

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 20, 2016	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Report from the Arizona Commission on Access to Justice (ACAJ)

FROM:

Judge Lawrence F. Winthrop, Chair of the Arizona Commission on Access to Justice

DISCUSSION:

The Arizona Commission on Access to Justice has been in existence since August 20, 2014. During the last year and a half the ACAJ has been working to implement 24 recommendations to provide court access to self-represented litigants in the areas of family law and landlord/tenant eviction actions, and to promote and provide opportunities for attorneys to contribute *pro bono* services to the low- to modest-income population.

Judge Winthrop will update the Arizona Judicial Council on the following topics:

1. Major accomplishments to date.
2. Current and anticipated initiatives in 2016-2017.

RECOMMENDED COUNCIL ACTION:

No recommendations are being made.

Arizona Commission on Access to Justice

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Report to the Arizona Judicial Council



June 20, 2016

Arizona Commission on Access to Justice

ACAJ

Chair

Honorable Lawrence F. Winthrop
Arizona Court of Appeals - Division I

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Superior Court in Mohave County

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Superior Court in Maricopa County

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Arizona Foundation for Legal Services & Education

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Arizona Commission on Access to Justice

Background

In August of 2014 Arizona Supreme Court Chief Justice Scott Bales established the Arizona Commission on Access to Justice. This Commission was created in furtherance of the Judiciary's 5-year Strategic Agenda, Advancing Justice Together, pursuant to Goal 1, stating: "Arizonans look to our courts to protect their rights and to resolve disputes fairly and efficiently. To serve these ends, Arizona's judicial branch must work to ensure that all individuals have effective access to justice. This goal is advanced not only by examining legal representation for moderate and low income persons, but also by helping self-represented litigants and others navigate the judicial process."

The Commission is chaired by Judge Lawrence Winthrop, and consists of 17 standing members, with Ad hoc members and work group members assigned and serving as needed. The purpose of the Commission is to study and make recommendations on innovative ways to promote access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. The Commission evaluates best practices within Arizona and in other states, identifies possible changes in court rules or practices to reduce barriers to access, identifies and encourages the adoption of best practices among legal service providers, and considers potential long-term funding options.

The Commission's work and priorities are set by the Chief Justice in consultation with the Chair of the Commission. As directed by Justice Bales, the Commission initially examined and made recommendations on the following: a) assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases; b) encouraging lawyers and law firms to provide *pro bono* services or financial support for civil legal aid for those who cannot afford counsel; c) developing an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

Major Accomplishments to Date

Court Navigator Program: With support of the Commission, Maricopa County Superior Court received a three-year AmeriCorps grant to have 38 AmeriCorps members (students) in the newly-renovated Law Library/Self-Help Resource Center assist self-represented litigants in family court matters (divorce, custody and child support issues) by helping them find legal information, helping complete court forms and walking self-represented litigants to the filing counter. Structured self-help classes and volunteer lawyer clinics are planned in the coming months, and a long-term goal is to expand these navigator services to other types of civil cases, including probate matters.

Court Q & R Handbook: Completion of an updated "Question and Response" Handbook (electronic and printable options) for court staff across the state to be used as a resource in serving self-represented litigants. The handbook includes: "Resources" such as links to

web pages and reference materials; a new section concerning fee waivers and deferrals; another new section that outlines the Arizona court system; a new section that provides practical examples demonstrating the difference between legal information versus legal advice, and includes a list of things court personnel can and cannot do when helping court customers.

Pro bono & Access to Justice Promotion: The Governor proclaimed April as Access to Justice Month in Arizona. With this proclamation, the “*Arizona Attorney*” magazine, published by the State Bar of Arizona and distributed to 20,000+ Arizona attorneys, was dedicated to *pro bono* volunteers and the importance of Access to Justice. Here is a link to the issue online: <http://www.azattorneymag-digital.com/azattorneymag/201604?pg=1#pg1>

Pro bono Portal: Developed a central hub website for lawyers, identifying *pro bono* opportunities around the state: <http://probono.azbf.org/> The portal is currently averaging 462 unique users a month.

Funding Support: Increased donations by 250% in 2015 to various civil legal aid organizations that also qualify for the state earned income tax credit. In 2014, the promotion netted \$55,000 in donations to participating legal aid programs, and in 2015 the total rose to \$132,000.

Arizona State Tax Credit: Developed model scripts and a video that can be used in presentations describing the work of the Commission and in promoting the use of the Arizona Tax Credit donations to support civil legal aid.

