

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
October 11, 2017	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Commission on Access to Justice – (ACAJ) 2017 Annual Report

FROM:

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

DISCUSSION:

Pursuant to Administrative Order No. 2014-83, the Arizona Commission on Access to Justice is to submit a report and recommendations to the Arizona Judicial Council no less than annually. This is the third report of the Commission.

RECOMMENDED COUNCIL ACTION:

Informational only.



ARIZONA COMMISSION ON ACCESS TO JUSTICE
2017 ANNUAL REPORT

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Arizona Commission on Access to Justice

2017 Annual Report

“Our courts should work with others in government and our communities to assess the legal needs of modest to low-income individuals and to develop strategies to better serve those needs.”

Chief Justice Scott Bales

Advancing Justice Together: Courts & Communities

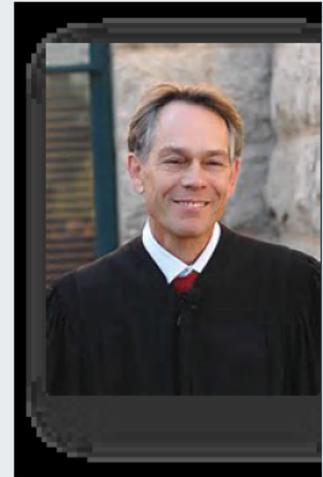
2014-2019 Strategic Agenda

Background

In August of 2014 Arizona Supreme Court Chief Justice Scott Bales established the Arizona Commission on Access to Justice. This Commission was created as an important step in achieving Goal 1 of the Judiciary’s 5-year Strategic Agenda, Advancing Justice Together.

“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.”

Chief Justice
Scott Bales



Judge
Lawrence F.
Winthrop



What does access to justice mean? From the court's perspective, it means reducing or eliminating barriers – real or perceived – to our courts. To a large extent, our justice system was designed for judges and litigants with lawyers. Those litigants who attempt to represent themselves face several challenges. Those challenges can be physical and practical ones, such as access for the disabled, language barriers, and court locations and facilities that are inconvenient to litigants with employment, transportation and child care challenges. Educational or communication barriers, such as the public's unfamiliarity with legal terms and substantive law, and a lack of understanding as to the obligations they as litigants have in prosecuting or defending a civil case, are additional barriers to access. Judges and court staff are allowed under judicial ethics rules to

provide meaningful information and practical assistance to self-represented litigants.

The Commission is chaired by Judge Lawrence Winthrop, and consists of 20 standing members, with staggered terms, and *ad hoc* members and work group members assigned and serving as needed. The Chief Justice formed the Commission to study 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.

2016-2017 Membership
Hon. Lawrence F. Winthrop, Chair

Kip Anderson	Ellen Katz
Hon. Janet Barton	Hon. Joseph Kreamer
Mike Baumstark	Michael Liburdi
Hon. Thomas Berning	Hon. James Marner
Hon. Sean Earl Brearcliffe	Maria Morlacci
Pamela Bridge	John Phelps
Hon. Rachel Torres Carrillo	Helen Purcell
Millie Cisneros	Janet Regner
Hon. Maria Elena Cruz	Dr. Kevin Ruegg
Steve Hirsch – (Deceased)	Lisa Urias
Hon. Anna Huberman	Anthony Young
Hon. Michael Jeanes	

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:

- assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases;

- encouraging lawyers and law firms to provide *pro bono* services or financial support for civil legal aid for those who cannot afford counsel;
- 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 undergraduate students from Arizona State University (ASU) serve as AmeriCorps Navigators in the newly-renovated Law Library/Self-Help Resource Center. They assist self-represented litigants in family court matters (divorce, custody and child support

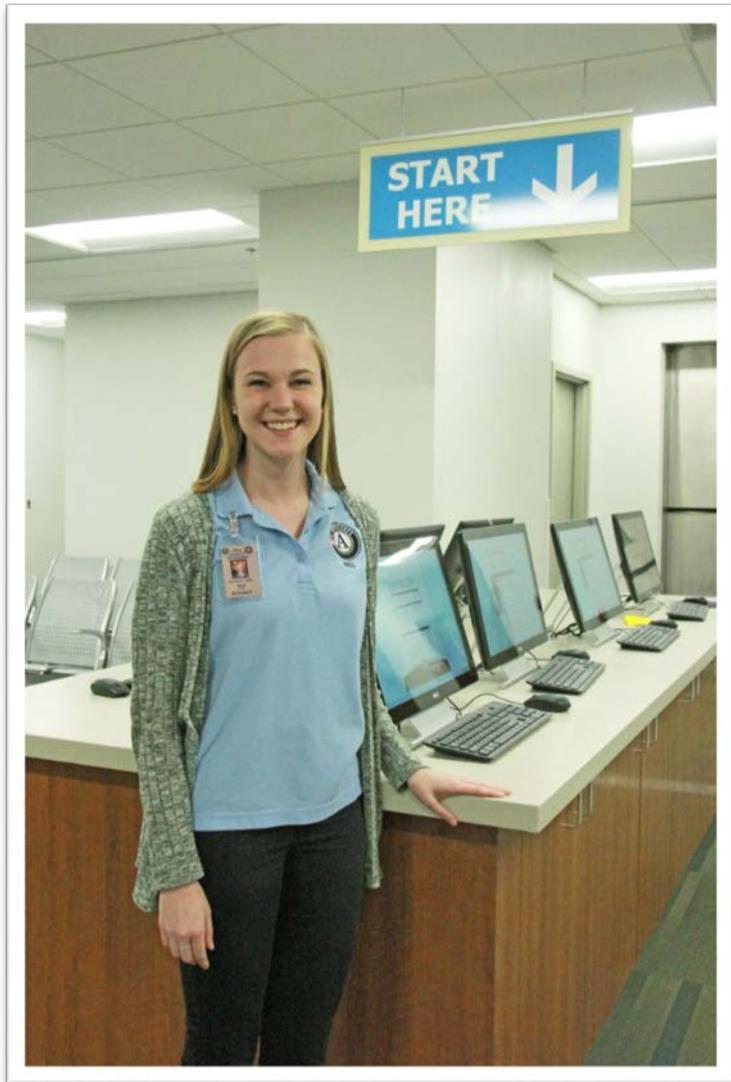
issues) by helping them find legal information, complete court forms and accompanying self-represented litigants to the Clerk’s filing counter and to courtrooms. Structured self-help classes and volunteer lawyer clinics are planned in the future, and a long-term goal is to expand these navigator services to other types of civil cases, including probate, eviction and debt collection matters. In the last 12 months, AmeriCorps Navigators have assisted more than 100,000 self-represented family court litigants.



New Law Library Resource Center—Maricopa County



Ribbon Cutting Ceremony, February 10, 2017, Presiding Judge Janet Barton, Chief Justice Scott Bales, Michael Jeanes, Shawn Haught, and AmeriCorps volunteers



PROGRAM STATISTICS

January to August 2016

- 34 Members
- Assisted 68,242 customers
- Escorted 594 customers
- Worked 12,025 hours

...

September 2016 to June 2017

- 38 Members
- Assisted 86,412 customers
- Escorted 756 customers
- Worked 15,329 hours

...

July 2016 to June 2017

AmeriCorps members have assisted a total of 102,741 customers, of whom 2,766 were Spanish-speakers.

- 82,231 Information Desk
- 3,014 Protective Orders Center
- 17,496 Self-Service Center

...





