

**Arizona Commission on Access to Justice**  
**MINUTES**  
**February 4, 2015**  
**10:00 a.m. to 2:00 p.m.**  
**State Courts Building, 1501 W. Washington Street**  
**Phoenix, AZ 85007**

**Present:** Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Millie Cisneros; Judge Marie Elena Cruz; Barbara Dawson; Michael Jeanes; Ellen Katz; Judge James Marner; Janet Regner; Kevin Ruegg; Judge Rachel Torres Carrillo; Lisa Urias; Anthony Young

**Telephonic:** Janet Regner

**Absent/Excused:** Steve Seleznow; John Phelps

**Presenters/Guests:** Chief Justice Scott Bales; Harold Brister; Stacey Butler (telephonic); Judge Peter Cahill; Janet Fisher; Josh Grabel; Chris Groninger; Andrea Gutierrez; Michael Manola; Brent Miller; Maggie Kile-Morse; Lara Slifko; Jennifer Holsman Tetreault (telephonic); Judge Quentin Tolby; Cara Nicole Trujillo

**Administrative Office of the Courts (AOC):** Dave Byers; Paul Julien; Heather Murphy

**AOC Staff:** Theresa Barrett, Julie Graber; Nick Olm; Kathy Sekardi.

## **I. REGULAR BUSINESS**

### **A. Welcome, Opening Remarks and Approval of Minutes**

With a quorum present, the February 4, 2015, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:12 a.m.

Chief Justice Scott Bales made opening remarks to members of the Commission, guests and staff.

Mr. Young moved to approve the October 15, 2014 minutes. The motion was seconded and passed unanimously.

## **II. REPORT FROM SRL-FC WORKGROUP**

Judge Barton and Ms. Fisher presented the Self-represented Litigants in Family Court (SRL-FC) workgroup efforts and the Commission discussed the workgroup's recommendations.

### **A. AMERICORPS**

- Maricopa County plans on submitting a grant application for AmeriCorps in March. The grant application has garnered support in the form of a "Letter of Support" from Arizona State University.
- Under this grant college students recruited from Arizona State University will volunteer in Maricopa County's new resource center to assist self-represented litigants in family law and probate matters.

- Plans include having the volunteer college students to conduct classes that will teach self-represented litigants how to navigate the court system.
- Once this program is in place, the hope is to take Maricopa County’s institutional knowledge and assist other counties to start similar programs, using university and community college students in each respective county.
- Upon inquiry, Judge Barton stated that the Maricopa County Family Law Assistance Project (FLAP) provides representation for self-represented litigants in court; conversely, the AmeriCorps program will be tailored to help self-represented litigants with forms and navigate the court system.
- Members discussed the question of “What does success look like?” in regard to the programs to assist self-represented litigants and commented as follows:
  - Success is providing enough information and education for self-represented litigants to understand how to navigate the court system and what to expect, which will also provide a greater comfort level when they appear in court.
  - Success can be measured by the number of students who receive training, who assist self-represented litigants and, in turn, gain a better knowledge of the judicial system, the court process, and law.
  - Success is being able to provide self-represented litigants help to complete the correct forms, in order to have their issues heard, and to get a timely resolution for their case.

**Motion:** Judge Berning moved to have the Commission draft a letter of support for Maricopa County to attach to their AmeriCorps application. The motion was seconded by Judge Cruz and passed unanimously.

## **B. FORMS**

- The Self-represented Litigants in Family Court workgroup discussed the possibility of creating statewide forms; however, the workgroup believes excellent forms are already in place, particularly in Maricopa and Pima counties that could be made available statewide. Creating and more importantly, maintaining and updating of statewide forms is not an easy task, which requires numerous resources. Instead, the proposal is to make current forms available statewide and make access to these forms, especially online, more prominent.
- The award winning project in Pima County entitled *Simpla Phi Lex* has generated easily understood instructions designed to empower self-represented litigants.
- The workgroup wants to promote intelligent forms for self-represented litigants to use; this is a system that asks questions and generates the needed and completed forms. Intelligent forms could be made available statewide and AmeriCorps students could assist self-represented litigants to fill them out.
- Ms. Urias offered her communication expertise to market the forms availability to the public, in addition to exploring the potential use of mobile devices by way of a social media campaign.

**Motion:** Judge Winthrop moved for the Commission to support the efforts to have the statewide forms available and move forward with Commission members using their expertise as needed. The motion was seconded and passed unanimously.

