

PROMOTING
ACCESS
 TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

February 13, 2019 - 10:00 a.m. to 2:00 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 119A/B ♦ Phoenix, Arizona

[ACAJ WEBPAGE](#)  

TIME	AGENDA ITEM	PRESENTER
1 10:00 a.m.	Welcome and Opening Remarks Approval of minutes from November 14, 2018 <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Judge Lawrence F. Winthrop, Chair</i>
2 10:05 a.m.	Chairperson’s report	<i>Judge Winthrop</i>
3 10:35 a.m.	Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup	<i>Judge Anna Huberman</i>
4 10:45 a.m.	<u>Update Step Up to Justice efforts and Innovation for Justice program</u>	<i>Stacy Butler Director, Innovation for Justice University of Arizona James E. Rogers College of Law</i>
5 11:15 a.m.	Report on Rule Petitions <ul style="list-style-type: none"> • <u>R-19-0018</u>: Amend Rules 5(d) and 10(a), Arizona Rules of Procedure for Eviction Actions, to require the landlord to serve additional relevant documents with the complaint • <u>R-19-0011</u>: Amend Rules 38 and 39 and abrogate Rule 40, Rules of the Arizona Supreme Court, to 	<i>Julie Graber, AOC Staff</i>

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Kathy Sekardi, ACAJ staff, at (602) 452-3253 or Julie Graber, ACAJ staff, at (602) 452-3250 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

reorganize exceptions to the usual attorney admission process.

Formal Action/Request

- | | | | |
|----|------------|---|---|
| 6 | 11:20 a.m. | Update on the Public Information and Messaging Workgroup | <i>Aaron Nash, AOC
Communications Director
Alberto Rodriguez, ASB,
Public Relations Manager</i> |
| 7 | 11:30 a.m. | Report on the AZCourtHelp.org website | <i>Dr. Kevin Ruegg
Cathleen Cole
Theresa Barrett, AOC</i> |
| 8 | 11:45 a.m. | Report from the Judicial and Attorney Engagement Workgroup | <i>Judge Joseph Kreamer
Kevin Groman</i> |
| 9 | 12:00 p.m. | ☞☞ Lunch Break ☞☞ | |
| 10 | 1:00 p.m. | Report from the Inter-Governmental Collaboration Workgroup | <i>Judge Winthrop
Chris Groninger, Arizona
Foundation for Legal Services &
Education</i> |
| 11 | 1:15 p.m. | Presentation regarding the Arizona Legal Center | <i>Michele Feeney
Arizona Legal Center</i> |
| 12 | 1:30 p.m. | LINC Program | <i>Shawn Haught, Law Library
Resource Center Dept.
Administrator
Matt Wood</i> |
| 13 | 1:40 p.m. | Good of the Order / Call to the Public | <i>Judge Winthrop</i> |
| | 2:00 p.m. | Adjournment | |

2019 Meeting Dates

May 15 Room 345 A/B ~ November 13 Room 119 A/B

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

State Courts Building, Phoenix, Arizona

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**Arizona Commission on Access to Justice
DRAFT MINUTES**

Wednesday, November 14, 2018

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

State Courts Building, 1501 W. Washington Street, Conf. Rm. 119A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson, Mike Baumstark, Judge Thomas Berning (*telephonic*), Judge Maria Elena Cruz, Kevin Groman, Judge David Haws, Judge Anna Huberman, Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Valerie Wyant (*telephonic*), Anthony Young

Absent/Excused: Judge Janet Barton, Pamela Bridge, Anni Foster

Presenters/Guests: Ann-Marie Alameddin, Cathleen Cole, Chris Groninger, Cheryl Kulas, Aaron Nash, Dr. Jessie Pettit, Anne Ryan, Lara Slifko

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Julie Graber, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the November 14, 2018 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:07 a.m.

B. Approval of Minutes

The draft minutes from the May 23, 2018, ACAJ meeting were presented for approval.

Motion: Judge Anna Huberman moved to approve the May 23, 2018, minutes, as presented. **Seconded:** Anthony Young. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics with emphasis on collaborative community-based *pro bono* assistance.

- The poverty rate in Arizona is 15.5 percent, which is three points higher than the national rate. Arizona is ranked ninth in the nation behind Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, and West Virginia.
- There are collaborative projects underway that involve access to justice issues, including a current State Bar task force to make proposals to assist senior lawyers facilitate *pro bono* legal services.

- A rule change petition will likely be filed in January by the Attorney Regulation Advisory Committee to rewrite Supreme Court Rule 38 regarding alternative pathways to the practice of law, legal service organizations, and attorneys who volunteer *pro bono* services. Included in that proposed rewrite are provisions to encourage retired and inactive lawyers to volunteer *pro bono* legal services.
- A new committee has been established, chaired by Justice Ann A. Scott Timmer, to study and make recommendations about expanding the use of court navigators, narrowing the definition of the unauthorized practice of law, and broadening the provision of allowable legal services by creating a new non-lawyer, legal professional.
- Judge Winthrop and Kevin Groman will be meeting with the Dean of the University of Arizona to discuss a potential collaborative project to enhance access to justice by leveraging technology.
- On January 22, Justice Bales and Judge Winthrop will be speaking at a public forum hosted by the University of Arizona which will focus on access to justice and the role that technology can play in connecting Arizonans with legal information.
- As required by the administrative order creating the Commission, a presentation on the Commission's activities this year will be given to the Arizona Judicial Council on December 13th.
- Electronic and hard copies of the new annual report are available to commission members if presenting to a group about access to justice.

B. Report on the Modest Means Program

Lara Slifko, Chief Resource Officer, Arizona Foundation for Legal Services & Education, provided background information and a current status on the modest means program.

- In 2009, 34 individuals were helped.
- In 2018, 2,298 individuals were helped.
- In the last ten years, approximately 10,000 individuals have been helped.
- The attorney's fee is \$75 per hour.
- There are currently 157 modest means attorneys.