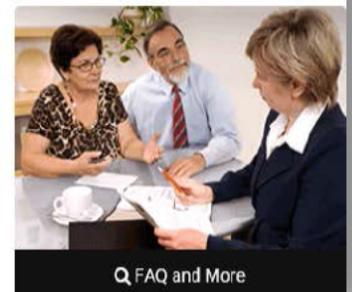
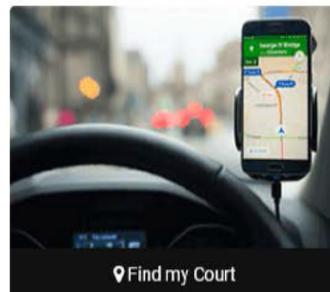
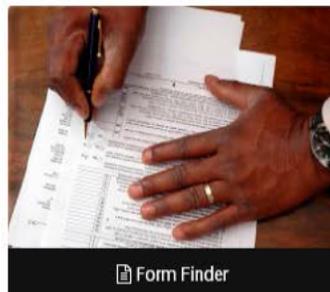
AzCourtHelp

Statewide Virtual Resource Center: A virtual legal information center, AZCourtHelp.org, is a collaboration between: the Administrative Office of the Courts (AOC); the Commission; the State Bar Foundation for Legal Services & Education; and in partnership with Coconino County, the Department of Economic Security and the Arizona Attorney General’s Office. It provides “one-stop shopping” in for legal help, court forms, informational and “how-to” videos, links to legal aid and other community resources, webinars, and online legal clinics. These resources are accessible remotely: online, from home, from an office, on a

personal computer, tablet, or smart phone. The site also offers language translation and has a “live chat” feature that allows users to communicate directly with volunteer law librarians. Since January 11, 2017, the site has helped 8,278 users, hosted 11,030 sessions, and had 49,826 page views. After the home page, the top content views include:

- Frequently Asked Questions page (6,448 views)
- Forms page (6,007 views)
- Events page (3,796 views)
- Browse by Topic page (3,222 views)
- Court Finder page (1,372 views) and
- Live Chat function (659 sessions)

Arizona Courts Helping You



AZCourtHelp.org webpage user interface

Chat now



Thank you for contacting us. To serve you better please provide the following information. Also, this electronic conversation does not create a client-attorney relationship and this is not legal advice.

Mary Arizonan

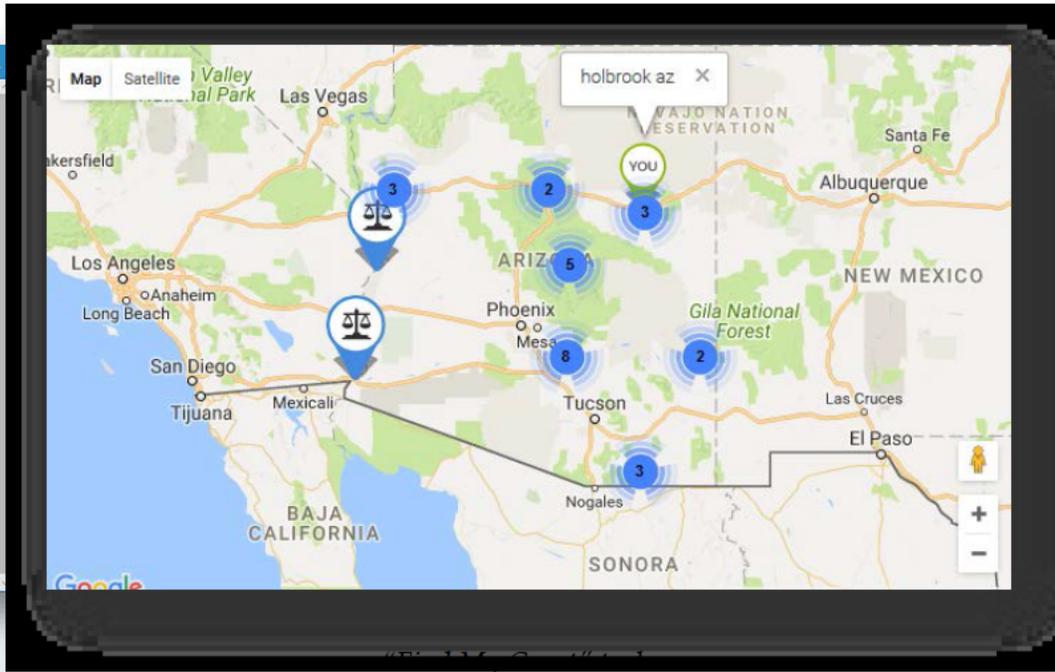
MA@domain.com

Spanish

Question

Start Chat

powered by mylivechat



"Live Chat" function

Quick Clicks

- ▶ Website Tour
- ✎ Protective Orders
- \$ Fees & Deferrals
- 🔍 Case Records
- 📅 Court Calendars

[hide screen](#)
[feedback](#)

Upcoming Legal Talks and Clinics

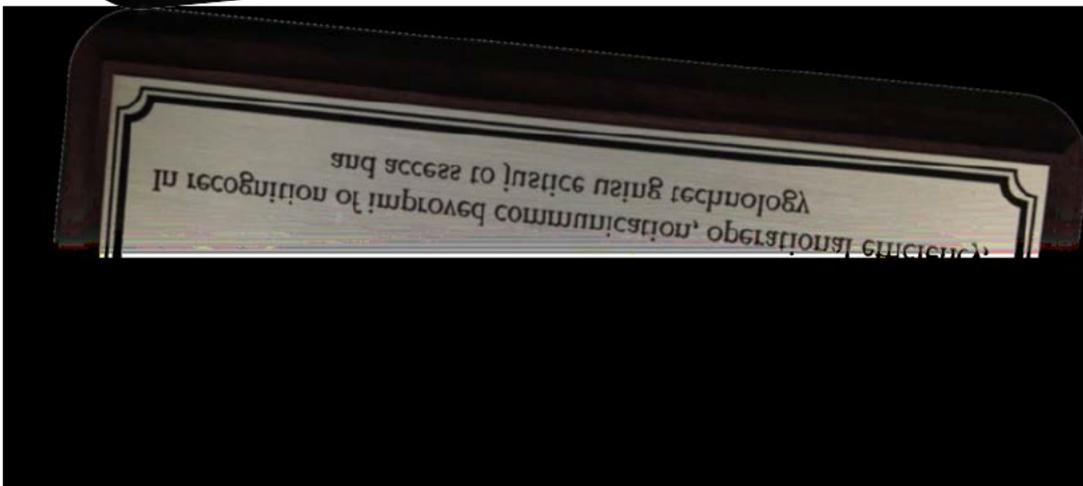
For more clinics, provided by legal aid agencies and/or Bar Associations, visit the Latest News section on the homepage of AZLawHelp.org.

JUL	12	<p>Landlord/Tenant Q&A Clinic</p> <p>📍 Coconino County Law Library</p>
JUL	19	<p>Family Court 101 Legal Talk</p> <p>📍 Coconino County Law Library</p>
JUL	26	<p>Landlord/Tenant Q&A Clinic</p> <p>📍 Coconino County Law Library</p>
JUL	27	<p>Advanced Directives</p> <p>📍 Coconino County Law Library</p>



Calendar of upcoming Legal Talks and Clinics and "Quick Clicks" tabs for easy navigation

The AZCourtHelp.org project was recently recognized with a 2017 Achievement Award by the National Association of Counties, and as the number one "Top Ten" Technology Solution Award Winner by the National Association of Court Management (NACM).