### **C. FAQ and PUBLIC LIBRARY PROJECT**

- One of the objectives of this Commission should be to develop a list of frequently asked questions (FAQ's) and answers that court personnel could use statewide to assist self-represented family court litigants and assure that they receive consistent and accurate information. Training should be provided to court personnel throughout the state regarding the differences between providing legal information and providing legal advice and encouraging the use of the FAQ booklet where appropriate.
- The members also discussed the importance of incorporating a legal information v. legal advice component that provides consistent and lawful guidance to court staff. In 2007, the Supreme Court Task Force on Legal Advice v. Legal Information prepared a booklet that provided questions and answers for court staff on a variety of different types of cases. The workgroup recommends using the booklet as a starting point for family court frequently asked questions, gathering other frequently asked questions from the Clerk of the Courts' staff, public law librarians, and public librarians. Additionally, statutory references, terminology, and changes in law will need to be updated and refreshed. The workgroup also recommends including a section on fee waivers and deferrals.
- Judge Barton noted that Maricopa County is in the process of creating a video explaining the court process that will be used with the Parent Information Program. This video will have basic information that other counties could use to create their own Parent Information Program video.
- Judicial training (COJET) in the area of legal information v. legal advice should be a mandatory course (possibly every year); it was noted that court staff want to help self-represented litigants as much as they can but feel restricted because they do not want to cross the threshold of providing legal advice.
- The Arizona State Library coordinated a grant-funded pilot project (Law4AZ) to provide public library staff in Maricopa County with training on responding to legal questions. This training is moving to five more counties in 2015 with training starting later this month. The first session in Gila County will be using iTV connections to allow Arizona State Library staff to train a greater number of public library staff in that county.
- The State Library is working with Legal Aid of Arizona, a group that will develop the curriculum and identify attorneys to lead the classes on three or four highly requested legal topics. The first class will be divorce, which is scheduled for February 26.
- Coconino County Court is currently working with DNA-People's Legal Services to create instructional and informational videos for their court on the topic of evictions. There are two other videos already available – one describes how to seek an order of protection, and the second is a brief overview of the family law process.
- Judge Moran agreed that Coconino County can serve as a pilot site for creating and offering videos and webinars for counties outside of Maricopa and Pima.

**Motion:** Judge Winthrop moved to have the Commission formally endorse the Self-represented Litigants in Family Court workgroup recommendations, specifically, using 2007 Supreme Court Task Force Report and handbook as a starting point to update and expand FAQs, and include a section regarding fee deferral and waivers; to solicit input from court administrators and clerks around state both general and limited jurisdiction courts as to what questions to include; to encourage enhancing statewide training and whether that training will be a mandatory COJET topic each year or offered even more frequently; and to encourage and

support outreach into public libraries in terms of creating training, content, and encouraging lawyer involvement to assist in that regard. Amendment to not limit legal information v. legal advice as topic of the year, rather to make it a more frequent training. The motion was seconded by Ms. Dawson and passed unanimously.

#### **D. EXAMINE LAY ADVOCATE REPRESENTATION**

- Without providing a formal recommendation, the workgroup discussed exploring, in the future, the pros and cons of lay advocate representation for family court litigants, such as the Limited Licensed Legal Technician program in Washington State.

#### **E. REMOTE ACCESS FOR DOMESTIC VIOLENCE VICTIMS**

- The workgroup discussed remote access technology that is currently being used in a few courts for victims of domestic violence to remotely seek orders of protection from the safety of a hospital or domestic violence shelter. The workgroup members believed the concept should be supported and referred to the Committee on the Impact of Domestic Violence and the Courts (CIDVC).

**Motion:** Judge Winthrop moved for the Commission to authorize Judge Barton or Janet Fisher to contact CIDVC to raise the issue of remote access for domestic violence victims and request them to explore the protocol and best practices further. This motion was seconded by Judge Barton and passed unanimously.

#### **F. EXPLORE USING FEDERAL TITLE IV-D FUNDING**

- The workgroup believes that an objective of this Commission should be to assist those counties who are currently eligible to receive reimbursement monies. With respect to counties who are not currently eligible, the Commission should assist them in developing programs that would, in turn, make them eligible.
- Explore partnering with the Attorney General's Office and work with them regarding assistance they can provide.
- Develop and organize a coordinated approach that will allow interested counties to tap into Federal Title IV-D funding.

**Motion:** Judge Barton moved for the Commission to consider assisting those counties who are currently eligible to receive federal reimbursement monies. With respect to counties who are not currently eligible, the Commission should assist them in developing programs that would, in turn make them eligible. The motion was seconded and passed unanimously.

