts’ website as approved forms for self-represented parties.

2. Multiple Sources for Research

The chance for our students to work with community partners and experienced attorney supervisors gives them excellent opportunities to learn how to find and utilize a wide variety of expertise. Students have had years of experience working with printed materials to be found in libraries. Today’s students are also well acquainted with searching the internet for useful sources of information. Community-based research gives them excellent opportunities to discover the value of unpublished materials and reports available to a community organization. Even more beneficial is the opportunity of learning how to obtain pertinent information from employees and attorneys working daily for the community partner. Expertise based on years of experience in dealing with a matter of concern to a particular organization is particularly relevant and beneficial in coming up with a product aimed at contributing to change in that organization or in society’s means of dealing with an issue.

In the forms project completed by several students in my courses, students became familiar with unpublished forms used regularly in self-represented parties clinics conducted by Utah Legal Services. They also found numerous forms of the same type by searching the internet for other states’ models for self-represented parties. They also reached out to discuss the existing forms and suggested modifications with court clerks and, in one case, with a district court judge who had voiced concerns about the currently utilized form. They had valuable interaction with a new committee established by the Administrative Office of the Courts and with specific members of that subcommittee who have had years of practicing privately on cases of the kind that utilized their own created forms.

3. Means of Disseminating Research Products

Community-based research is sometimes published as an article or as a chapter in a published book. However, more often the results of a student’s research results in some form of a presentation, new content for a website,

brochures or pamphlets, formal proposals, teaching materials and lesson plans, and a wide variety of other creative products. Students seem to enjoy being involved in the creation of something they have never done before. It is also satisfying to create something that a community organization uses in its wide range of methods for outreach.

One of the advantages of working with a community organization is that the student work product is able to go through the process that group has established to distribute that kind of product. The Administrative Office of the Courts has a system for preparing and approving new forms and to include court-approved forms on a statewide website.112 This process assures the student that any suggested changes created by the student that are accepted through that process will be widely used in actual cases filed with the courts.

4. Social Action or Change

The main message of this Article is that law school resources can make valuable contributions to the needs of our legal community. Students learn especially well through experiential education assignments. Community-based research gives students the chance to work in a classroom setting under the attention of a professor and influenced by the ideas and discussions they have with fellow students. At the same time, students are able to make an impact outside of the classroom by contributing a useful product for a community organization based on a collaborative research project they carry out with that community partner. A side benefit of participating in this kind of experience while still in law school is that the student develops an interest in and contacts with a community organization. The likelihood that the student will continue to have an interest in the work of that community organization after law school is increased even if the student’s career is focused on another path related to the law. Especially in the case of community organizations concerned with access to justice and the delivery of legal services, students who have had specific experiences in assisting these organizations are more likely to participate in volunteer and pro bono services sponsored by that organization.

Students and faculty alike enjoy the opportunity to contribute to new developments for the improvement of access to justice. Too often, our traditional research is published in a law journal and is often unknown to policymakers and community organizations that make an impact on our society and the way our legal system functions. Community-based research conducted by a student with the courts, the bar, legal service providers, and volunteer providers of services is presented in a context in which it can be used by these organizations dedicated to improvement of access to justice.

I. STUDENT PROJECT 1: EXCERPTS FROM CRIMINAL LAW QUESTIONS, EXAMPLES, AND ANSWERS BY CHAD NOAKES

Part 1: Basics of Criminal Law

Question: What responsibility do I have to know what actions are criminal?
Example: I am originally from Cuba, where it is legal to grow and smoke marijuana. I grow some marijuana in my house in Sandy. I was smoking it outside when suddenly a police officer comes and arrests me. I really had no idea that I could not grow or smoke marijuana in Utah, which I tell him. Have I broken the law?
Answer: Yes, you have still broken the law. In the U.S., it is presumed that you know what actions are criminal. Ignorance is no excuse.

Question: What if I want to do something but I’m not sure if it is illegal?
Example: I want to have a block party on the street outside my house. I want to provide beer, but I don’t know if it is illegal to have open cans of beer on a residential street. How can I find out?
Answer: You have a couple of options. For something like this you might be able to just call the police station and ask. It would also be possible to look up the law in the Utah Code Section 76, or the United States Code, and find what laws there are about this. Always err on the side of not doing it!

Part 2: A Situation Arises

Question: What is a search warrant?
Answer: A warrant is a document from a judge that says that the police officer is allowed to search something, like your car, house, etc. If the police officer gets a warrant, he does not need your permission or any other reason to search your things.
Example: I tell the officer that he cannot search my car, and he doesn’t have a warrant. He flashes his light through my car window and sees a bag containing a green leafy substance. Does this change things?
Answer: Yes, this is a valid reason to search your car without permission or a warrant. It is what is called the Plain View Doctrine. If the officer looks through the window of your car and sees marijuana in plain view, he can enter your vehicle and seize it, even if he does not have a warrant.