Member comments:

- Are modest means cases typically brief or do they go beyond the initial hour? Based on anecdotal information, the cases tend to require more than one hour.
- Are modest means attorneys covered under their own malpractice insurance? Malpractice insurance is required. If the attorney does not have coverage of their own, he or she is covered under the Bar Foundation's policy for the modest means clients only.
- Do modest means attorneys tend to be newer or more experienced attorneys? Attorneys are usually more experienced.

C. Arizona State Bar Public Service Center

Cheryl Kulas, manager, State Bar of Arizona’s Public Service Center, updated members on the Find-a-Lawyer platform since launching on May 1, 2018. Ms. Kulas reviewed some bar-wide attorney statistics and totals to date:

- Attorneys who will be matched with projects: 10,760
- 80.22 percent of attorneys who will be matched with projects have paid project notifications on.
- 75.42 percent of attorneys who will be matched with projects have included notification of potential *pro bono* projects.

Since May 1, there have been:

- 3,480 registered clients
- 2,525 projects posted (2,149 fee projects and 376 *pro bono* projects)
- 4,025 attorney applications
- 233 upgraded premium accounts (attorneys who have paid the annual fee)

Responses to projects posted are usually made within 36 hours. Attorneys can see how many applications have been made for a project in real time. If an application has been accepted by the client, the client deactivates the project. There is no cost for the public and for attorneys with *pro bono* project notifications on. The annual \$300 subscription fee is only for attorneys choosing to connect with paying clients. The fee subsidizes the development and maintenance of the platform. While the number of premium accounts is low, the goal is to build good cases in the platform without overwhelming the system. In the breakdown of cases, 69 percent of fee projects received applications and 40 percent of *pro bono* projects received applications. As part of the monitoring efforts, projects can also be reposted to a new pool of attorneys if the projects do not get any applications.

John Phelps stressed that the platform is a safe harbor for lawyers by matching profiles to a service provider within the ethical constraints of the professional rules. The platform also provides consumer protection for the public by ensuring that the lawyer is in good standing with the State Bar and discipline records are transparent. The platform is not about bidding low to get a client, but rather, it provides additional marketing leads and filters cases to attorneys.

The program has been in its first phase focusing on getting the platform up and running, and developing manual letters, mostly for *pro bono* cases, as a stop gap to give clients access to more information and if a case is not matched. The upcoming second phase will consist of a traditional and digital marketing push to the public, ongoing recruitment of attorneys, and distribution of branded materials to give an image to the program.

Member comments:

- In response to a question regarding user feedback, Ms. Kulas noted that surveys will be conducted shortly to ensure clients are satisfied with the movement of their cases and the platform is fulfilling its purpose.

- Limited scope representation materials should be provided in the platform to subscribing attorneys.
- Information could be included in the manual letters about the Access to Justice Online Intake System to ensure individuals are not lost in the platform.
- Legal aid providers and other partners should include a link to Find-a-Lawyer on their websites.
- The availability of this platform is a game changer because it covers either *pro bono*, modest means, or full price cases.

D. Report on Rule Petitions

Julie Graber, AOC staff, reported on pending and upcoming rule petitions.

R-18-0020 – Subsidized housing pleading requirements and disclosure requirements. At the August Rules Agenda, the Supreme Court adopted the rule petition, which is effective January 1, 2019. Ms. Graber presented a proposed complaint and proposed judgment and sought the commission’s approval before finalizing and posting to the webpage.

Motion: Janet Regner moved to approve the revised complaint and judgment forms, as presented. **Seconded:** Anthony Young. **Vote:** Unanimous.

Ms. Graber also discussed a proposed rule petition pending filing from the State Bar of Arizona, which would require landlords to serve relevant documents, including the lease, with the complaint, and would continue to allow parties to request other relevant information.

ACTION: The SRL-LJC Workgroup will review the proposed rule petition once it is filed and provide feedback at the February commission meeting.

E. Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Judge Anna Huberman reported that the workgroup is continuing to develop eviction Legal Info Videos in English and in Spanish. In addition to the initial series of nine residential eviction videos, five mobile home and five recreational vehicle videos are being produced. At the last workgroup meeting, ten additional scripts were approved for production. Finally, four new Legal Info Sheets have been added to the redesigned webpages in English and Spanish.

F. Update on Public Information and Messaging Workgroup

Julie Graber, AOC staff, reported that the workgroup is in the process of reorganizing and discussed the status of web initiatives.

- A press release was issued on October 31, 2018, announcing the redesign of the English and Spanish Self-Service Centers on AZCourts.gov. Available resources have been increased and the way the information is organized and laid out was improved to make more user friendly. Special

attention was taken on creating a separate Spanish Self-Service Center that mirrors and equals the English one. There are over 400 forms posted in English and over 400 forms posted in Spanish that are generic in nature.

- Since the commission's establishment, many legal resources have been developed by the commission and its workgroups in a variety of formats. A new Legal Info Hub is being developed as the repository for the entire Supreme Court for Legal Info Podcasts, Legal Info Videos, Legal Info Sheets, and Legal Info FAQs. A Spanish Legal Info Hub will also be available. The target launch date is December 3, 2018.

Member comments:

- AZCourtHelp.org and other court websites should provide links to the Legal Info Hub when it goes live.
- A member recommended exploring social media sharing to easily spread the information.

G. Report on the AZCourtHelp.org website

Theresa Barrett, AOC staff, reported that Coconino County started holding the Family Law 101 Legal Talks in Spanish with the help of the Hispanic Bar Association. Ms. Barrett announced the addition of a second hub housed in Yuma County, and Yuma County Law Library recently received the Strategic Agenda Award for Goal 3: Improving Court Processes to Better Serve the Public. Finally, she noted the ongoing efforts to develop Spanish content.

Cathleen Cole, Arizona Foundation for Legal Services & Education, reviewed Google Analytics, search engine optimization, and enhanced features and content on AZCourtHelp.org. Ms. Cole demonstrated the new legal aid resource page, which directs individuals to a menu of available legal services, and the new traffic hub, which was developed in collaboration with limited jurisdiction subject-matter experts. A new quarterly newsletter will be published and distributed to partners, which will feature new content and latest statistics about AZCourtHelp.org.