### **III. REPORT FROM SELF-REPRESENTED LITIGANTS IN LIMITED JURISDICTION COURTS WORKGROUP**

Judge Carrillo described the efforts of the Self-represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup and the Commission discussed the following recommendations:

#### **A. Forms and Rules Sub-Workgroup**

- The courts must make information about and the applications for fee waivers and deferrals readily available to the public. In order to have access to the courts, those litigants who

are unable to pay filing fees and costs: (1) must be informed by the courts that there is a process to request a fee waiver and/or deferral; and (2) the fee waiver and deferral forms and instructions must be readily available at courthouses, self-help centers and online.

- The courts must translate form notices, pleadings, instructions, and other information into Spanish and any other languages required by Title VI of the Civil Rights Act. For form notices and pleadings, the workgroup suggested a bilingual format reflecting English and the second language.

#### **B. Resources Sub-Workgroup**

- The workgroup looked at the creation of videos explaining processes and options for self-represented litigants, which would be made available in courthouse lobbies and on the web. Other options include a collaborative video developed by the Volunteer Lawyers Program (VLP) and attorneys that provide eviction representation.
- Efforts have been made to collect materials regarding landlord and tenant issues from various legal service agencies to post on [azlawhelp.org](http://azlawhelp.org).
- It was reported that there is a new judge orientation “2.0” for Justices of the Peace. After the initial new judge orientation, the new judges return for a second round of training after a certain amount of months (maybe six). There is also a proposal to create a self-represented litigant orientation for court managers and staff.
- Judicial training is needed for learning the basics of processing requests for waiver or deferral of fees.
- The work group concluded that the most effective method of providing effective legal services in landlord and tenant cases would be to adequately fund the existing authorized legal services programs (Community Legal Services, Southern Arizona Legal Aid and DNA Peoples Legal Services). Absent this, there are a variety of clinical approaches (both onsite in the courthouse, and offsite, either in a public library setting or on the web) that could be effective. In order to be effective, clinics will need funding for administrative overhead and in-kind assistance.
- The three existing legal services programs have Volunteer Lawyers Programs (VLPs) with an existing infrastructure and expertise in providing both off-site and courthouse clinics. In Pima County, the Southern Arizona Legal Aid VLP successfully operates courthouse clinics in cooperation with the Pima County Superior Court and the United States District Court in the areas of domestic relations, guardianship and bankruptcy. They utilize the services of volunteer lawyers, law students and paralegals along with VLP and legal services staff. The commission recommends exploring the expanding of these services in the landlord and tenant area.
- The workgroup recommends collaborating with the State's three law schools in order to create or expand existing landlord and tenant clinics, as provided by Supreme Court Rule 38(e).

**Motion:** Judge Winthrop moved for the Commission to recommend:

1. Making fee deferral or waiver forms more accessible to litigants.
2. Revising and making all eviction forms easier to read and to understand; including explaining options, removing incorrect information from existing forms, revising the

language on the forms as appropriate and encouraging and requiring translation of those forms into Spanish.

3. Encouraging specific training for judges and for court staff; particularly concerning the role of the judge when dealing with a pro per litigant.
4. Encouraging the placement of computers in court reception or lobby areas that provide self-represented litigants the ability to use intelligent forms that the litigant can understand, access and complete on site.
5. Exploring the creation and use of law school based clinical programs, as well as VLP clinics, in the landlord and tenant area.
6. Gathering or creating informational videos that can be accessed at the courthouse or on related websites, such as [azlawhelp.org](http://azlawhelp.org).

The motion was seconded and passed unanimously.

#### **IV. REPORT FROM *PRO BONO* WORKGROUP**

Barbara Dawson reported on the efforts of the *Pro Bono* Workgroup and noted that the areas of focus of the workgroup are:

##### **A. Promotion of Arizona Charitable Contribution Tax Credit**

- Donations doubled in 2014 compared to 2013; increasing these donations tenfold is a real possibility. We should target our efforts on the community that we know about.
- Questions for the Commission:
  - Do we start campaigning earlier?
  - How do we increase outreach to the non-legal community?
  - Can we help other legal aid agencies learn from Southern Arizona Legal Aid's efforts?
- A Flagstaff working poor tax partnership comprised of qualified organizations in Coconino County was created last year. Each organization contributed money for shared marketing, using the Flagstaff Community Foundation as the fiscal agent, and ultimately tripled the intake of contributions.
- Educate the public about the tax credit earlier in the year, possibly starting as early as April, as opposed to the last quarter of the year, which can make a meaningful difference.

##### **B. Focus on media coverage opportunities**

- Use Channel 8 (PBS) as outreach to the public on this Commission's initiatives and televise stories that reflect those efforts.
- Use online clinics as a medium to promote the Commission's initiatives.
- Push for human interest stories that capture the public's attention.