Partnership with public libraries: Law4AZ project; public librarians and public libraries are now sources of legal information for their patrons in their community; they are now trained to assist in accessing social services/community resources, legal information and forms, and are hosting volunteer law clinics.

State-wide Virtual Resource Center: A virtual legal information website, **AZCourtHelp**, has been created by AOC, the Commission, the Bar Foundation, and in partnership with Coconino County, and will provide “one stop shopping” in terms of links to legal information, access to court forms, informational and “how to” videos, links to legal aid and other community resources, webinars and, hopefully, on-line legal clinics. The idea is for these resources to be accessible remotely, on line, from a home, office or personal computer or tablet or via a smart phone.

Current and Anticipated Initiatives in 2016-2017

Corporate Counsel Pro Bono Initiative: Continue to work with the Arizona Chapter of the Association of Corporate Counsel to develop meaningful *pro bono* programs and targeted opportunities/marketing designed to increase participation of corporate counsel attorneys and their outside counsel partners.

Uniform Court Forms: Continue work on providing uniformity in family court forms and in housing-related forms.

Simplified Instructions: Continue work on developing simplified instructions for understanding and completing court forms.

Instructional Videos: Continue to develop informational videos for self-represented litigants in housing-related litigation.

Domestic Violence Lay Legal Advocates: Continue to support efforts to increase availability of non-lawyer advocates on state-wide basis for victims of domestic violence.

Judicial Officer/Staff Training: Continue to develop and support the specific training of judges and court staff in both general and limited jurisdiction courts for dealing with self-represented litigants.

Public Lawyer Pro Bono: Develop a model public law agency pro bono policy, and sponsor a state-wide education program in the fall of 2016 for public lawyers to encourage and provide guidance for *pro bono* participation.

Increase Awareness of and Encourage Limited Scope Representation: Work with the State Bar to educate attorneys about recent changes in the ethical rules, and encourage lawyers to provide limited scope services for otherwise self-represented individuals.

Remote Court Access: Explore technology options that would allow self-represented litigants to electronically access court staff to resolve administrative issues, including traffic violations/payment of fees and fines, and to resolve contested issues in an on-line forum as an alternative to personal appearance in the courthouse.



The Arizona Commission on Access to Justice (ACAJ)

Promoting Access to Justice – Goal 1

Chart of Recommendations (A.O. 2014-83)

(April, 2014 – May, 2016)

A. Assist self-represented litigants and revise court rules and practices to facilitate access and the efficient processing of family court and eviction cases.

1. Support Maricopa County Superior Court's grant application to AmeriCorps to create a "court navigator" program for self-represented litigants in family court proceedings.

- ACAJ continues to support efforts of the Law Library Resource Center (LLRC) program and receives quarterly reports of the program status. Watch the YouTube [video](#) of the AmeriCorps program in Maricopa County Superior Court.

2. Create standardized forms and simplified instructions for self-represented litigants in family court and for litigants in landlord/tenant court.

- The Family Court Instructions sub-workgroup will facilitate statewide information sharing of relevant forms and instructions or corresponding links to forms and instructions, as well as securing permissions from lending entities. Dissemination of this information will occur by way of a statewide mailing to appropriate contacts, such as presiding judges, court administrators, clerks of court, and libraries.
- The SRL-LJC "Forms" workgroup completed work and transferred forms to AOC to finalize remaining issues. All issues have been resolved and the forms finalized.
- The ACAJ voted to require the use of several eviction notices. The ACAJ voted to support a rule change petition for Rules of Procedure for Eviction Actions to direct the use of landlord notice forms.

3. Create a web-based virtual self-help service center.

- Coconino County continues to pilot the AZCourtHelp Virtual Access & Resource Center at the Coconino County Law Library space. A VISTA grant provides a full-time staff member, and Coconino County plans to apply to continue the VISTA grant program for another year. Physical renovations and technology updates to the physical space have taken place and staff is coordinating sustainable volunteer lawyer educational workshops - known as "legal talks" - for the public. The legal talks are workshops, classes, and webinars that provide information on specific law-related topics. Kick-off for the first legal talk is anticipated for late summer 2016.
- The Task Force is collaborating with the Arizona Foundation for Legal Services & Education (AZFLSE) to develop and maintain a "one-stop" portal for Arizonans to access for information about courts and court processes. Coordination between Coconino County and the AZFLSE webpage master will allow "live" and recorded legal talks to be uploaded to the AZCourtHelp webpage for access and use.
- Mohave County Superior Court has volunteered to partner with the AZCourtHelp program to develop best practices for developing remote services access to Coconino County's legal talks from the Mohave County Superior Courthouse.