H. Report from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer discussed the workgroup's efforts to promote judicial engagement, private attorney engagement, and public attorney engagement.

Judicial engagement: The plan is to develop a website with information about appropriate judicial engagement opportunities to let judicial officers know what is available and get the information to them. The workgroup has contacted former Judge Margaret H. Downie, executive director of the Commission on Judicial Conduct, to make sure the opportunities are indeed appropriate for judicial officers. Judge Kreamer also highlighted Judge Maria Elena Cruz's successful presentations to high school students regarding all parts of the judicial process, which could be expanded to schools on a statewide basis.

Public lawyer engagement: The workgroup has reached out to various agencies, including the Attorney General's Office and the Maricopa County Attorney's Office, to develop a *pro bono* partnership concept to engage public lawyers. In light of issues raised with a public *pro bono* policy, the workgroup settled on a plug-and-play programmatic approach where public lawyers can connect to existing programs hosted by the Bar Foundation that do not have potential conflict issues. This concept was approved by agency decision-makers. The next step is to work out the details and identify specific opportunities that are deemed acceptable. The goal is to bring public officials on board to endorse and promote participation.

Private attorney engagement: At the next workgroup meeting, the workgroup will discuss developing a strategy to engage law firms as a follow up to the earlier survey conducted.

John Phelps briefly discussed a report from the Institute for Advancement of the American Legal System about using unbundled legal services to fill the access gap.

I. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop updated members on Arizona's continued participation in the Justice in Government Project. Chris Groninger, Chief Strategy Officer, Arizona Foundation for Legal Services & Education, announced that the Bar Foundation recently received a two-year \$1.1 million federal VOCA Vision 21 grant to improve technology services for all Arizona victims of crime, including victims of domestic violence, elder abuse and consumer fraud, who are having issues accessing services. Judge Winthrop discussed an article in The Arizona Republic on the Governor's Second Chance Centers and how providing legal aid resources reduces barriers for those who have criminal records. He also reviewed a fact sheet developed by Karen Lash on how civil legal aid assists those affected by the opioid crisis.

J. Presentation of the St. Vincent de Paul Legal Clinic

Ann-Marie Alameddin, St. Vincent de Paul Legal Clinic, provided background information on the St. Vincent de Paul Legal Clinic, which is based on a variation of the medical-legal partnership model and housed in the medical clinic at St. Vincent de Paul in the family ministry's office. In partnership with the law firms of Jennings Strouss and Gallagher & Kennedy, the 100 percent *pro bono* staffed legal clinic provides access to free legal services for those in need in the areas of immigration, consumer, landlord/tenant, and family law on the third Thursday of the month in a dining hall for 90 minutes. There are no eligibility, residency or income requirements. A general advice attorney and an immigration attorney are always available. Ms. Alameddin noted that it would be helpful if the legal clinic could tie into the greater resources available for volunteer attorneys since the volunteers have day jobs.

Member comments:

- The Bar Foundation could be a place for groups to meet, share information, and coordinate referral opportunities.
- Members identified the legal clinic as a good example of community lawyering and praised its valuable work. In addition, members felt this model should be replicated.

K. Presentation of the Tucson Family Advocacy Program (TFAP), a Medical Legal Partnership for Health

Anne Ryan, director, and Jessie Pettit, M.D., medical director, Tucson Family Advocacy Program (TFAP), provided an overview of its medical-legal partnership, which is embedded with the University of Arizona's Family Medicine's Residency Programs, and teaches healthcare providers about legal barriers to patient health and how providers can become more effective advocates for their patients. Dr. Pettit pointed out that while quality medical care alone cannot always improve patient health, many acute and chronic diseases are exacerbated by the stress of poverty. She illustrated how the multi-disciplinary team approach, which is centered on building a healthcare team able to identify, treat, and prevent health-harming legal needs for patients, in turn benefits providers, attorneys, and patients.

Ms. Ryan described the program's core components: integrated medical-legal services, education, systemic advocacy, and community partnerships. She reviewed 2017 case types, which focused on access to health care, public benefits, naturalization, disability-related matters, housing, and advance care planning, divided between refugee and non-refugee cases. The education component stresses the importance of providers being good advocates for patients. Ms. Ryan illustrated how systemic issues can be addressed through advocacy for individual patients and in the community in areas such as access to healthcare for refugees and citizenship for refugees with disabilities. As part of community partnerships, outreach and trainings are done with refugee resettlement agencies. The program reaches vulnerable patients who otherwise would not access the medical and legal services they need to prevent or resolve crises that undermine health.

Member comments:

- Members applauded the great work and impact of the program, which is a great example of community-based *pro bono* assistance.
- In response to a suggestion about including the program on the Ref-Aid mobile app, Ms. Ryan clarified that it does not advertise and relies only on referrals from health care providers.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date
Wednesday, February 13, 2019
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 2:01 p.m.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup
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From: Judge Anna Huberman, Chair – SRL-LJC Workgroup

Presenters: (Same)

Discussion: The workgroup met on January 31, 2019. The presenter will discuss strategic planning focus:

- The workgroup is focusing on developing eviction-related videos that will be available on AZCourts.gov and AZCourtHelp.org.
- Nine residential videos were finalized in English and in Spanish using Vyond and were posted. The workgroup is in the process of finalizing and posting five mobile home and five RV videos, which have all been translated in Spanish. The workgroup will work jointly with the Public Information and Messaging Workgroup to formulate a marketing plan for the new eviction resources.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Presentation of the Innovation for Justice Program; Update on Step Up to Justice
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From: Step Up to Justice and Innovation for Justice Program

Presenters: Stacy Butler, Director, Innovation for Justice, University of Arizona, James E. Rogers College of Law

Discussion: Overview of U of A Law’s new Innovation for Justice program, which empowers students to tackle real-world civil justice challenges using a community-engaged, project-based, design- and systems-thinking curriculum. Update on the work of Step Up to Justice, a pro bono civil legal center in Pima County that has delivered \$2.5 million in free civil legal services since its launch in 2017.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input checked="" type="checkbox"/> Formal action or request <input type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report on Rule Petitions
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From: Julie Graber, AOC staff

Presenters: (Same)

Discussion: The presenter will report to the commission on the following rule petitions:

- **R-19-0018:** Production of documents and information in eviction actions. Petition would require landlords to serve additional relevant documents, including the lease, with the complaint and will continue to allow parties to request other relevant information.
- **R-19-0011:** Petition would reorganize exceptions to the usual attorney admission process.