##### **C. Expansion of public lawyer involvement in *pro bono* work**

- To expand public lawyer's involvement with *pro bono* work, the State Bar's Legal Services Committee drafted a policy that was approved and endorsed by the Board of Governors in 2014. Since then, that policy was shared with various governmental agencies; champions are now needed from these agencies to further promote public lawyer involvement with *pro bono* work.

#### **D. Outreach to retired judges and lawyers**

- Expand outreach to retired judges and lawyers, and find champions in this area to build more momentum and information to recruit additional retired lawyers and judges. In addition to providing legal services, these individuals can provide training and supervision of other volunteers.

#### **E. Development of a law firm *pro bono* network. Collaboration with other organizations.**

- Josh Grabel, chair of the *Pro Bono* Committee at Snell & Wilmer LLP, has contacted other large firms in the valley in an effort to develop a law firm *pro bono* network.
- The challenge is to create an infrastructure that connects attorneys with clients who need legal services. One way to improve *pro bono* participation is to empower the volunteer lawyer programs with the resources and funding needed to administer additional attorneys that want to volunteer.
- Bring together resources and make proposals collectively. Explore the use of technology grants from the State Justice Institute and the American Bar Association for short term technology projects.

#### **F. Engagement of corporate community and in-house counsel.**

- Explore partnering legal service organizations with corporate sponsors.

#### **G. Ways to honor *pro bono* participants**

- Explore creating an event at the State Bar Convention to honor individuals who promote and provide leadership on access to justice initiatives.

### **V. OTHER BUSINESS**

#### **A. Work groups**

The chairs of the workgroups were tasked with assembling in the near future to debrief, solidify recommendations, and to decide the next steps for implementing the projects that can be started now.

#### **B. Good of the Order/Call to the Public**

One person requested to speak during the Call to the Public.

- Mr. Brent Miller spoke regarding self-represented litigants in family court.

#### **C. Adjournment**

Meeting adjourned at 1:53 p.m.

#### **D. Next Commission Meeting Date**

May 20, 2015; 10:00 a.m. to 2:00 p.m.

State Courts Building, Conference Room 119A/B

1501 W. Washington

Phoenix, Arizona 85007

**Arizona Commission on Access to Justice**  
**MINUTES**  
**May 20, 2015**  
**10:00 a.m. to 2:00 p.m., Room 119**  
**State Courts Building, 1501 W. Washington Street**  
**Phoenix, AZ 85007**

**Present:** Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Millie Cisneros; Judge Marie Elena Cruz; Chris Kelly for Michael Jeanes; Ellen Katz; John Phelps; Janet Regner; Kevin Ruegg; Steve Seleznow; Judge Rachel Torres Carrillo; Lisa Urias;

**Telephonic:** Judge James Marnier; Anthony Young

**Absent/Excused:** Barb Dawson

**Presenters/Guests:** Colin Ahler; Kim Bernhart; Dan Christensen; Tim Eigo; Shawn Friend; Janet Fisher; Maggie Kiel-Morse; Helen Davis; Billie Jo Garcia; Chris Groninger; Paul Julien; Lara Slifko;

**Administrative Office of the Courts (AOC):** Dave Byers; Paul Julien; Amy Love; Heather Murphy

**AOC Staff:** Theresa Barrett; Julie Graber; Nick Olm; Kathy Sekardi

## **I. REGULAR BUSINESS**

### **A. Welcome, Opening Remarks and Approval of Minutes**

With a quorum present, the May 20, 2015 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:06 a.m.

### **B. Chairperson's Report on Presentations and Meetings**

Judge Winthrop reported that he made a presentation to the Arizona Judicial Council (AJC) in March, and that the AJC voted unanimously to approve the recommendations of the Commission as contained in its written report. Judge Winthrop also reported that he had participated in the Arizona Forward and the ABA National Summit on Innovation in Legal Services, with both conferences focusing on ideas to improve the delivery of legal services. Finally, Judge Winthrop noted that he had attended the ABA National Access to Justice Chairs' meeting in Austin, a yearly event designed to share information and develop strategies on moving access to justice forward in each state and on a national level. He is also scheduled to attend the American Association of Law Libraries meeting this July in Philadelphia.