Q & R Handbook: The Commission published an updated “Question and Response” Handbook (electronic and printable options) for court staff across the state. It is a resource to help serve 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. AZCourtHelp.org also incorporates this resource in its “Frequently Asked Questions” link, organized into 30 topic areas such as probate, jury service, domestic violence, and appeals. The Commission also recommends continuing education training through the Education Services Division to help judges and court staff assist self-represented litigants.

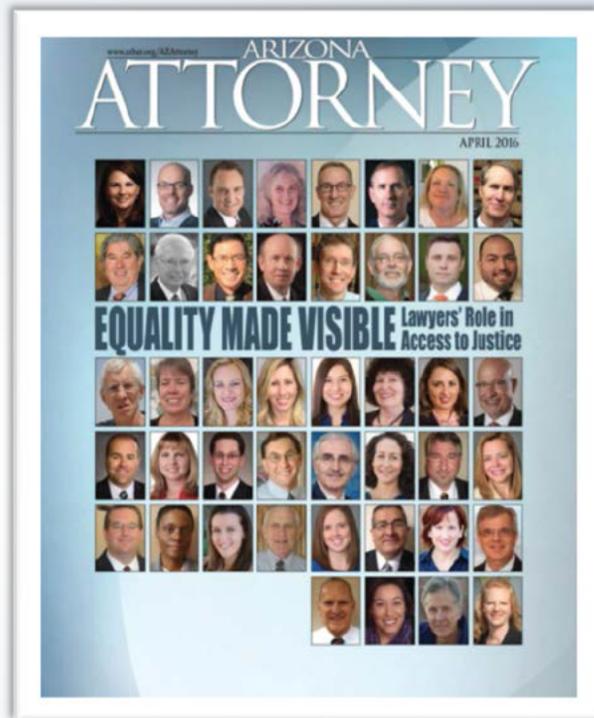
The image shows a screenshot of the AZCourtHelp.org website. At the top, there is a grid of 30 small icons representing various legal topics such as 'Arbitration', 'Accounting & Costs', 'Securing Time', 'Child Support', 'Child Custody & Appeals', 'Appeals in Superior Court', 'Civil Cases - General', 'Civil Cases', 'Document Merges', 'Gift of Property', 'Piercing', 'Domestic Violence', 'Estate & Wills', 'Guardianship', 'Juvenile Cases', 'Jury Service', 'Landlord/Tenant', 'Child', 'Probate', 'Tort', 'Declarations', 'Real Property', 'Inspection', 'Inventory Cases', 'Small Claims', and 'E-Access'.

The main content area is titled "Frequently Asked Questions - Paternity" with a breadcrumb trail: "/ FAQ / Paternity". Below the title is a list of questions:

- If the father of my child leaves the state, will I still be able to establish paternity for my child?
- The father of my child wants to acknowledge paternity. Is there an easy way for him to do this?
- What happens if I am not sure who the father is?
- If genetic testing is necessary, who pays for it?
- What if he denies he is the father, or says he is not sure?
- What are the benefits of establishing paternity?
- Can I get a child support order without getting a legal separation or divorce?
- The father of my children agrees that he is the father. How can we get an order from the court?
- If the father is on the birth certificate, does he still need to petition the court for paternity orders as well as parenting time and legal decision-making?
- How do I add the name of the father to the birth certificate?
- How do I remove the "presumed father" from the birth certificate when it turns out that he is not the biological father?
- What is a "presumed father"?
- Does an unwed mother automatically have sole legal decision-making authority of the children?