4. Community library legal information pilot project (Law4AZ): Under the auspices of the State library system, a pilot project has been designed to create resource centers in a local public library setting for self-represented litigants.

- All Arizona counties have participated in-person training for public library staff. Training consists of three sessions. Each session included a lecture portion, group exercises to facilitate discussion, handouts, and practice exercises for public library staff.
- The ACAJ, the Bar Foundation and the State Bar of Arizona will assist with recruiting attorneys to participate in the library training sessions.
- The plan is for public libraries to also host law clinics on site, also staffed by volunteer lawyers. Once in place, the dates and locations of such clinics will be posted on the ACAJ webpage, the AZCourtHelp website and promoted on social media by the AOC Media Relations Director.
- A proposal has been submitted to the Arizona Library Association to conduct a Law4AZ training at the annual conference.

5. Update the 2007 Supreme Court handbook (FAQs) to educate court staff and provide consistent responses regarding the providing of “legal advice v. legal information.”

- A statewide mailing was distributed statewide to announce that the updated Q&R Handbook is now available online on the AJINWeb for court personnel to access.
- The updated handbook is in the process of being translated into Spanish. When completed, the English and Spanish versions will be uploaded to the publicly accessible Arizona Judicial Branch webpage, and will be posted on the AZCourtHelp webpage.
- A collaborative statewide “Legal Information vs. Legal Advice” training session for court staff was conducted by Anthony Bourgeois, Government Documents Librarian, and Shawn Friend, Maricopa County Law Library Resource Center Director, for court staff.

6. Referral to the Committee on the Impact of Domestic Violence and the Courts (CIDVC): explore how to make available to rural hospitals and courthouses the best-practice currently being used in several metropolitan areas where victims of domestic violence who are receiving treatment at a hospital can seek an Order of Protection remotely while at a hospital.

- Referred issue to the Committee on the Impact of Domestic Violence and the Courts (CIDVC).
- CIDVC’s Orders, Enforcement and Access Workgroup has developed a guide for courts, victim advocates, and law enforcement that wish to conduct *ex parte* protective order hearings remotely. The workgroup will present the proposed guide for approval at CIDVC’s September 13 meeting. The workgroup will also develop a plan to publicize the remote hearing process and encourage its use.

7. Assist those counties who are currently eligible to apply for and receive federal Title IV-D funding. For those counties that are not currently eligible to receive such funding, to assist and encourage developing outreach programs that would, in turn make them eligible.

- AOC personnel have met several times with representatives of DES/DCSS to discuss Title IV-D funding.
- Staff coordinated presentation of DCSS leadership to AASCA to share information on IV-D funding.

- Have compiled a list of specific questions to DES/DCSS regarding eligible IV-D funding activities to provide guidance to counties that may want to participate.

8. Explore and discuss the merits and disadvantages of training and licensing lay advocate representation in a family court context, such as the Limited Law License Technician (LLLT) program in Washington State.

- A small workgroup was established (Judge Joseph Kreamer and Todd Lang) to examine the issue of non-lawyer representation. Because Arizona already has certified document preparers as an established option, and based upon the lack of available data from Washington's program, the initial recommendation has been to track data from Washington as it becomes available, and monitor what other states (California, Utah, New York) are doing in this regard.
- SRL-LJC Workgroup member, Chris Groninger, facilitated and participated in a "Lay Legal Advocate & Attorney Town Hall Meeting" on August 28, 2015. Participants used the Arizona Town Hall process to create a consensus report of the discussions and recommendations for further training and implementation of a state-wide domestic violence lay legal advocate program.

9. Revise and make all eviction forms easier to read and understand: the forms should include a short summary of likely options.

- The AOC has now finalized the following SRL-LJC Forms:
 - 5 Day Notice to Vacate (failure to pay rent)
 - 5 Day notice to Vacate (health and safety violations)
 - 10 Day Notice to Move (material breach)
 - 10 Day Notice to Move (repeat material or health and safety breach)
 - Immediate Notice to Move (material and irreparable breach)
 - Complaint and Summons
 - Judgment
 - General Information About Landlord and Tenant Rights and Options Before You Come to Court (AOC to add hyperlinks, plain language review, and Spanish translation)
 - General Information for Tenants Who Have Been Served with Eviction Court Pleadings

- All forms and notices have been reviewed for plain language readability and hyperlinks to resources will be added for ease of use.
- All forms will be translated into Spanish and will be available on the AJINWeb intranet and the Arizona Judicial Branch website for public access and use.
- The ACAJ has voted to support a rule change to require Arizona landlords and tenants to use these forms and notices.