## **II. REPORT FROM SRL-FAMILY COURT (SRL-FC) WORKGROUP**

### **A. Judge Barton and Janet Fisher, co-chairs of this workgroup, reported on the SRL-FC workgroup.**

- Ms. Fisher reported that the LAW4AZ training has completed its training in five counties with more trainings planned for the future in other counties. The Dobson Ranch Branch of the Mesa Public Library was chosen as the site for the LAW4AZ Divorce Day and the clinic had a good turnout.
- Judge Barton reported that the application for the JusticeCorps grant was opened for proposals in March and the deadline for submissions was in May. Maricopa County submitted their grant application, however, the State Administrator of the program recently redirected the funds to be used for helping third graders read better, and for victims of sex trafficking and domestic violence, which could impact the chances of Maricopa County Superior Court receiving this grant.
- Judge Barton also informed the commission that the application form and order for deferral or waiver of court fees or costs has been updated to specifically include the Parent Education program, effective June 1, 2015.
- Ms. Fisher also reported that the workgroup is working on a list of FAQs and standard answers as well as updating and further expanding the 2007 Legal Information v. Legal Advice report from the Legal Advice—Legal Information Guidelines Task Force . In the next few months, the workgroup will draft an updated version and ask for input from legal service provider offices.

## **III. Report from SRL-Limited Jurisdiction Courts Workgroup:**

### **A. Paul Julien reported on the Resources sub-workgroup and stated:**

- The workgroup would like to develop computer-based training programs and other training materials for self-represented litigants in limited jurisdiction courts in civil matters regarding landlord/tenant matters and consumer debt issues.
- Southern Arizona Legal Aid (SALA) and Community Legal Services (CLS) are moving forward with funding for videoconference technology that would allow lawyers and indigent clients to connect remotely.
- The workgroup would like for all courts to be required to display and distribute legal aid information, such as brochures, pamphlets, and flyers, in their respective lobbies.
- In Tucson, SALA, Volunteer Lawyers Program (VLP) and the Pima County Justice of the Peace Court are meeting to discuss establishing an on-site clinic that would use law students and VLP attorneys to assist defendants in eviction proceedings. Judge Berning is working on proposals to increase the use of Rule 38 student interns working with the Legal Services Corporation programs in the landlord/tenant area of law.
- The Center on Court Access to Justice, a project of the National Center for State Courts, has developed a set of educational modules designed to assist trial judges in developing the skills needed to manage the increasing number of cases involving self-represented litigants more efficiently and effectively and with greater personal satisfaction.
- This workgroup has asked to work with the Court Services Division of the AOC with training for court staff regarding providing legal assistance within the ethical framework

of the Judicial Employee Code of Conduct. A member stated that the Judicial Staff Education Committee (JSEC) would help with perpetuating the legal information v. legal advice training and providing this training to field trainers.

**B. Judge Carrillo reported on the Forms and Instructions sub-workgroup.**

- Judge Carrillo stated the sub-workgroup and guests continue to work on the following: the 5-day Notice; 10-day Notice; Immediate Notice; General Information about Landlord and Tenant Rights and Options Before You Come to Court; Information for Tenants Who Have Been Served with Eviction Court Pleadings; Complaint; and Summons. Once completed, the forms will be presented to the commission.

**IV. ARIZONA CITIZEN VIRTUAL RESOURCE CENTER UPDATE**

**A. Dave Byers' presentation on the Arizona Citizen Virtual Resource Center (ACVRC):**

- Mr. Byers reported that the proposed virtual resource center will also have a physical facility that can serve citizens throughout the state. The concept includes capacity to stream video online for any member of the public to view and, in some instances, interact within a live real-time webinar.
- Mr. Byers further stated that he and AOC staff have already met twice with the Department of Economic Security (DES) and that agency is enthusiastic about this idea and is interested in either sharing a physical location, or possibly co-locating an employee at the legal resource center so it can be a "one-stop shop" for citizens also seeking DES related social services. AOC staff will visit Yolo and Butte Counties in California to observe their Family Law Facilitator Program centers, followed by a site visit to see the proposed DES space and the space currently designated for the resource center at the Coconino County Superior Court Law Library.

**V. REPORT FROM COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS (CIDVC) REGARDING REMOTE ACCESS TO ORDERS OF PROTECTION IN RURAL COUNTIES**

John Lucas, IT Director for Graham County and SACCnet Project Director, presented Graham County's videoconferencing technology that Judge Wyatt Palmer, Justice of the Peace and Committee on the Impact of Domestic Violence and the Courts (CIDVC) member, will now use to issue protective orders between a local safe house and the court.

**VI. REPORT FROM PRO BONO SERVICES AND FUNDING WORKGROUP**

**A. Daniel Christensen, Global Group Counsel for IT Privacy & Security at Intel presented on the Intel Arizona Legal Department Pro Bono Debt Clinic.**

- Mr. Christensen stated that there are ten firms working with Intel Legal on pro bono matters, 71 Intel attorneys are involved in support and client engagement, and 5,683 pro bono hours were logged last year alone. The next steps Mr. Christensen would like to

take are for his volunteer lawyers to expand into fields other than just personal debt, i.e. landlord/tenant law and veteran's law. He would also like to help introduce the Intel Arizona Pro Bono program to other companies in the valley and encourage similar participation.