List of FAQs on AZCourtHelp.org webpage

*Governor's Proclamation
April is Access to Justice Month*

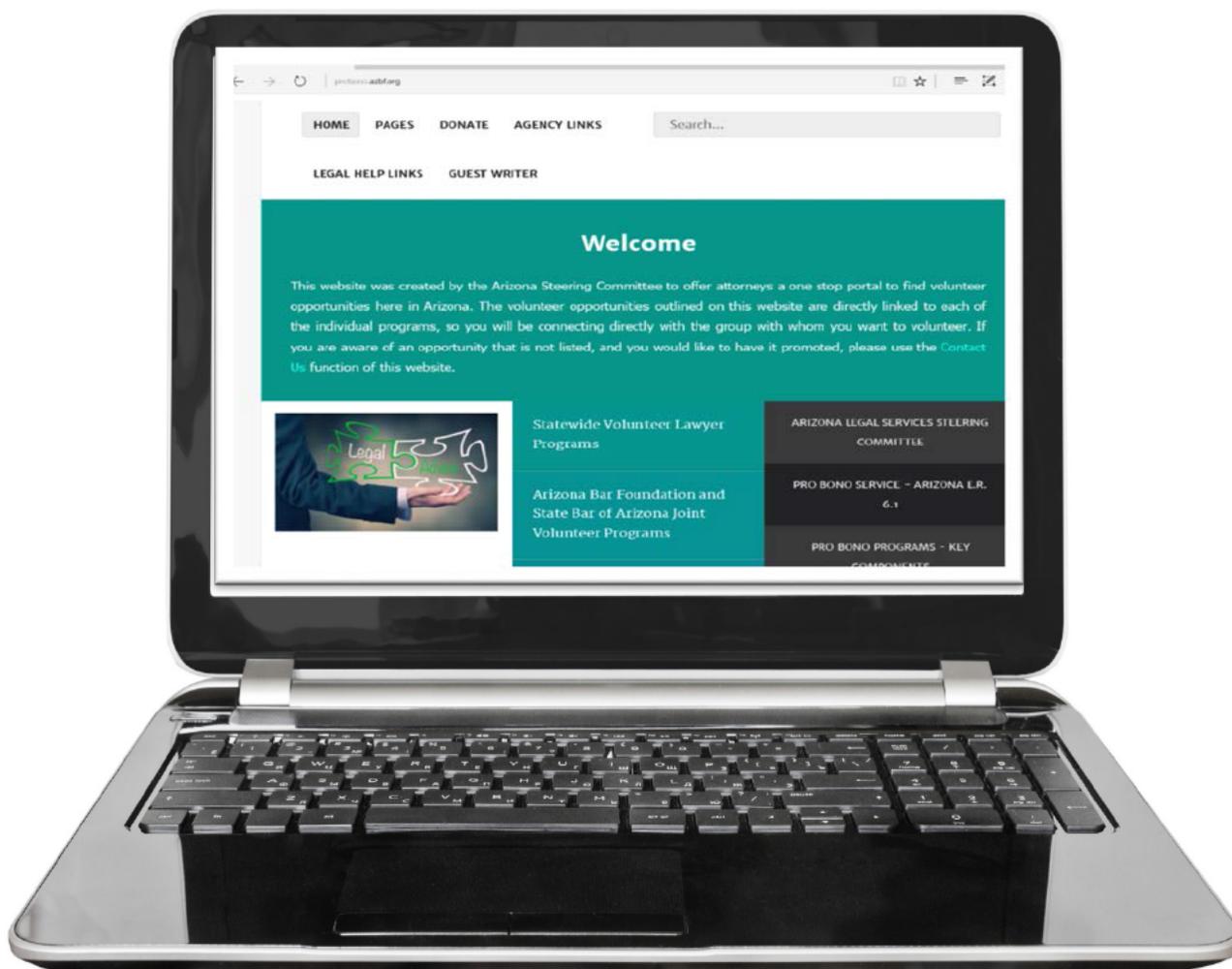


*Arizona Attorney magazine issue
dedicated to pro bono volunteers*

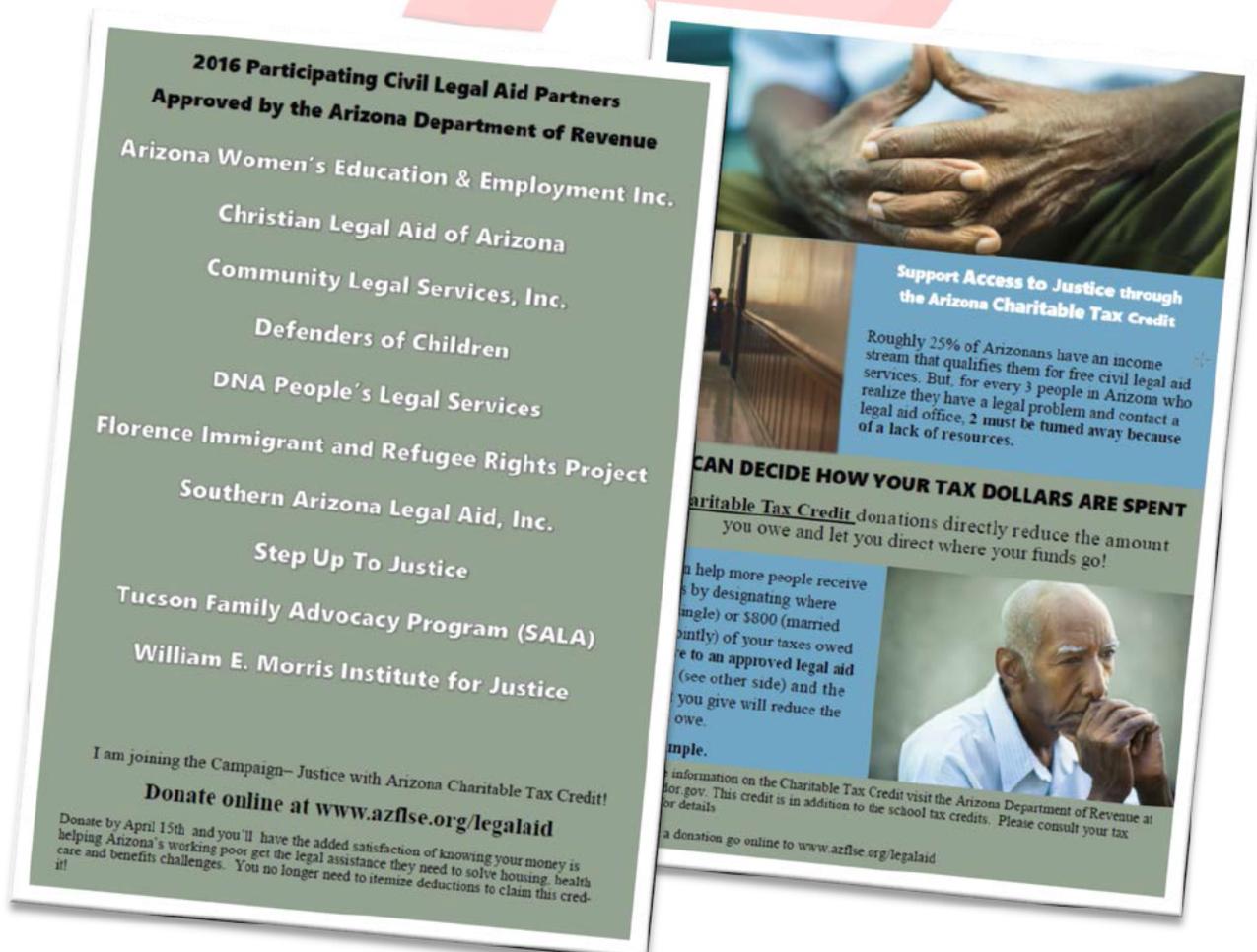
Recognizing Pro Bono Service and Access to Justice: The Governor proclaimed April as [Access to Justice Month](#) in Arizona. Last year, one issue of the "[Arizona Attorney](#)" magazine, published by the State Bar of Arizona and distributed to 20,000-plus Arizona attorneys, featured a cover article honoring *pro bono* volunteers and highlighting the importance of Access to Justice.

Pro Bono Opportunities Portal: The Arizona Foundation for Legal Services & Education created an online portal for lawyers that features *pro bono* opportunities around the state. The portal is currently averaging about 300 unique users each month (high: August of 2016, 433 sessions; low: May of 2017, with 205 sessions) with 7,833 page views last year.

<http://probono.azbf.org/>



Arizona State Tax Credit Funding Support: Every dollar invested in civil legal aid returns almost seven dollars to the community in terms of increased revenues and decreased costs. The Commission has developed model scripts and videos for use in presentations describing the work of the Commission and promoting the use of the Arizona Tax Credit donations to support civil legal aid. The organized promotion of the charitable tax credit to assist non-profits that provide legal assistance to the poor started in 2014. That year, the promotion netted \$55,000 in donations to legal aid providers. In 2015, the total rose to \$133,545. In 2016, that number increased again, to a total of **\$263,018**, representing a **greater than 400 percent increase** since organized promotion of the tax credit began in 2014.



2016 State Tax Credit Flyer representing 10 Civil Legal Aid Partners

Partnership with Public Libraries: Law4AZ Project. Public librarians and public libraries are now sources of legal information for patrons in their community. They have been trained to assist in accessing social services/community resources, legal information and forms, and are hosting volunteer law clinics. Additionally, a statewide group of volunteer law librarians serve as a resource for public librarians if they need additional assistance in helping their library patrons.



LAW4AZ: ADVANCING ACCESS TO JUSTICE

ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS
A DIVISION OF THE SECRETARY OF STATE
PRESENTED BY: MARGARET A. KIEL-MORSE, JD, MLIS



ACCESS TO JUSTICE AND LEGAL INFORMATION

Access to Justice and Self-Represented Litigants (SRLs)

- Arizona has 0.50 legal aid attorneys per 10,000 people living in poverty¹
- Nearly 1 out of 5 Arizonans lives in poverty²
- 60% of people earning \$50,000 or less attempted to handle their legal issues on their own or were forced to ignore them³
- Study by the Arizona Bar Foundation found that 75% of persons seeking legal aid were offered only limited assistance or were turned away⁴
- The District of Arizona had the second highest self-represented filing rate out of all US Bankruptcy Court Districts in 2014⁵
- 79% of divorce cases in Maricopa County were filed by SRLs in 2013, and judicial officers estimated that less than 10% of SRLs arrive prepared for trial⁶

Access to Legal Information in Public Libraries

- Libraries are trusted and familiar places for seeking information, with statewide data reporting for 2014:
 - 27.6 million visits to libraries statewide
 - 7.7 million use sessions of public computers
 - 1.6 million reference transactions
- Public libraries also requested assistance with legal information:
 - 51% of libraries reported that they either offer access to legal information, but need more training, resources, and guidance, OR do not offer access, but would like to⁷
- In a survey of library staff participating in Law4AZ this year:
 - 60% reported they were uncomfortable to very uncomfortable handling legal reference questions
 - 88% reported difficulty in responding to law-related questions
 - Reasons included lack of familiarity with topic and/or the resources, and being unsure of how much assistance to provide⁸

Law4AZ addresses the need to make legal information and the court system more accessible to the public, by providing training for library staff and programming for the public.