Recommended motion: To file a comment on behalf of the commission in response to rule petition R-19-0018.

1 Lisa M. Panahi, Bar No. 023421
2 General Counsel
3 State Bar of Arizona
4 4201 N. 24th Street, Suite 100
5 Phoenix, AZ 85016-6288
6 (602) 340-7236

7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-19- 0018

10 **PETITION TO AMEND RULE 5(d)**
11 **AND RULE 10(a), ARIZONA**
12 **RULES OF PROCEDURE FOR**
13 **EVICITION ACTIONS**

PETITION

14 Pursuant to Rule 28 of the Arizona Rules of Supreme Court, the State Bar of
15 Arizona (the “State Bar”) hereby petitions this Court to amend Rule 5(d) of the Rules
16 of Procedure for Eviction Actions (hereinafter, “Rule(s),” unless otherwise
17 specified) to require that the landlord serve with the complaint specified relevant
18 rental documents. Corresponding and conforming amendments to Rule 10(a) will
19 reflect that certain documents were served with the complaint and that other
20 documents and information may be requested by the party prior to any hearing.
21 Currently, only the notice to vacate is required to be attached to the complaint. The
22 lease and other relevant rental documents on which the eviction is based are not
23 required to be served with the complaint. Finally, the requirement to produce
24 relevant documents and information is only triggered by a request from one of the
25

1 parties. Requiring inclusion of these additional documents with the complaint will
2 result in more complete notice to the tenant, a better prepared litigant, and decreasing
3 delay caused by rescheduling.
4

5 **I. Background and Purpose of the Proposed Rule Amendment**

6 **A. Current Rules**

7 In 2008, the Arizona Supreme Court approved the Rules of Procedure for
8 Eviction Actions. Rule 5 concerns the complaint and summons, and the associated
9 pleading and service formalities. Specifically, Rule 5(b)(7) requires:
10

11 b. **Complaint.** The complaint shall:

12 ***
13

14 (7) State the specific reason for the eviction; that the
15 defendant was served a proper notice to vacate; if
16 applicable; the date the notice was served; and what
17 manner of service was used. A copy of the notice shall be
18 attached as an exhibit to the complaint.

19 ***

20 Rule 10 concerns disclosures, with Rule 10(a) providing that:

21 **Disclosure**

22 a. Upon request, a party shall provide to the other
23 party: 1) a copy of any lease agreement; 2) a list of
24 witnesses and exhibits; 3) if nonpayment of rent is an
25 issue, an accounting of charges and payments for the
preceding six months; and 4) copies of any documents the
party intends to introduce as an exhibit at trial.

1 Thus, when the complaint is filed, the rules only require that the landlord
2 attach a copy of the notice to vacate. The parties typically have entered into a written
3 lease that includes significant contractual terms such as the rate of the rent, any late
4 fees, any concessions provided to the tenant, and applicable rules of conduct. But
5 the Rules do not require the landlord to attach a copy of the lease or payment history
6 ledger to the complaint.
7

8 Although the Arizona Residential Landlord and Tenant Act requires a
9 landlord to give the tenant a copy of the lease, A.R.S. § 33-1321(C), legal services
10 agencies report that many tenants do not receive, or maintain, a copy of their lease.
11 A tenant without a copy of the lease is likely unprepared for appearing at an eviction
12 hearing, and is similarly unlikely to know about procedural disclosure rules. Also,
13 without a ready copy, a *pro bono* or legal aid attorney is hampered in providing
14 immediate assistance.
15
16

17 **B. Landlords Are Not Required to Initially Provide Relevant**
18 **Documents, to the Disadvantage of Tenants**

19 The time frames to act in eviction actions are very short. The initial hearing
20 or trial can take place in as few as two days after the service of the eviction
21 complaint. A.R.S. § 12-1175 (C). Thus, there is limited time for tenants served with
22 an eviction complaint to consult with an attorney and prepare for a hearing or trial.
23 Unless agreed upon by the parties, continuances are usually only for three days.
24
25

1 A.R.S. § 12-1177 (C). An appeal must be filed within five calendar days of the
2 judgment. A.R.S. § 12-1179 (A).

3
4 Legal services agencies estimate that a very small percentage of tenants are
5 represented by an attorney. In contrast to the unrepresented tenant, the vast majority
6 of landlords are represented by attorneys. The timing of the filing of the eviction
7 action is totally in the control of the landlord. Case development and documentation,
8 under Rule 4, requires the landlord's counsel to "ensure their pleadings are accurate
9 and well-grounded in fact and law." This preparation, undoubtedly, results in the
10 ready availability of documents to counter the complaint.
11

12 Since the lease is the contractual basis for the eviction, it is relevant and should
13 be of record in virtually every case. Similarly, since the dates, manner of payment,
14 and amounts of rental payments may be at issue, those accounting records should
15 also be available pre-hearing and introduced into evidence. This would be preferable
16 to the practice of simply referring to that data at the hearing by the landlord or the
17 landlord's attorney. For cases where the landlord claims a violation of the lease or
18 a history of rent default, a tenant without the lease or other documents the landlord
19 intends to introduce at the hearing, can result in delay and a scheduling burden to the
20 court.
21
22

23
24 From an access to justice perspective, an unrepresented tenant is at a
25 disadvantage. At risk is the loss of residence and monetary judgment, in contrast to


1 an additional administrative requirement for the landlord. This proposed rule
2 attempts to level this presentation of evidence and ensure that all parties and the
3 court know what is at issue and are prepared for the eviction hearing.
4