- Judge Winthrop welcomed his offer of assistance to be an advocate for the commission's access to justice initiatives and assist with creating other corporate liaisons.

Judge Winthrop, commission members, guest and staff all thanked Mr. Christensen for his presentation.

#### **B. Update on Comprehensive Media Plan**

- Ms. Urias and other members of the pro bono workgroup offered a potential framework for a comprehensive media plan to spread the word of the commission's initiatives, in particular the benefits of pro bono work and the tax credit campaign.
- Among other things, Ms. Urias stated that the commission should consider producing a video about the Arizona Commission on Access to Justice (ACAJ). The video could be used to introduce the ACAJ's initiatives to corporations and lawyers that would help the general public and key stakeholders have a greater understanding of the work being done by the commission and its workgroups.

### **VII. OTHER BUSINESS**

#### **A. Closing comments**

Judge Winthrop concluded the meeting by saying the commission is in the midst of strategic planning for the future goals of this commission, which will be discussed at the next ACAJ meeting in August.

#### **B. Good of the Order/ Call to the Public**

There was no response to a call to the public.

#### **C. Adjournment**

Meeting adjourned at 2:01 p.m.

#### **D. Next Commission Meeting Date**

August 12, 2015

10:00 a.m. to 2:00 p.m.

State Courts Building, Conference Room 119A/B

1501 W. Washington

Phoenix, Arizona 85007

**Arizona Commission on Access to Justice**  
**MINUTES**  
**August 12, 2015**  
**10:00 a.m. to 2:00 p.m., Room 119**  
**State Courts Building, 1501 W. Washington Street**  
**Phoenix, AZ 85007**

**Present:** Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Judge Marie Elena Cruz; Michael Jeanes; Ellen Katz; Judge James Marner; John Phelps; Janet Regner; Kevin Ruegg; Judge Rachel Torres Carrillo

**Telephonic:** Stacey Butler; Cari Gerchick

**Absent/Excused:** Millie Cisneros; Barb Dawson; Steve Seleznow; Lisa Urias; Anthony Young

**Presenters/Guests:** Kim Bernhart; Dan Christensen; Judge Dean Fink; Janet Fisher; Shawn Friend; Pat Gerrich; Maggie Kiel-Morse; Billie Jo Garcia; Chris Groninger; Tara Jackson; Paul Julien; Judge Joseph Kreamer; Judge Paul McMurdie; Lara Slifko; Deborah Tanner; Merri Tiseth; Scott Uthe

**Administrative Office of the Courts (AOC):** Dave Byers; Paul Julien; Alicia Moffat

**AOC Staff:** Theresa Barrett; Julie Graber; Nick Olm; Kathy Sekardi

## **I. REGULAR BUSINESS**

### **A. Welcome, Opening Remarks and Approval of Minutes**

With a quorum present, the August 12, 2015 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:10 a.m.

**Motion:** Judge Cruz moved to approve the May 20, 2015 minutes. The motion was seconded and passed unanimously.

### **B. Chairperson's Report on Presentations and Meetings**

- Judge Winthrop met with the Arizona Supreme Court at its annual retreat to discuss the ACAJ's recommendations and the efforts of the workgroups.
- Judge Winthrop, along with Judge Carrillo and Paul Julien presented at the State Judicial Conference regarding self-represented litigants and judicial ethics.
- Judge Winthrop, along with Sheldon Krantz – a senior partner at DLA Piper in Washington D.C. and Judge Barton, presented at the State Bar Convention a session regarding handling self-represented litigants in family court.

- In July, Judge Winthrop, along with Janet Fisher and Maggie Kiel-Morse, traveled to the American Association of Law Librarians convention in Philadelphia to learn about the library legal resource projects around the country.
- Judge Winthrop met with the Pro Bono and Charitable Activities Committee of the Arizona Chapter of the Association of Corporate Counsel, which will explore potential partnerships with our civil legal aid providers and other pro bono opportunities.
- Judge Winthrop met with a representative from Legal Shield, an entity that provides pre-paid legal services to individuals and business entities. Judge Winthrop may ask a committee member to look further into this and make a recommendation to the ACAJ.
- Ellen Katz, Kevin Ruegg and other Arizona Foundation for Legal Services & Education representatives, proposed an amendment to Rule 23 of the Arizona Rules of Civil Procedure. The Arizona Supreme Court will consider it at the Rules Agenda scheduled for August 26, 2015.
- The U.S. Senate Appropriations Committee approved \$385 million for the Legal Services Corporation for fiscal year 2016 and the approval will move to the full Senate for consideration.
- Additional items to note:
  - Paulette Brown is the new president of the American Bar Association.
  - The Conference of Chief Justices and the Conference of State Court Administrators recently issued joint resolutions on access to justice issues.
  - Barb Dawson is working with the editor of the Arizona Attorney Magazine, Tim Eigo, to highlight in the April 2016 edition the generous efforts of pro bono lawyers in Arizona.
  - There may be an increase in the federal funds rate which could lead to a higher return on Interest on Lawyer Trust Account (IOLTA) funds.
  - The 40<sup>th</sup> Anniversary Legal Services Corporation Annual report has been published.
  - There are additional reading materials on the ACAJ webpage regarding access to justice topics.