PART ONE: TRAINING FOR LIBRARY STAFF

The six counties of Coconino, Gila, Graham, Greenlee, Maricopa, and Yuma have participated in training for public library staff since 2014. Training for library staff consisted of three sessions. Session One was conducted in person at a library in each county, by a law librarian from the State Library. Sessions Two and Three were conducted by the same law librarian online in a webinar format. Each session included a lecture portion, group exercises to facilitate discussion, handouts, and practice exercises for the library staff to try on their own.

Session One

- Introduce the Law4AZ program
- Meaning of:
 - "legal information"
 - "legal advice"
 - "unauthorized practice of law"
 - "dos and don'ts" of legal reference
- Practice exercises!

➔

Session Two

- Overview of Arizona's court system
- State case law and statutory law
- How to decipher legal citations
- Where to find cases and statutes
- More practice exercises!

➔

Session Three

- Online sources for forms, cases, statutes, and more
- Locate referral sources and walk through legal aid intake online
- Scenarios to put it all together
- Even more practice exercises!

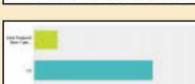
FEEDBACK FROM PARTICIPANTS

Results of Library Staff Surveys Post-Training*



Average Rating of Overall Effectiveness of Program: 7.4/8

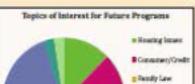
Average Improvement in Confidence Using Legal Resources: 7/8



64% Have used the skills and resources demonstrated since attending training sessions

100% of participants would recommend the program to other libraries

Results of Public Program Attendee Surveys**



Average Rating of Overall Quality of Program: 6.9/8

70% Reported that their knowledge and understanding of topic was enhanced very much

Remaining 30% reported their knowledge and understanding was enhanced at least somewhat

95% Reported they would be interested in attending additional programs

The mission of Law4AZ is to increase access to justice statewide by connecting people to legal information through their public libraries.

BENEFITS OF LAW4AZ

Law4AZ promotes collaboration between the State Library, County Law Libraries, Public Libraries, and the Legal Community.

For Public Library Staff

- Increase knowledge and awareness of legal information resources
- Enhance ability to assist patrons with law-related questions
- Make reputable referrals

For the Public

- Raise awareness of legal information sources available at public libraries
- Learn steps for researching their law-related questions
- Know how to get reputable referrals and apply for legal aid

For the Courts and Legal Community

- Self-represented litigants are better informed
- More accurate filings and better communication enhances efficiency
- Courts and attorneys can participate in their communities

PART TWO: PROGRAMS FOR THE PUBLIC



Celebrate Law Day at Your Library!

Learn about legal information resources, court procedures, and legal aid organizations.

Host by: [County Name] County Public Library
[City Name], [County Name], Arizona
May 1, 2015, 10:00am-12:00pm





Arizona Family Law: Divorce

Learn for a free legal seminar on:

- Process of Divorce
- Establishing Custody
- Determining Child Support

Presented by: [Attorney Name], Attorney at Law and Child Abuse Reporter

Tuesday, May 5, 2015
6:00 pm - 8:00 pm
Dillon Ranch

Reserve registration at www.arizona.gov or call 602.252.4533



PLANS FOR THE FUTURE

- State Library will continue working with the participating libraries to plan more attorney panels for the public and other workshops on legal information and research.
- State Library will introduce the remaining nine counties to the program, beginning with the training sessions for library staff
- Continuation of this program will help address the legal information needs of underserved rural areas around Arizona.

THANKS TO:

This project is supported by the Arizona State Library, Archives & Public Records, a division of the Secretary of State, with federal funds from the Institute of Museum and Library Services.







Ariz. Stat. Ann. § 1-201 Law4AZ on the Web!

SOURCES:

1. Justice Index, Measure of Litigation for People in Poverty, Public and Credit for Women in Justice
2. U.S. Census Bureau, Poverty Status in the Past 12 Months: 2013, Arizona, 2009-2013 (U.S. Census Bureau Economic Survey of 2013)
3. 2013 Legal Needs Assessment, Arizona Bar Foundation, <http://www.arizona.gov>
4. <http://www.arizona.gov>
5. <http://www.arizona.gov>
6. <http://www.arizona.gov>
7. <http://www.arizona.gov>
8. <http://www.arizona.gov>

Remote Petition Process for Order of Protection *Ex Parte* Hearing

- 1 Advocate**
 - Plaintiff fills out petition and Plaintiff's Guide Sheet.
 - Contact court to request *ex parte* hearing; notify if interpreter needed; **securely*** transmit petition and guide sheet to court.
- 2 Court**
 - Judicial Officer reviews the petition; sends it back to Advocate if more information is needed.
 - Court schedules time for hearing and, if requested, interpreter.
- 3 Advocate**
 - At hearing time, activate video link (e.g., Skype, FaceTime, etc.), with Plaintiff in front of camera and with copy of petition.
- 4 Court**
 - Judicial Officer or Clerk swears in Plaintiff.
- 5 Advocate**
 - Plaintiff signs petition after being sworn; Advocate transmits copy of signed petition to Court.
- 6 Court**
 - Judicial Officer conducts *ex parte* hearing; makes ruling.
- 7 Advocate**
 - Terminate video link when the hearing ends.

Arizona Supreme Court
Domestic Violence Specialist; 602-412-3360 *See "Safe Communications for Remote Ex Parte Protective Order Hearings" for information about Internet and document security.

Remote Petition Process for Order of Protection Ex Parte Hearings

Remote Petition Process...

- 8 Court**
 - If the order is granted, **securely*** transmit to the Advocate copies of the order and packet of documents for service on Defendant.
 - If possible and *with Plaintiff's consent*, electronically transmit the order to Law Enforcement for prompt service on Defendant.
 - If Defendant is in the sheriff's custody, transmit the order to the Sheriff's Office for service.
 - If the order is denied, transmit hearing order to Advocate.
 - If set for pre-issuance hearing, transmit hearing order and hearing notice to Advocate.
- 9 Advocate**
 - Provide copies to Plaintiff.
 - If order has been granted, assist Plaintiff with service.
 - If possible, contact local law enforcement protective order coordinator electronically to notify of court-issued order.
 - If possible, personally contact or visit the local law enforcement agency OP coordinator to ensure service.
- 10 Law Enforcement**
 - Receive Order of Protection and other documents for service on Defendant.
 - Within seven business days, transmit proof of service to the Court that issued the order.
 - Establish a protective order coordinator or contact person to assist advocates and courts in service of orders.
 - Establish electronic communication with advocates and courts to ensure expedited service of court-issued orders.
- 11 Court**
 - Send protective order and proof of service to the county sheriff (holder of record).

Arizona Supreme Court
Domestic Violence Specialist; 602-412-3360 *See "Safe Communications for Remote Ex Parte Protective Order Hearings" for information about Internet and document security.

Safe Communications for Ex Parte Protective Order Hearings

Improved Access to Justice for Domestic Violence Victims: Concerned about providing more timely access to obtaining Orders of Protection, particularly in rural areas, the Commission referred this issue to the Committee on the Impact of Domestic Violence and the Courts (CIDVC), which has just completed and issued two guides for conducting *ex parte* Orders of Protection hearings by remote video access. These guides are (1) [Remote Petition Process for Order of Protection Ex Parte Hearing](#); and (2) [Safe Communications for Ex Parte Protective Order Hearings](#). The step-by-step Remote Petition Process guide provides direction for courts, victim advocates, and law enforcement agencies that wish to work together to establish remote video procedures. The process includes best practices regarding the flow and transmission of documents among the partners. Law enforcement agencies can be involved when courts or advocates work with the victim to facilitate service of the protective order. The Safe Communications guide provides basic information about Internet security and the protection of documents traveling among the partners.