Part 3: An Arrest is Made

Question: What happens next?
Example: The officer sees marijuana through the window and seizes it. Will I be taken to jail?
Answer: Most likely not. This is not a serious crime (a misdemeanor). So the officer will probably issue you a citation. This does not mean that you will not be charged with the crime. It means that the officer has released you, and that you must appear later in court. This is almost always what happens for traffic violations.

Question: What if I don’t appear?
Example: You get a speeding ticket. The ticket says that you must mail in the fine amount or appear in court on a certain date. You don’t go. What will happen?
Answer: A warrant will be issued for your arrest. This is like a search warrant, except it is permission to arrest you, not search your things. Also, the amount of your ticket just went up, a lot!

Part 4: Arraignment & Pretrial

Question: What happens next?
Example: I’ve been arrested and am in a holding cell. What happens next?
Answer: The system continues in a very systematic way. This is because you have the right to “Due Process” and a speedy trial. There are several steps that make up what is called an arraignment. You will be brought before a judge who will tell you the charges against you. If you don’t already have a lawyer, you can request to have one appointed. At this point, or in a later hearing, you will enter a plea of guilty, not guilty, or no contest.

Question: What is bail?
Example: My brother is caught stealing a car. He appears before the judge, where he is told that he is being charged with grand theft auto. Because the courts are so backed up, you know that it will be a month before a trial can be held. Will he be required to stay in jail the whole time?
Answer: Probably not. The judge will allow him to spend his time before the trial as a free man. However, the judge will set “bail” for a fixed amount of money. This is money that must be paid to the court, which will not be returned unless your brother appears at the court when he is instructed to. There are bail bond centers that lend you the money for bail, for a fee of course. Also, while out on bail, there are restrictions, such as staying within the boundaries of the state.

Part 5: Trial and Verdict

Question: Are their any important rights I should know about at trial?
Example: My friend is on trial for passing a fraudulent check. They have called me to testify. I’m worried because I recently passed a fraudulent check, and this might come out. Is there anything I can do?
Answer: Yes. You don’t have to testify regarding any matter that may expose you to criminal liability. The Fifth Amendment to the constitution says that you do not have to testify when you may incriminate yourself. Refusing to testify or answer a particular question when testifying is quite normal. It is often called “pleading the fifth.”

Part 6. Life after crime

Question: How firm is my conviction?
Example: I was convicted of robbing a liquor store. But it really wasn’t me. Is there anything I can do to challenge the conviction?
Answer: Yes, but it is difficult. You have the right to appeal. In order to be reversed, it has to be found that no reasonable jury would have convicted you. However, where new evidence comes up showing that it could not have been you, you can get off.

Question: How firm is my acquittal?
Example: Your brother was charged with selling drugs. However, the prosecution didn’t have much evidence and the jury found him not guilty. Now, 6 months later, someone anonymously turns into the police a video tape of your brother selling the drugs. Can the police now arrest him and re-try him for the crime?
Answer: No. The Constitution protects you from double jeopardy. This means that you can’t be tried for the same crime more than once. So, if you are acquitted, you can’t be convicted of the crime, even if you admit it.

II. STUDENT PROJECT 2: EXCERPTS FROM REVISION OF UTAH LEGAL SERVICES’ CUSTODY MODIFICATION PACKET BY LILY HUNTINGTON MOTT

Imagine yourself as a divorced parent. You cannot afford an attorney, but wish to modify the custody order that was part of your divorce decree. Like many individuals in Utah, you decide to proceed with the modification representing yourself. The task that lies before you is daunting, and you seek out resources to help you. You are referred by a friend to Utah Legal Services, which assists low-income individuals, and when you visit their office, you are given a forms packet for the modification of child custody. You begin to complete it with the hope that you will be able to navigate well through the legal system that you are about to approach.

With the growing trend of pro se litigants in our courts, accessibility to clear and understandable court forms is becoming increasingly critical to the efficient administration of justice. On average, native English speakers can read
comfortably at about a fifth grade level.\(^1\) The goal then is to make the legal system accessible to those average Americans who are not represented by lawyers who traditionally guide them through court procedures. By putting court forms in plain language, they become easier to read. There are benefits to the courts as well. "Plain language forms benefit not only the litigants, but they also save the judicial system time and money. Forms that are easier to fill out increase processing efficiency because they result in fewer mistakes, less staff support time, and fewer continuances."\(^2\)

### A. Custody Modification Requests

The first request to the court after setting forth general information is regarding the change in custody. The individual filing the petition, after setting forth reasons for why the custody order should be changed, must indicate what the custody should be changed to. The instruction page, which will be discussed below, briefly informs litigants of the different types of custody. The litigant must then decide what type of custody he or she is requesting and make the appropriate request.