## **II. REPORT FROM SRL-FAMILY COURT (SRL-FC) WORKGROUP**

### **A. Report from the SRL-FC workgroup.**

- Ms. Kiel-Morse reported that the Law4AZ training has had a few small sessions with positive feedback and attendees have stated that they would like a broader range of issues to be covered. They are currently working on expanding this program to the remaining nine counties in Arizona.
- Ms. Fisher reported that the workgroup is continually working on the list of FAQs and standard answers as well as updating and further expanding the 2007 Legal Information v. Legal Advice report. Judge Winthrop encouraged members to look at the draft FAQs and to provide their suggested edits by September 11, 2015.

- Judge Barton reported that the state administrator of the AmeriCorps grant application suggested that Maricopa County update and provide additional information on their application. This was viewed as promising news and Maricopa County expects to be notified in September if they received the grant.
- Judge Barton also informed the commission that Maricopa County's new Law Library and Self-Help Resource Center should be opened to the public soon.
- Mr. Byers reported that the Administrative Office of the Courts (AOC) hosted and led a team of persons from the Attorney Generals' Office, AOC, Department of Economic Security/Division of Child Support Services and court administration from Coconino County, to visit Family Law Facilitator Programs in two small counties in California. The team was to observe the resource and self-help centers processes and to form ideas for a virtual self-help center. The team also visited the Coconino County Law Library, which will be the home of the new Arizona virtual resource and self-help center.
- Judge Barton presented the Parent Information Program videos on Maricopa County's YouTube page. Judge Barton offered to share this resource (link, videos, and scripts) with other counties so they can modify with their county-specific information.

### **III. REPORT FROM SRL-LIMITED JURISDICTION COURTS WORKGROUP:**

#### **A. Report from the Forms and Instructions sub-workgroup.**

- Judge Carrillo stated the sub-workgroup and other stakeholders met four times since the last ACAJ meeting and continued to work on the following documents: the 5-day Notice to Vacate; 5-Day notice of Health and Safety Violation; 10-day Notice of Material Breach; Immediate Notice to Move; Notice of Repeat Material or Health and Safety Breach; Notice of Non-Renewal of Rental Agreement; General Information about Landlord and Tenant Rights and Options Before You Come to Court; General Information for Tenants Who Have Been Served with Eviction Court Pleadings; General Information for a Landlord Filing an Eviction Action in Justice Court; Judgment; Complaint; and Summons.
- Judge Carrillo requested members of the commission to send any and all comments or suggestions for the forms to Nick Olm.

#### **B. Report from the Resources sub-workgroup.**

- Mr. Paul Julien stated he put together a team that is in the beginning stages of producing landlord/tenant videos for self-represented litigants. The team members include: Beverly Parker, Southern Arizona Legal Aid; Denise Holliday, landlord attorney; and Judge Steven McMurry, Justice of the Peace, Maricopa County. Additionally, the sub-workgroup has been discussing the possibilities of developing short videos for self-represented litigants concerning issues relating to consumer debt law.

- Regarding judicial education, Mr. Julien stated that there was a presentation by Judge Carrillo, Judge Winthrop and Mr. Julien at a recent judicial conference concerning interaction with self-represented litigants in the court. Mr. Julien reported he is working with the Judicial Education Officer of Maricopa County on a program called *Ensuring Access to Justice for Self-represented Litigants in Civil Cases* that Chief Justice Bales and Judge Barton will be participating in; 40 justices of the peace and hearing officers are scheduled to attend this program. Lastly, Mr. Julien and Judge Carrillo will be presenting on dealing with self-represented litigants at the annual Justice of the Peace Conference on September 2.