Current and Anticipated Initiatives in 2017-2018

Instructional Videos, Webpage Improvements and Development of “Legal Info Sheets:” Through the efforts of the Self-Represented Litigants in Limited Jurisdiction Courts Work Group (SRL-LJC), the Commission will continue to develop informational videos for self-represented litigants in housing-related litigation. These videos will be located on the AZCourtHelp.org website. Additionally, based on SRL-LJC recommendations, improvements are being made to the AZCourts.gov webpage that improve the self-represented litigant’s experience using the eviction action section. People can now easily access the specific eviction action notice information by clicking on user-friendly, self-explanatory tiles. Each tile corresponds to a “Legal Info Sheet” that explains the process and procedure in plain language for a variety of housing notices.



Reconfiguration of the AZCourts.gov Eviction Action webpage that includes user-friendly, self-explanatory tiles that correspond to “Legal Info Sheets” shown below.

Non-Payment of Rent
A.R.S. § 33-1201(C)

Material Breach of the Rental Agreement (5-day Health and Safety)
A.R.S. § 33-1262(A)

Material Breach of the Rental Agreement (10-day Notice)
A.R.S. § 33-1262(A)

Material Breach of the Rental Agreement (Immediate and Irreparable)
A.R.S. § 33-1262(A)

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: Material Breach

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: Material Breach

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: Material Breach



Mobile Home Park Evictions

The following applies to mobile home park evictions where you own the mobile home and rent the lot your home sits on. The information below may be helpful to you but is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in eviction actions.

A.R.S. means Arizona Revised Statutes and RPEA means Rules of Procedure for Eviction Actions.

1 NOTICE

- Your landlord may not terminate or refuse to renew your space rental agreement without good cause—"good cause" means:
 - Noncompliance with the rental agreement
 - Nonpayment of rent
 - Change in use of land
 - Clear and convincing evidence that you have repeatedly violated the Mobile Home Parks Residential Landlord and Tenant Act. [A.R.S. § 33-1470\(D\)](#)
- Material noncompliance with the rental agreement – If your landlord thinks you have broken the rental agreement, he must give you a written notice identifying the problems and inform you that the rental agreement will terminate in 30 or more days if you have not fixed the problems in 14 days.
- Material noncompliance with the rental agreement affecting health and safety – If your landlord thinks you have broken the rental agreement and the problems materially affect health and safety, he must give you a written notice identifying the problems and inform you that the rental agreement will terminate in 20 or more days if you have not fixed the problems in 10 days.
- Immediate termination – If your landlord thinks you have broken the rental agreement and that the problem is both material and irreparable, and happened on the premises, your landlord can give you a notice for immediate termination of the rental agreement and file the eviction action the same day.
- Non-payment of rent – Your landlord must give you written notice that your rent is unpaid and that your rental agreement will terminate if rent is not paid in 7 days.
- If you did not receive a termination notice and a chance to pay the rent and late fees, or the notice does not comply with the law or was not properly served, the court must dismiss the eviction action. [RPEA 19\(a\)\(7\)](#)

2 SERVICE

- Generally, an eviction action summons and complaint must be served in one of two ways:
 - personally served on you, or
 - posted in an obvious place and mailed to you by certified mail. [RPEA 5\(f\)](#)

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: Mobile Home
Dawn Eickman

AOC EAGNH-072B17



Section 8 Information Sheet

[A.R.S. § 33-1368\(A\)](#)

The following applies to Housing Choice Vouchers ("Section 8 Vouchers"). Below is information that may be helpful to you but is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in regarding Section 8 Vouchers. C.F.R. means Code of Federal Regulations.

1 TENANT'S PORTION OF THE RENT

- An individual or family with a Section 8 voucher is only responsible for their portion of the rent. [24 C.F.R. 982.310\(b\)\(1\)](#)
- A landlord may not demand from the tenant more than the tenant's portion of the rent as determined by Section 8. [24 C.F.R. 982.451\(b\)\(4\)\(iii\)](#)

2 SECTION 8'S PORTION OF THE RENT

- As long as the tenant remains in the Section 8 program, a landlord cannot evict a tenant if Section 8 has not paid its portion of the rent. [24 C.F.R. 982.310\(b\)\(2\)](#)
- If a landlord is seeking Section 8's portion of the rent, you can report your landlord to your Section 8 program or HUD's Fraud Hotline at (800) 347-3745. This will not stop the eviction case against you.
- If Section 8 fails to pay rent or pays their portion of rent late, the tenant is not responsible for the late fees on the Section 8 portion of the rent. In other words, if a tenant pays his portion of rent on time and Section 8 pays late, the tenant is not responsible for late fees. [24 C.F.R. 982.451](#)

3 HOUSING QUALITY STANDARDS (HQS)

- HQS inspections are inspections conducted by Section 8 to ensure the unit meets housing quality standards set by HUD. [24 C.F.R. 982.401](#)
- Periodically, Section 8 is required to conduct an HQS inspection of the subsidized unit to make sure it is up to HUD's Standards. [24 C.F.R. 982.401](#)
- If the unit does not pass the HQS inspection and it is the landlord's fault, Section 8, by law, cannot pay the landlord for the month the unit failed the HQS inspection. [24 C.F.R. 982.404\(a\)\(2\)](#)
- If the unit has failed due to the landlord and Section 8 has not paid its portion of the rent, a landlord does not have the right to evict the tenant as long as the tenant has paid his portion of the rent. [24 C.F.R. 982.310\(b\)\(2\)](#)

4 LANDLORD'S ACCEPTANCE OF RENT

- If your landlord accepted rent, either the tenant's portion or Section 8's portion of rent with knowledge of a default by you and did not obtain a writing signed by you at the time of accepting rent informing you of the terms and conditions of accepting the rent, the landlord has waived the right to evict. [A.R.S. § 33-1371](#), [RPEA 19\(a\)\(8\)](#)

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: Section 8
Information Sheet

AOC EAGNH-072B17



Claims Against Your Landlord

[A.R.S. § 33-1369\(D\)](#)

The following does not apply to mobile home park evictions, recreational vehicle park evict certain subsidized housing. Below is information that may be helpful to you but is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in eviction actions.

A.R.S. means Arizona Revised Statutes and RPEA means Rules of Procedure for Eviction Actions. These claims may be brought against your landlord in a separate action or as counterclaim in an eviction action.

1 COUNTERCLAIMS

- Counterclaims in an eviction action must be filed in writing and served up opposing party. [RPEA 5\(a\)](#). You can hand it to your landlord or his attorney. Your case is called by the judge.
- Counterclaims must state specific facts claiming that your landlord violate rental agreement or statute.
- Counterclaims must state when and how any required notices were sent to landlord and what the notices were about.

2 RETALIATION

- If, in the past 6 months, you complained to your landlord or a government charged with code enforcement about habitability issues materially affect safety, and then your landlord did any of the following, you may be charged with retaliation:
 - Landlord increased rent
 - Landlord decreased services
 - Your landlord filed an action for possession (eviction action)
 - Your landlord threatened to bring an action for possession
- Damages are the same as those found in [A.R.S. § 33-1367](#). See [Counterclaim](#).

3 OUSTER

- If your landlord unlawfully locks you out of your rental unit or intentionally providing electric, gas, water, or other essential services, you can do the following:
 - Recover possession of the rental unit
 - Terminate the rental agreement (landlord must return your security deposit as required by the law)
 - Sue or counterclaim for an amount not more than 2 month's rent, plus the actual financial harm you suffered, whichever is greater.