5 **II. Explanation of Need for Proposed Rule**

6 **A. Evictions Cases Are Important**

7 Tenants have a property interest in their residences, which requires that
8 eviction proceedings comport with 14th Amendment due process guarantees. *Greene*
9 *v. Lindsey*, 456 U. S. 444, 451-52 (1982). Moreover, tenants also have a property
10 interest in their subsidized housing benefits because they are in the class of persons
11 the program is intended to benefit. *Ressler v. Pierce*, 692 F.2d 1212, 1215, (9th Cir.
12 1982). The plight of low-income tenants and the effect evictions have on their lives
13 has received national attention in contemporary articles. The effects of an eviction
14 are far reaching, with the inability to find other housing on short notice leading to
15 the disruption of children's education, interruption of employment, dislocation from
16 health care providers, loss of personal belongings, and homelessness. In addition,
17 the eviction process may lead to monetary judgments and writs of restitution. Thus,
18 the consequences of eviction cases make these actions very important to tenants and
19 especially low-income tenants, who often lack back-up resources. Additionally, the
20 consequences for tenants evicted from subsidized housing may mean that the tenant
21 can never again live in subsidized housing.
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1 Electronic copy filed with the
2 Clerk of the Supreme Court of Arizona
3 this 10th day of January, 2019.

4 by: 

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Appendix

(Please note: deletions are reflected by ~~strike through~~ and additions are reflected by underline.)

Rule 5. Summons and Complaint; Issuance, Content and Service of Process.

a. Summons. [No change in text]

b. Complaint. [No change in text]

c. Complaint for Monetary Damages. [No change in text]

d. Additional Requirements for Complaint.

(1) [No change in text]

(2) [No change in text]

(3) A copy of any lease and any addendums shall be served with the complaint.

(4) If the action is based on non-payment of rent, a copy of the accounting of charges and payments for the preceding six months shall be served with the complaint.

(5) If the complaint seeks a judgment for reasons other than the non-payment of rent, the documents and exhibits the plaintiff intends to present or reply upon at the trial shall be served with the complaint.

e. Sanctions for Incomplete Complaint. If plaintiff fails to comply with subsections b, c or d of this rule without good cause, the court may take appropriate action, including granting a continuance, excluding evidence not disclosed, and sanctioning plaintiff up to and including dismissal of the complaint.

ef. Service of Process. [No change in text]

fg. Failure to Obtain Service. [No change in text]

Rule 10. Disclosure.

a. Upon request, a party shall provide to the other party prior to the hearing or trial:
1) ~~a copy of any lease agreement;~~ 2) ~~a list of witnesses and exhibits;~~ 3) ~~if nonpayment of rent is an issue, an accounting of charges and payments for the preceding six months;~~ and 4) copies of any documents the party intends to introduce as an exhibit at trial, that were not attached to the complaint as required by Rule 5(d).

Appendix

(Please note: deletions are reflected by ~~strike through~~ and additions are reflected by underline.)

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a. Summons. [No change in text]

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(1) [No change in text]

(2) [No change in text]

(3) A copy of any lease and any addendums shall be served with the complaint.

(4) If the action is based on non-payment of rent, a copy of the accounting of charges and payments for the preceding six months shall be served with the complaint.

(5) If the complaint seeks a judgment for reasons other than the non-payment of rent, the documents and exhibits the plaintiff intends to present or reply upon at the trial shall be served with the complaint.

e. Sanctions for Incomplete Complaint. If plaintiff fails to comply with subsections b, c or d of this rule without good cause, the court may take appropriate action, including granting a continuance, excluding evidence not disclosed, and sanctioning plaintiff up to and including dismissal of the complaint.

ef. Service of Process. [No change in text]

fg. Failure to Obtain Service. [No change in text]

Rule 10. Disclosure.

a. Upon request, a party shall provide to the other party prior to the hearing or trial:
1) ~~a copy of any lease agreement;~~ 2) ~~a list of witnesses and exhibits;~~ 3) ~~if nonpayment of rent is an issue, an accounting of charges and payments for the preceding six months;~~ and 4) copies of any documents the party intends to introduce as an exhibit at trial, that were not attached to the complaint as required by Rule 5(d).

Appendix

(Please note: deletions are reflected by ~~strike through~~ and additions are reflected by underline.)

Rule 5. Summons and Complaint; Issuance, Content and Service of Process.

a. Summons. [No change in text]

b. Complaint. [No change in text]

c. Complaint for Monetary Damages. [No change in text]

d. Additional Requirements for Complaint.

(1) [No change in text]

(2) [No change in text]

(3) A copy of any lease and any addendums shall be served with the complaint.

(4) If the action is based on non-payment of rent, a copy of the accounting of charges and payments for the preceding six months shall be served with the complaint.

(5) If the complaint seeks a judgment for reasons other than the non-payment of rent, the documents and exhibits the plaintiff intends to present or reply upon at the trial shall be served with the complaint.

e. Sanctions for Incomplete Complaint. If plaintiff fails to comply with subsections b, c or d of this rule without good cause, the court may take appropriate action, including granting a continuance, excluding evidence not disclosed, and sanctioning plaintiff up to and including dismissal of the complaint.

ef. Service of Process. [No change in text]

fg. Failure to Obtain Service. [No change in text]

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Hon. Ann A. Scott Timmer, Chair
Attorney Regulation Advisory Committee
1501 W. Washington St.
Phoenix, AZ 85007

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)	
)	Supreme Court No. R-19-0011
PETITION TO AMEND RULES)	
38 and 39 and ABROGATE RULE)	
40, RULES OF THE)	
ARIZONA SUPREME COURT)	
)	Petition to Amend Rules 38 and
)	39 and Abrogate Rule 40, Rules
)	of the Arizona Supreme Court
_____)	

Pursuant to Rule 28, Rules of the Arizona Supreme Court, Justice Ann A. Scott Timmer, Chair of the Attorney Regulation Advisory Committee, respectfully petitions this Court to adopt amendments to Rules 38 and 39 and abrogate Rule 40, Rules of the Arizona Supreme Court.