As opposed to Utah Legal Services' prior custody modification packet, the revised petition separates this request into physical custody and legal custody. The headings are simple and in bold type font, to help the litigant navigate the different requests. For example, the original packet makes the custody modification request as follows:

Custody should be modified as follows:

(Select one "A")

A. ( ) Petitioner will have sole physical custody of the following children:

and Respondent will have sole physical custody of the following children:

Or

A. ( ) Both parents share physical custody of their minor children, with

Petitioner having the child(ren) ________ days per year and Respondent having the child(ren) ________ days per year children. A corresponding parenting plan

(select only one)

i. ( ) has been agreed to by both parties and submitted with this petition; or

i. ( ) has not been agreed to by the parties; and each party shall submit a proposed parenting plan regarding joint physical custody to the Court.

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\(^2\) Id.
Indeed, a parenting plan needs to be submitted with a custody modification petition if it is not contested. This plan sets forth how the time with the child(ren) will be split between both parents. This example uses conflicting titles of the parents, long sentences, and confusing blanks for the litigant to fill in.

The revised petition, on the other hand, attempts to simplify the physical custody request in this manner:

A. Physical Custody (choose “a” or “b”):

- **a. Joint Physical Custody.** Both parents should be awarded joint physical custody of the following child(ren): __________ subject to a Parenting Plan that: [ ] has been agreed on by both parents and is attached OR [ ] has not been agreed on and will be individually submitted later.

- **b. Sole Physical Custody.** Sole physical custody of (name(s) of child(ren)) should be awarded to [ ] Mother or [ ] Father and/or sole physical custody of (name(s) of child(ren)) should be awarded to [ ] Mother or [ ] Father.

Thus, with clear headings, titles of “Mother” and “Father,” simplified language and visible checkboxes, this revision improves readability and clarity.

**B. Parent Time**

Parent time involves providing a schedule to be approved by the court which outlines the visitation for each parent with the child(ren). The default provision is found in the Utah Code and, for children under five years of age, the default provision is dependent upon the age of the child, whether under five months of age, from five months to ten months of age, ten months to eighteen months of age, eighteen months to three years of age, and three to five years of age.\(^3\) The code outlines both the minimum guidelines for parent time as well as an option for extended parent time.\(^4\)

For children between five years and eighteen years of age, the Utah Code again outlines minimum guidelines for visitation. As with the provision for children under five years of age, the statute specifically and meticulously articulates the visitation for weekdays, weekends, holidays, and summer vacations, scheduling specific periods of time for each visit. It also provides guidelines for telephone contact and other “virtual parent time,” based on the considerations of “the best interests of the child; each parent’s ability to handle any additional expenses for virtual parent time; and any other factors the court considers material.”\(^5\)

The original portion of Utah Legal Services’ custody modification packet left up to ten blank lines for the litigant to fill in as an alternate parent time plan, if the

\(^3\) Utah Code Ann. § 30-3-35.5 (2005).

\(^4\) Id.

\(^5\) Id.
litigant chose to offer a different plan from the statutory minimum guidelines. Instead of wasting this space, the revision eliminated this option and instead states that a parent plan, if agreed upon by both parents, is attached to the petition. This approach also encourages typewritten parenting plans instead of writing in all the specifics in a limited amount of space.

The original petition, again, inserts a great amount of statutory or specialized language and long sentences. One sentence regarding notice if a parent moves, for instance, lengthily states: “The Court may upon motion of any party, or upon the Court’s own motion, schedule a hearing with notice to review the notice of relocation, the previously ordered parent time schedule, and make appropriate orders regarding the parent time and costs for parent time transportation based on the circumstances of the relocation and the best interests of the child(ren).”

In an effort to improve the readability of the revised petition, the parent time provision is reduced to two subheadings which read:

<table>
<thead>
<tr>
<th>a. The new Parent Time schedule should be (choose one):</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Parent time should be according to the minimum guidelines in the Utah Code.</td>
</tr>
<tr>
<td>☐ Parent time should be according to the attached Parenting Plan.</td>
</tr>
</tbody>
</table>

| b. If either parent moves from Utah or 150 miles from his or her current residence, that parent should give written notice to the other parent. This notice should be given 60 days before the parent moves. |

The direct statutory quotes are therefore omitted as well as the overwhelming blank lines. And again, checkboxes help to clarify to the person filling out the form what decisions must be made with regard to parent time schedules.