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: Claims Against
Your Landlord

AOC EAGNH



After an Eviction Judgment

The information below may be helpful to you but is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in regarding Eviction Actions.

1 JUDGMENT

- Once your landlord has been awarded a judgment, the only way you can stay in the rental unit is by working out an agreement with your landlord or filing an appeal of the judgment and paying a supersedeas bond (see [Bonds](#) below). Any post-judgment agreements should be in writing and signed by your landlord. Keep a copy of any agreement.
- Judgments accrue interest from the time of the judgment until paid.
- Once a judgment is paid off, the judgment creditor (landlord) must file a satisfaction with the court. A satisfaction lets anybody who looks at the court records know that the judgment has been paid off.
- A judgment does not allow your landlord to take possession of the rental unit. See [WR of Restitution](#) below.

2 WRIT OF RESTITUTION

- In most cases, your landlord can go back to the court after 5 days to get a writ of restitution. [A.R.S. § 33-1378](#). If the eviction action was filed based on an immediate and irreparable breach, your landlord can obtain the writ of restitution the next court day.
- Writs of restitution are executed (served on a tenant or the rental unit) by a constable.
- Your landlord may not change the locks or enter the rental unit until the writ of restitution has been issued by the court and served by the constable. You can call the police if your landlord changes the locks or enters the rental unit too early.
- Once the writ of restitution has been lawfully executed, you may not remain at or return to the rental unit without the express permission of your landlord. If you remain or return to the rental unit without permission, you can be charged with criminal trespass.

Arizona Supreme Court
Legal Info Sheet: Eviction Actions: After an Eviction
Judgment

AOC EAGNH-072B17

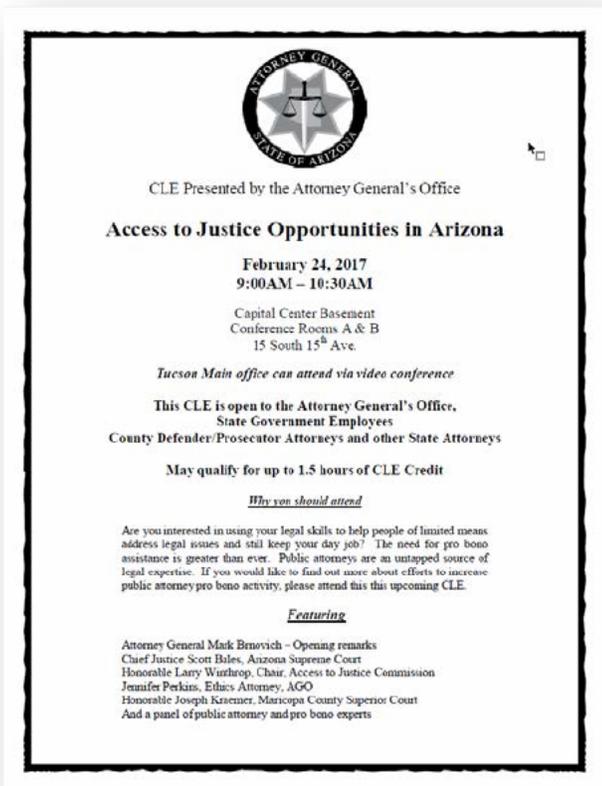


Continue to Support and Promote Adequate Legal Aid Funding:

The Legal Service Corporation (LSC) was created by Congress in 1974 to provide uniform standards and federal funding for legal aid agencies in each state. Current budget recommendations from the White House/Office of Management and Budget propose eliminating all federal funding for civil legal aid. Arizona's current share of LSC funding ranges from \$11 to 13 million, and constitutes approximately 70 percent of the total funding that allows these already-overtaxed entities to provide legal services to Arizona's poverty population. Elimination of federal funding would seriously disrupt an already-fragile legal aid system in Arizona, and would jeopardize meaningful access to justice for well over 20 percent of Arizona's citizens. National court and legal organizations and national business organizations are publicly united in opposition to any federal cuts to legal aid. Meetings with our elected federal representatives thus far have been encouraging in that they all recognize the importance of civil legal aid and the value such services provide to people across Arizona. The latest Congressional budget retains funding for LSC, but proposes a 24 percent reduction. A Senate committee has recommended maintaining the current level of LSC funding. The Commission, with the approval of the Supreme Court, will continue to raise public awareness and advocate for maintaining or increasing federal funding for legal aid services.

"Justice in Government" Project: With the approval of the Governor's office, Arizona is participating in a pilot project bringing together the various state agencies that provide services to our poverty population, sharing information and best practices and, through accessing existing and potential state, federal or foundation block grants, looking for ways to add civil legal aid services to the menu of services these agencies provide to their constituents. Statistical data indicate that, when legal services are provided, the affected agency's mission is advanced. Additionally, this project will look at steps to improve meaningful participation in agency administrative hearings for self-represented litigants. Wisconsin, California, and Mississippi are also participating in the pilot.





Public Lawyer Pro Bono: The Commission and the Attorney General office co-sponsored a public lawyer *pro bono* program in February 2017, exploring the existing statutory limitations on public lawyers and describing a multitude of *pro bono* opportunities that exist within those restrictions. In follow up, the Attorney General office is helping to develop a model public law agency *pro bono* policy, and we anticipate sponsoring a statewide education program in the fall or winter of 2017 for public lawyers to encourage adoption of such a policy and to provide additional guidance for *pro bono* participation.



Online Dispute Resolution: As facilitated by the Commission, the Administrative Office of the Courts is studying the viability of an online dispute resolution option for self-represented litigants. Such a program could offer an option to effectively resolve traffic/parking offenses, misdemeanor warrants, debt collection and other disputes without having to physically appear in a courtroom. The online program would be accessible from a smart phone, tablet or personal computer, and could be accessed off-hours, at night, or on weekends. Pilot programs in Michigan and other states suggest that online options encourage greater citizen participation, efficiently clear dockets, result in better collections of applicable fines and fees, and are more convenient for all participants, including law enforcement and court personnel.

Corporate Counsel Pro Bono

Initiative: We expect to continue working with the Arizona Chapter of the Association of Corporate Counsel (ACAC) to develop meaningful *pro bono* programs and targeted opportunities/marketing designed to increase participation of corporate counsel attorneys and their outside law firm partners. To date, these efforts have resulted in corporate counsel serving as volunteer mediators in Arizona’s business court, the creation and staffing of a Veteran’s Entrepreneurship Clinic in downtown Phoenix, and a statewide partnership between ACAC and the James E. Rogers College of Law and the Sandra Day O’Connor College of Law to create an entrepreneurship clinic to assist low-income individuals with business start-up legal services. Additionally, some corporate law departments – notably, Intel, Arizona Public Service and Salt River Project – are collaborating with legal aid providers and have created monthly clinics to help low-income individuals with debt consolidation and to assist veterans with civil legal issues.

Promote Medical-Legal Partnerships:

Arizona has several medical-legal partnership programs in greater Phoenix and Tucson. In those collaborative settings, legal aid providers and volunteer lawyers assist low-income individuals who are already participating in a community medical clinic, and who have a legal issue that may be affecting the individual’s health or otherwise affect their wellbeing and access to necessities, such as housing, medical care, education,

protection from consumer fraud, protection from domestic violence or access to appropriate government benefits. With encouragement from our Congressional representatives, the Commission may seek to expand these medical-legal clinics into Arizona’s existing Veterans hospital locations, and encourage the Veterans Administration fund those clinics for the benefit of their patients.