I. Background and Purpose of the Proposed Rule Amendments

Rules 38, 39, and 40 provide exceptions to the usual admission process for lawyers. Rule 38 provides a lengthy list of exceptions to the standard examinations and admission process. Rule 39 sets out the procedures for admission pro hac vice. Rule 40 permits the temporary practice of law for non-member lawyers following a major disaster. This petition proposes to reorganize these various exceptions in a

more user-friendly way. Over the years, the list of exceptions in Rule 38 has expanded. With the addition of admission on motion and admission by transfer of uniform bar examination scores, and the narrowing of the definition of the unauthorized practice of law in ER 5.5, some of the exceptions to the usual admissions process are no longer needed or should be modified to reflect these changes. In addition, the petition updates the certification process for some of the exceptions to make the process more streamlined and the requirements consistent.

The petition proposes dividing the exceptions into two rules. Rule 38 comprises the more permanent exceptions: in-house counsel; foreign legal consultants; full-time and clinical law professors; and approved legal services organizations and certification of *pro bono* counsel. Rule 39 contains the more temporary admissions: *pro hac vice*; practice pending admission; law student practice; and military spouse certification.

The petition also removes certain rules. Rule 40, permitting the temporary practice of law for non-member lawyers following a major disaster, has been abrogated as it is no longer necessary after the 2016 amendments to ER 5.5 that allowed non-members to provide legal services on a temporary basis. In addition, Rule 38(e), permitting non-Arizona attorneys employed by indigent defense offices in small counties to practice, is no longer necessary considering the newer paths to admission: admission on motion and admission upon transfer of uniform bar

examination score.

The petition also attempted to use a uniform format for all the exceptions to facilitate easy reference to the requirements.

II. Proposed Amendments

1. Rule 38 Certifications and Limited Admissions to Practice Law

(a) In-house counsel

The contents of current Rule 38(a) have been reorganized under the more uniform format. The following are the more substantive changes:

- Removed language in current Rule 38(a)(1) stating that the employer must engage in business “other than the practice of law or provision of legal services.” This amendment was based on the suggestion that this exception should not prohibit lawyers from practicing as an in-house counsel for a law firm or other legal office. This change would allow out-of-state lawyers to register as in-house counsel and work for a law practice as an in-house counsel with all rights and restrictions provided in the rules.
- The proposed rule creates a new Foreign Lawyer Eligibility paragraph to separate non-member-U.S.-attorney applicants from non-member-foreign-attorney applicants. Rule 38(a)(2). The intent was to clarify eligibility for the different types of non-members.
- Removed language in current Rule 38(a)(4) that has become obsolete with

time, which stated “An attorney who is employed by an eligible organization as in-house counsel on the effective date of this rule shall apply for a Registration Certificate within one hundred and eighty (180) days of that effective date.” The proposed revised draft requires all lawyers to apply for a registration certificate within ninety (90) days of commencement of employment. Rule 38(a)(3).

- Added a “Subsequent Admission” section. If an attorney registered under this rule is subsequently admitted to the practice of law in Arizona, that attorney’s in-house counsel registration shall be superseded by the Arizona license to practice law. Rule 38(a)(10).

(b) Foreign Legal Consultant.

The contents of current Rule 38(b) have been reorganized under the more uniform format. The following are the more substantive changes:

- Currently, Rule 38(b) requires that the applicant have been admitted to practice in a foreign jurisdiction “for a period of not less than five of the seven years” immediately preceding the application. The petition amends this time period to conform to the ABA Model Rule for licensing foreign legal consultants to “not less than five years.” Rule 38(b)(1)(A).
- Current Rule 38(b) requires an applicant to have engaged in the practice of law for five of the seven years immediately preceding the application. The

petition amends this time period to conform to the time period applied to applicants for admission on motion: “three of the five years immediately preceding” the application. Rule 38(b)(1)(B).

- The petition deletes the phrase “or political subdivision of a foreign country” in current Rule 38(b)(2)(A) to conform to the ABA Model Rule.
- The petition deletes the age requirement (21) in current Rule 38(b)(2)(E) to conform to the ABA Model Rule.
- The petition adds the requirement that the foreign legal consultant receive a registration number and pay an annual renewal fee. Rule 38(b)(8).

(c) Law Professor Certification.

The petition combines current Rule 38(c), Full-Time Law School Faculty Members, and Rule 38(d), relating to Clinical Law Professors, and generally treats them the same for this exception to the admission requirements. The contents of both rules have been organized under the uniform format. The following are more substantive changes:

- The petition requires the law professor to pay annual fees and comply with CLE requirements. Rule 38(c)(2) and (7).
- Clinical law professors will undergo a more formal application process through the Committee on Character and Fitness. Rule 38(c)(2). In light of the need for clinical law professors to be authorized to practice in the

law school clinics, the rule permits them to practice pending the review of the application by the Committee, provided the clinical law professor has submitted an application deemed complete by the Committee, is supervised by an Arizona attorney, and provides notice on all written communication of the temporary status and supervising attorney. Rule 38(c)(3)(B).

- Current Rule 38(c)(5) sets out limitations on the number of hours a full-time faculty member can practice and requires the dean of the law school to “annually advise the executive director of the state bar” that the faculty members are in compliance with university rules regarding practice. The petition amends the rule to remove any limitations on the hours of practice, believing that this restriction could be addressed by each law school. The petition also removes any reporting requirement.

(d) Approved Legal Service Organizations and Certification of *Pro Bono* Counsel.

This proposed rule combines the requirements of current Rules 38(e), attorneys volunteering with an approved legal services organization, and 38(f), attorneys working with an approved legal services organization. The proposed rule also incorporates some of the language previously used in those subsections, as well as some language utilized in current Rule 204.6, Colorado Rules of Civil Procedure.