10. Make fee deferral/waiver forms more accessible, both online and at the courthouse.

- ACAJ members identified issues with current fee deferral/waiver forms and have updated the application form and form of order to specifically include the mandatory Parent Education program, effective June 1, 2015.
- AOC staff continues to monitor and collaborate with jurisdictions to ensure information and fee deferral/waiver forms are readily accessible and viewable online, and are user-friendly for litigants.

11. Training: Encourage and mandate specific training for judges and for court staff, particularly concerning the role of the judge in dealing with the self-represented litigant.

- In conjunction with Education Services, training curriculum and resources for ensuring access to justice for self-represented litigants will be developed to present to statewide jurisdictions. One such training has been provided for the combined Maricopa County justice courts, and another educational program is scheduled at the Judicial Staff Conference in July.
- A newly formed Landlord Tenant Judicial Group in Tucson, comprised of experienced eviction experts, will assist with judicial training on Landlord/Tenant law at New Judge Orientation and other JCA training programs.

12. Computer access in courthouse: Encourage the placement of computers in court reception or lobby areas to give self-represented litigants the ability to use intelligent forms that the litigant can access, understand and complete on site. Explore potential technology grants from the State Justice Institute, the National Center for State Courts, the Legal Services Corporation, and the ABA to facilitate purchase and installation of such technology.

- Explore obtaining Wi-Fi within court buildings so that low-income litigants can use smartphone technology to connect with court webpages and access forms and other resources. Ongoing - AOC exploring AZSTRUT (Students Recycling Used Technology) for eligibility to receive free computers.

13. Housing law clinics: Explore the creation and expansion of law school-based clinical programs as well as Volunteer Lawyer Program clinics in the landlord-tenant area. These clinics could be held on-site at the courthouse, or in a community-based location, such as the public library.

- During the 2016 summer months, Maricopa County Justice Court will pilot a “navigator program” in partnership with Community Legal Services. This program provides an opportunity for law students to assist self-represented litigants in the area of landlord/tenant disputes by directing customers to the right courtroom, finding forms and instructions, pointing out to tenants the attorney who represents their landlord, and referrals to legal resources.

14. Create or gather informational videos about the court process that can be accessed at the courthouse and on law-related websites, such as AZLawHelp.org.

- The VISTA grant staff continues to search for court process video links to include on the AZCourtHelp and AZLawHelp websites.
- The Task Force continues to collaborate with the Arizona Foundation for Legal Services & Education, AZLawHelp, and the AZCourtHelp Virtual Access & Resource Center. The proposed state-wide legal resource webpage is scheduled to go live in the autumn of 2016.

B. Encourage lawyers and law firms to provide *pro bono* services or financial support for civil legal aid for those who cannot afford counsel.

15. Explore the recognition of those judges who are role models in dealing with pro per litigants to recognize their skills but also to provide a forum for them to share their expertise and recommendations with others judicial officers.

- The *Arizona Attorney* magazine devoted an entire issue (April 2016) of the magazine to access to justice and highlighted lawyers doing *pro bono* work around Arizona. Chair Judge Lawrence Winthrop authored a piece regarding the challenges to access to justice. Dr. Kevin Ruegg, ACAJ member and executive director of the Bar Foundation, authored a piece thanking the volunteer lawyer programs around the state.

16. Law firm *pro bono* network: Create a statewide network of law firm representatives to link resources and coordinate delivery of private *pro bono* services.

- The *Pro Bono* Workgroup developed a law firm *pro bono* network that currently includes several Phoenix-based, regional law firms.
- Workgroup members continue to expand the law firm *pro bono* network in the Tucson area.
- Collaborate with existing Volunteer Lawyer Programs administered by Community Legal Services, Southern Arizona Legal Aid and DNA-Peoples' Legal Services.

17. *Pro bono* volunteer web portal: Support development of and publicize the new "one stop" *pro bono* web portal, created by the Arizona Legal Service Steering Committee and the Arizona Bar Foundation, which will identify volunteer programs across the state and specific opportunities for lawyers to volunteer their services.

- The ACAJ supported the creation of OnlineArizonaJustice.org website, which 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 requests for legal assistance and select a matter on a *pro bono* basis. The attorney will receive Continuing Legal Education (CLE) credit for such *pro bono* service.
- AOC has linked the *pro bono* web portal to the Judicial Branch Volunteer Opportunities webpage.