Continue to Build Community Partnerships:

The Commission will continue its efforts to build community-based partnerships with all groups involved or interested in enhancing access to justice, including the executive and legislative branches, and within the judicial branch. We intend to develop joint educational programs with the business community and state/local bar associations concerning access to justice and related initiatives.

Uniform Court Forms:

The Commission will continue efforts to improve plain-language family law and housing-related forms and instructions. In response to rule changes proposed by the Commission related to eviction matters, the legislature passed a law prohibiting mandating the use of such forms. In the face of such legislation, the Court continued resolution of some pending rule changes proposed by the Commission, and we anticipate providing revised recommendations in that regard.



Lay Legal Advocates for Domestic Violence Victims: The Commission will continue to support collaborative efforts to increase availability of non-lawyer advocates on a statewide basis for victims of domestic violence.

Judicial Officer and Staff Training: The Commission recommends and will continue to develop and support specific training of judges and court staff in both general and limited jurisdiction courts for dealing with and assisting self-represented litigants.

Increase Awareness of and Encourage Limited Scope Representation: Members of the Commission continue to work with the State Bar and local bar associations to educate attorneys about recent changes in the ethical rules and to encourage lawyers to provide limited scope legal services for self-represented individuals.



Reorganization of Commission Work Groups

Public Information and Messaging

Co-chair Heather Murphy

Co-chair Rick DeBruhl

Workgroup Goals

- Create and manage a media plan
- Publicize ATJ issues and opportunities, and Commission initiatives and recommendations
- Monitor and assist in enhancing AZCourtHelp.org information
- Promote state tax credit
- Design and work on annual report

Members

Kip Anderson
Cari M. Gerchick
Michael Jeanes
Helen Purcell
Judge Lawrence Winthrop

Self-Represented Litigants in Limited Jurisdiction Courts

Chair Judge Anna Huberman

Workgroup Goals

- Continue work on eviction-related issues
- Consideration of a “navigator” project in the Maricopa County consolidated justice courts concerning housing and debt collection cases
- Script and produce eviction-related informational videos and other resources

Members

Judge Janet Barton
Mike Baumstark
Judge Thomas Berning
Pamela Bridge
Jeff Fine
Paul Julien
Judge Bill Rummer
Anthony Young

Judicial and Attorney Engagement

Chair Judge Joseph Kreamer

Workgroup Goals

- Create, coordinate, and sponsor CLE programs for private and public attorneys regarding *pro bono* opportunities
- Evaluate potential for coordinating statewide legal service triage programs
- Make recommendations on engaging retired lawyers and judges in *pro bono* clinics and projects
- Finalize and promote a public law agency *pro bono* policy

Members

Judge Thomas Berning
Pamela Bridge
Millie Cisneros
Dan Christensen
Judge Maria Elena Cruz
Pat Gerrich
Kevin Groman
Cheryl Kulas
Jennifer Perkins
John Phelps
Dr. Kevin Ruegg
Lara Slifko

Intergovernmental Collaboration

Chair Judge Lawrence Winthrop

Workgroup Goals

- Participate in a four-state pilot project to encourage inter-agency collaboration, including enhancing opportunities for legal assistance for agency constituents
- Promote best practices and sponsor training for hearing officers concerning dealing with self-represented litigants
- Develop a strategy for engaging appropriate legislative leaders on access to justice issues and opportunities

Members

Judge Janet Barton
Judge Sean Brearcliffe
Beth Broeker
Christina Corieri
Kevin Groman
Chris Groninger
Michael Liburdi
Maria Morlacci
Helen Purcell
Janet Regner
Dr. Kevin Ruegg

Speaking Engagements, Interviews and Access to Justice Presentations 2016-2017

February 25, 2016	Mohave County Bar Association	Kingman
March 13, 2016	Committee on Civil Justice Reform	Phoenix
April 14, 2016	Coconino County Bar Association	Flagstaff
April 19-20, 2016	Meetings with Arizona Congressional leaders	Washington, D.C.
April 27, 2016	Yavapai County Bar Association	Prescott
May 12, 2017	Arizona Paralegal Association	Phoenix
June 3, 2016	Educational program for Nepal judiciary	Phoenix
June 21, 2106	Meet with Deans Marc Miller and Sally Rider	University of Arizona law school
July 21, 2016	Maricopa County Justice Courts	Grand Canyon University, Phoenix
September 9, 2016	Committee on Superior Courts	Phoenix
September 28, 2016	Meet with Judge Dan Collins	Bankruptcy Court, Phoenix
October 25, 2016	Meet with Victoria Ames	ASU Legal Triage Program
October 28, 2016	Arizona Utility Partners Summit	Scottsdale
November 4, 2016	Yuma County Bar Association	Yuma
December 1, 2016	Bowman & Brooke Law Firm	Phoenix
February 1, 2017	Meet with Glen Hamer	Arizona Chamber of Commerce
February 9, 2017	Mohave County Bar Association	Kingman
February 16, 2017	Tiffany & Bosco Law Firm	Phoenix
February 24, 2017	Arizona Attorney General Office	Public Lawyer <i>Pro Bono</i> , Phoenix
April 4, 2017	<i>Horizon</i> program, KAET Channel 8	Phoenix
April 10, 2017	Meet with Senator Bob Worsley	Phoenix
April 19, 2017	Meet with Chris Camacho	Greater Phoenix Economic Council
April 26-27, 2017	Meetings with Arizona Congressional Leaders	Washington, D.C.
April 26, 2017	Interview on KJZZ, NPR station	Phoenix
May 12, 2017	Arizona Paralegal Association	Phoenix
May 16, 2017	Lorna Lockwood Inn of Court	Phoenix
July 19, 2017	<i>Horizon</i> program, KAET Channel 8	Phoenix
August 16, 2017	Meet with Maricopa County Justice Court Leadership	Avondale

Commission Membership

Honorable Lawrence F. Winthrop
Chair
Arizona Court of Appeals, Div. 1

Mr. Kip Anderson
Court Administrator
Superior Court in Mohave County

Honorable Janet Barton
Presiding Judge
Superior Court in Maricopa County

Mr. Mike Baumstark
Deputy Director
Administrative Office of the Courts

Honorable Thomas Berning
Municipal Court Judge
Tucson City Court

Honorable Sean Earl Brearcliffe
Judge
Superior Court in Pima County

Ms. Millie Cisneros, Esq.
Attorney
Federal Public Defender's Office

Honorable Maria Elena Cruz
Arizona Court of Appeals, Div. 1

Honorable Anna Huberman
Justice of the Peace
Maricopa County Justice Courts

Honorable Michael K. Jeanes
Clerk of Court
Superior Court in Maricopa County

Honorable Joseph C. Kreamer
Judge
Superior Court in Maricopa County

Mr. Michael T. Liburdi
General Counsel
Office of the Governor

Ms. Maria Morlacci, Esq.
Attorney
Assistant Attorney General

Mr. John Phelps, Esq.
Attorney
State Bar of Arizona

Ms. Helen Purcell
Member of the Public

Ms. Janet K. Regner
Director
Coconino County Community Services

Dr. Kevin Ruegg
Executive Director
Arizona Foundation for Legal Services & Education

Mr. Anthony Young, Esq.
Attorney
Southern Arizona Legal Aid

Administrative Office of the Courts

Kathy Sekardi
Senior Court Policy Analyst
Court Services Division

Julie Graber
Court Policy Analyst
Court Services Division

Theresa Barrett
Manager, Court Programs Unit
Court Services Division



Commission on Access to Justice 2017 Annual Report

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