The following are more substantive changes to the application process for an approved legal service organization:

- The petition to apply for approved legal service organization (LSO) status is filed with the Clerk of the Court.¹ A copy of the petition is also provided to the State Bar. The current rule required Chief Bar Counsel to file a comment on the petition. The draft rule provides that Chief Bar Counsel may within 10 days file a comment with the Clerk. Rule 38(d)(1)(B).
- The LSO is required in its petition to identify those lawyers it directly employs to provide legal services and those lawyers not currently authorized to practice in Arizona who provide volunteer pro bono services under its auspices and supervision. Rule 38(d)(1)(A)(vi).
- The LSO is required to file an annual notice with the Clerk, updating its list of employed and volunteer lawyers, and certifying that it has offered appropriate training and continuing legal education to its volunteer *pro bono* lawyers. Rule 38(d)(1)(C).
- In the event of non-compliance, either the Supreme Court or the State Bar may require the LSO to show cause as to whether its approved status, and the

¹ ARC recommends those legal service organizations already approved by the Court not be required to file another application, but instead be required to submit the annual statement as described in Rule 38(d)(1)(C).

certification of volunteer *pro bono* counsel working under its auspices and supervision, should be revoked. Rule 38(d)(1)(E).

The following are the substantive provisions regarding the qualifications for Certification as *Pro Bono* Counsel:

- “*Pro Bono* Services” are defined. Rule 38(d)(2).
- The categories of lawyers not currently authorized to practice in Arizona who may qualify for *pro bono* certification status are identified. Rule 38(d)(2)(A)(i)-(iv).
- The application to become certified as *pro bono* counsel is submitted by the LSO that is providing supervision and offering training and continuing legal education. Rule 38(d)(2)(B).
- The proposed rule exempts retired and inactive volunteer *pro bono* counsel from paying SBA annual bar dues if they comply with the provisions of proposed subsection (H), including providing an avowal they have provided a minimum of ten (10) hours of *pro bono* legal services.
- A lawyer certified under this rule is assigned a certification number, and it must be provided in any pleading signed by that lawyer. For appearances made in court without a written pleading, the lawyer must advise the court of the lawyer’s certification number. Rule 38(d)(2)(I).

- Retired and inactive lawyers who volunteer as *pro bono* counsel need not comply with the CLE requirements found in Rule 45; instead, the obligation to offer appropriate continuing legal education to volunteer retired and inactive *pro bono* counsel is expressly placed on the approved legal service organization.
- Arizona lawyers who have active license status and those lawyers who are directly employed with legal service organizations must still comply with the Rule 45 CLE requirements. Rule 38(d)(2)(H)(iv).
- Circumstances under which the volunteer *pro bono* certification will be automatically terminated are identified. Rule 38(d)(2)(F).

2. Rule 39 Temporary Authorizations to Practice Law

(a) Pro Hac Vice.

The contents of the rule have been reorganized under the more uniform format.

The following are the more substantive changes:

- The draft adds language to include foreign lawyer eligibility to apply for pro hac vice (PHV) admission. The draft rule allows for a member of a bar of another state or non-U.S. jurisdiction to apply for PHV admission.
- The draft removes the following provision in current Rule 39(a):
 “Except for non-members authorized pursuant to Rule 38(a)(10) or otherwise eligible, no person is eligible to appear as counsel pursuant to this rule if that

person (a) is a resident of the State of Arizona, or (b) is regularly employed in the State of Arizona, or (c) is regularly engaged in substantial business, professional, or other activities in the State of Arizona.” The draft now allows lawyers residing in Arizona, practicing under the authority of another rule, like ER 5.5, to apply for PHV admission. It also is congruent with Rule 38(b) which allows foreign legal consultants to reside in Arizona and apply to appear PHV.

- The draft removed language in current Rule 39(d) enumerating what needs to be in the verified application. Because the application must be approved by the Court, there did not seem to be a need to describe the entire contents of the application in the Rule.

(b) Practice Pending Admission

The contents of current Rule 38(h) have been reorganized under the more uniform format. The only substantive change was to expand the authorization to practice to those applicants seeking admission by transfer of uniform bar examination score and by examination.

(c) Law Student Practice

As noted above, the petition combined the Clinical Law Professor certification with the Full-Time Law Faculty certification, leaving this subsection to deal exclusively with law student practice. The contents of current Rule 38(d) relating to

law student practice were organized under the uniform format. The only substantive change was the requirement that the Clerk issue a notice of certification and send a copy of the certification to the student, the law school, the supervising attorney, and the State Bar. Rule 39(c)(3)(G).

(d) Military Spouse Certification

The contents of current Rule 38(i) were reorganized under the uniform format. No substantive changes were made.

3. Rule 40. Provision of Legal Services Following Determination of Major Disaster

The contents of this rule will be abrogated. The rule can be reserved.

4. Current Rule 38(e): Attorneys Employed by Indigent Defense Offices.

This exception was added in 2009 to allow a non-member attorney employed by an indigent defense office in a smaller county to practice law. Since 2009, only one attorney has sought authorization to practice under this exception with the Mohave County Public Defender. The attorney was later admitted on motion in Arizona. Because it was utilized by only one attorney in the 10 years it has existed, and with the advent of admission on motion and admission upon transfer of uniform bar examination score, this exception no longer appears to be necessary. Consequently, the petition does not include this exception.