#### **IV. REPORT FROM *PRO BONO* SERVICES AND FUNDING WORKGROUP**

##### **A. Kevin Ruegg and Lara Slifko presented the [Online Arizona Justice](#) website and navigated the Arizona Foundation for Legal Services & Education Charitable Tax Credit website.**

- Ms. Slifko stated that the OnlineArizonaJustice.org website is an on-line portal for lawyers to learn of pro bono opportunities and to provide legal information to individuals who have submitted written questions. This website allows Arizona attorneys the opportunity to view cases that need legal assistance and make a selection to take a case on a *pro bono* basis -- the attorney will receive Continuing Legal Education (CLE) credit.
- Ms. Slifko and Dr. Ruegg stated that they plan to work further with *pro bono* lawyers to disseminate information regarding the availability of the state tax credit and they hope to have another informative tax credit video completed for this tax year.

##### **B. Intel colleagues, Dan Christensen and Scott Uthe, provided a brief report on the potential for corporate *pro bono* assistance.**

- Mr. Christensen and Mr. Uthe stated that in-house counsel are an untapped resource for *pro bono* services and they are reaching out to other corporations, such as Honeywell, WalMart, and SRP to encourage others to provide *pro bono* legal services, to educate on the value of *pro bono* participation, and for in-house counsel to receive education and resources they need in order to provide *pro bono* services.

#### **VI. INFORMATION REGARDING NON-LAWYER REPRESENTATION ISSUES**

##### **A. Kay Radwanski, AOC staff to the Committee on the Impact of Domestic Violence and the Courts (CIDVC), presented on the Arizona Rules of Order of Protection Procedure (ARPOP) Rule Change Petition and Amendments**

- Ms. Radwanski stated that, as part of the Advancing Justice Together Strategic Agenda, CIDVC reorganized ARPOP into 42 rules with subparts, including two new rules. Rule

20b states that a plaintiff cannot be asked to disclose the location of a domestic violence shelter residence. The second addition to Rule 20 allows a plaintiff to use a substitute address provided through the Secretary of State's Address Confidentiality Program.

- Ms. Radwanski further related that Barbara LaWall, Pima County Attorney, suggested two additions: that there be a rule that allows a lay domestic violence advocate accompany the plaintiff in an *ex parte* protective order hearing; second, that would allow a plaintiff to appear at an *ex parte* protective order hearing with children if the plaintiff would otherwise be denied access to the courts. CIDVC filed a reply to their rules petition that supported the incorporation of Ms. LaWall's suggestions.
- The proposed changes are slated for the Supreme Court's rules agenda on August 26.

**B. Chris Groninger and Merri Tiseth presented on increasing the effectiveness of the "Lay Legal Advocates" and information regarding the Arizona Town Hall discussion regarding non-lawyer representation.**

- Ms. Groninger proposed expanding the definition and role of the Domestic Violence Lay Legal Advocated to include sitting with the client at the litigant table and providing factual information to the judge. The expanded definition also envisions the advocate becoming a licensed Certified Legal Document Preparer, which would allow the advocate to prepare forms on behalf of the client. A proposed pilot project would be slated to last 24 months.
- Member responses included a recognition that the State needs to start the discussion and examine standards, accountability, ethical requirements, and protocols of this type of advocate, in addition to discussing expectations of an "advocate." Other members recognized and discussed the statutory and historical protections, privileges, and scope of representation that are afforded formal attorney/client relationships.

**Motion:** Ms. Ruegg moved to have the commission move forward with evaluating non-lawyer representation in Arizona. The motion was seconded by Judge Barton and passed unanimously.

- Judge Winthrop delegated the task of initial investigation and recommendations concerning this topic to Todd Lang and Judge Joseph Kreamer. If others would like to volunteer for this project, they should contact Judge Winthrop.

## **VII. OTHER BUSINESS**

### **A. Miscellaneous**

Judge Winthrop mentioned that the Supreme Court is considering an amendment to Rule 23 of the Arizona Rules of Civil Procedure that deals with class actions. This amendment would allow the court to direct unallocated funds for class action settlements to the Bar Foundation in trust to be distributed to legal aid providers and other non-profit organizations providing

legal services, particularly related to the class action itself, rather than being returned to the defendant(s) whose conduct was the subject of the class action lawsuit.

**Motion:** Judge Berning moved to support the petition for the Supreme Court to consider amending Rule 23 of the Arizona Rules of Civil Procedure as stated above. The motion was seconded by Judge Cruz and passed unanimously.

Judge Winthrop concluded the meeting by thanking members and guests for their presence and contributions at today's meeting.

**B. Good of the Order/ Call to the Public**

There was no response to a call to the public.

**C. Adjournment**

Meeting adjourned at 2:11 p.m.

**D. Next Commission Meeting Date**

November 18, 2015

10:00 a.m. to 2:00 p.m.

State Courts Building, Conference Room 119A/B

1501 W. Washington

Phoenix, Arizona 85007