18. Business *pro bono* network: Create a state-wide network of corporate and business representatives who understand the need for providing civil legal aid services to our working poor population, the benefits that flow to the business community in assisting with that process. A related effort will include outreach to and engaging of corporate and in-house counsel.

- The Arizona Chapter of the Association of General Counsel has established a *pro bono* committee, and its chair, Kevin Groman, is actively involved in exploring ways for in-house counsel and transactional lawyers to volunteer their services, including providing advice and assistance to qualifying individuals and entities in the process of starting a business.
- Dan Christensen and Scott Uthe, in-house counsel for Intel, run a monthly Debt Counseling Clinic in conjunction with Community Legal Services, and are assisting Judge Kreamer and the ACAJ with continued outreach to corporate counsel and the business community to become involved with delivery of *pro bono* services.
- In January of 2016, Salt River Project started will-drafting clinics for underserved clients.
- In connection with the CLS Volunteer Lawyer Program, Arizona Public Service has renewed its involvement in a collaborative program that supports “attorney-for-the-day” counseling.

19. Encourage and expand public lawyer involvement, including agency adoption of model *pro bono* policy for government lawyers and to create and publicize opportunities for *pro bono* service that fit within the ethical and legal restrictions placed on public lawyers providing volunteer service.

- The ACAJ is in the planning stages with the Arizona Attorney General’s Office to present an educational program directed at public law agency attorneys, outlining statutory and ethical considerations associated with providing *pro bono* assistance, exploring opportunities that currently exist for public lawyers, and discussing creating a formal public law agency *pro bono* policy.

20. Create a network of retired judges and lawyers to provide training and *pro bono* services.

- Explore ways to connect with retired judges and out-of-state attorneys to perform legal work as volunteers. (i.e. Boston experience.)

21. Develop a plan for media coverage opportunities concerning access to justice issues, and dissemination of information in that regard via print, television and Internet.

- Workgroup has developed a framework for a comprehensive media plan to spread the word of the ACAJ's initiatives, such as the availability and benefits flowing from *pro bono* work and the campaign to promote the State Charitable Tax Credit.
- The first quarterly newsletter was developed to provide information on the work of the ACAJ.
- The April, [2016 edition](#) of the *Arizona Attorney* magazine was devoted to the lawyer's role in access to justice. The magazine featured articles written by Chair Judge Winthrop and commission member, Dr. Kevin Ruegg.
- Produce a video to introduce the ACAJ's initiatives to corporations and lawyers that would help the general public and key stakeholders better understand the work being done by the ACAJ and its workgroups.
- Utilize as appropriate advice and assistance from Voices of Civil Justice, a national media consultant working with the ABA and available to all access to justice commissions.

22. Develop a plan and find creative ways to celebrate and honor volunteers and enhance recognition of pro bono service.

C. Develop an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

23. Arizona State Tax Credit: Expand promotion of the Arizona Tax Credit for Qualifying Charitable Organizations. Media coverage and public awareness of the credit, and the social return to the community on such investment needs to be increased.

- The Supreme Court hosted a Tax Credit Action event on October 9, 2015, to kick-off promotion and information regarding the benefits of donating tax credits for legal services to low- and modest-income people.
- The Arizona Foundation for Legal Services & Education developed an informational flyer and promotional video to use to present to various bar foundations and organizations around the state.
- Judge Winthrop developed an outline for presenters to follow when speaking with groups.

- ACAJ members have been asked to identify two groups that they could talk to regarding the work of the ACAJ and the need for funding civil legal aid agencies by way of using the charitable tax credit.
- Continue to speak to a variety of community groups, organizations, law firms, public law agencies, private foundations, and the business community to promote the work of the commission, the needs of the self-represented litigants, and the availability of the Arizona Charitable Tax Credit.
- A video featuring Chief Justice Bales and Judge Winthrop was produced to promote the use of the Arizona Charitable Tax Credit. This video is available for commission members to use and it will be located on the AZCourtHelp website for the public to view.
- Qualifying tax credit donations in 2015 significantly increased compared to 2014.
- SB1216 was signed into law during the Fifty-Second Second Regular Session. The new law increases the amount of tax credit a taxpayer may claim for contributions to a qualifying charitable organization from \$200 to \$400 for individuals and \$400 to \$800 for married couples. The bill also allows a taxpayer to receive separate tax credits for voluntary cash contributions to a qualifying charitable organization and to a qualifying foster care charitable organization. A companion bill extends the qualifying donation period from December 31 to April 15.

24. Develop new or supplemental funding model: Consider long term funding options for the access to and delivery of *pro bono* services. Collaborate with other organizations as appropriate.