III. Pre-submission Comments

ARC circulated the draft petition and appendices to the various stakeholders

APPENDIX

Rule 38. Certifications and Limited Admissions to Practice Law

- (a) **In-house Counsel**
 - (b) **Foreign Legal Consultant**
 - (c) **Law Professor Certification**
 - (d) **Approved Legal Services Organizations and Certification of *Pro Bono* Counsel.**
-

(a) **In-house Counsel**

- (1) *General Statement and Eligibility.* As used in this rule, “in-house counsel” shall refer to an attorney who is employed within the State of Arizona as in-house counsel or a related position for a single for-profit or non-profit corporation, association, or other organizational entity, which can include its parents, subsidiaries and/or affiliates, the business of which is lawful. A lawyer who is not a member of the State Bar of Arizona who has been admitted to practice law in another jurisdiction may apply for an Arizona Certificate of Registration of In-House Counsel if all of the following conditions are met:
 - (A) The applicant holds a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;
 - (B) The applicant is currently a member in good standing of the bar of another state or the District of Columbia, or eligible to practice before the highest court in any state, territory or insular possession of the United States; and
 - (C) The applicant is employed within the State of Arizona as in-house counsel, as hereinabove defined, may apply for an Arizona Certificate of Registration of In-House Counsel (“Registration Certificate”).
- (2) *Foreign Lawyer Eligibility.* A lawyer employed as in-house counsel within the State of Arizona who is admitted to practice and a member in good standing in a jurisdiction outside of the United States, in accordance with the standards and requirements generally applicable to the practice of law in that jurisdiction, may also apply for a Registration Certificate.
- (3) *Filing Requirements.* Any attorney who commences employment by an eligible organization as in-house counsel shall apply for a Registration

Certificate within ninety (90) days of the date of commencement of employment.

(A) An applicant for a Registration Certificate shall:

- (i) file with the State Bar of Arizona its form of verified application for an Arizona Certificate of Registration of In-House Counsel;
- (ii) attach to the verified application a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States, or foreign jurisdiction, in which the applicant has been admitted to practice law certifying the current status of the applicant's membership or eligibility to practice therein;
- (iii) certify that the applicant has read and is familiar with the Arizona Rules of Professional Conduct;
- (iv) pay an application fee in an amount established by the Supreme Court; and
- (v) submit evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j).

(B) Upon a determination by the State Bar of Arizona that the applicant has complied with the requirements of subdivision (3)(A), the State Bar shall issue to the applicant a Registration Certificate. The State Bar shall promptly notify any applicant if it determines that an application fails to comply with the requirements of subdivision (3)(A), and the applicant shall have thirty (30) days from the date of such notice in which to cure any deficiency. If the applicant fails to cure such deficiency within that thirty (30) day period, the application shall be deemed denied.

(C) An applicant may petition the Arizona Supreme Court for a waiver of any of the requirements for registration under this rule.

(4) *Scope of Authority.* Except as provided in this rule, the holder of a valid and current Registration Certificate shall be entitled to the benefits and responsibilities of active members of the State Bar of Arizona. A Registration Certificate shall not authorize the registrant to provide legal services to any person or entity except when providing legal services to the one for which the registrant serves as in-house counsel, or its parents, subsidiaries or affiliates, or when providing legal services under Rule 38(d).

- (5) *Discipline and Disability Jurisdiction.* The holder of a Registration Certificate shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar.
- (6) *Termination of Certification.* A lawyer's authority to practice as in-house counsel under a Registration Certificate issued pursuant to this rule shall be suspended when the lawyer is suspended or disbarred for disciplinary reasons in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which that lawyer has been admitted to practice.
- (7) *Registration, Fees and CLE Requirements.*
- (A) On or before February 1 of each year, in-house counsel registered pursuant to the provisions of this rule, who continues to be employed as in-house counsel within the State of Arizona, shall renew the Registration Certificate and pay a renewal fee set by the Supreme Court.
 - (B) An attorney registered pursuant to this rule who has become employed by a different eligible entity but continues to meet all the requirements of this rule, must apply for the issuance of an amended Registration Certificate to reflect that change.
 - (C) A lawyer who has been issued a Registration Certificate under this rule shall satisfy the continuing legal education requirements, if any, of at least one of the other state(s) or jurisdiction(s) in which that lawyer is admitted to practice. If not subject to mandatory continuing legal education requirement in the other state(s) or jurisdiction(s), the lawyer shall comply with Arizona's continuing legal education requirements. On or before September 15 of each calendar year, every registered in-house counsel shall file an affidavit demonstrating full compliance with this rule.
- (8) *Reporting Requirements.* Each lawyer issued a Registration Certificate shall report to the State Bar of Arizona, within thirty (30) days, any change in bar membership status in any jurisdiction of the United States or in any foreign jurisdiction where the applicant has been admitted to the practice of law, or the imposition of any disciplinary sanction by any federal or state court or agency before which the applicant has been admitted to practice, or in any state in which the lawyer has rendered legal services while temporarily authorized under any rule or by admission pro hac vice.

If there is a change in circumstances, and an attorney holding a current Registration Certificate becomes ineligible for such Certificate, the attorney

shall notify the State Bar of Arizona of such change in writing within thirty (30) days.

- (9) *Pro Hac Vice Admission.* In providing legal services to the lawyer's employer, a lawyer who has been issued a Registration Certificate under this rule may also secure admission pro hac vice in Arizona to provide the services authorized in the preceding paragraph by complying with the requirements of Rule 39 of these rules. A lawyer who has been issued a Registration Certificate under this rule may provide services under Rule 38(d) without securing admission pro hac vice.

A lawyer serving as in-house counsel in Arizona who fails to register pursuant to the provisions of this rule shall be ineligible for admission pro hac vice in Arizona, and may be referred by the State Bar of Arizona to the Bar admission and/or disciplinary regulatory authority in any jurisdiction in which that lawyer has been admitted to practice law.

- (10) *Subsequent Admission.* If an attorney registered under this rule is subsequently admitted to the practice of law in Arizona, that attorney's in-house counsel registration shall be superseded by the Arizona license to practice law.

(b) Foreign Legal Consultant

- (1) *General Statement and Eligibility.* A "foreign legal consultant" is a person who is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country and has been issued a certificate of registration as a foreign legal consultant. To be issued a certificate of registration as a foreign legal consultant, an applicant must:
- (A) have been admitted to practice and have been in good standing as an attorney or counselor at law or the equivalent in a foreign country for not less than five years immediately preceding the date of the application;
 - (B) have engaged in the practice of law in such country or in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in such country for at least three of the five years immediately preceding the date of the application;
 - (C) possess the character and fitness required of all applicants for admission to the practice of law in Arizona;
 - (D) intend to practice as a registered foreign legal consultant in Arizona and to maintain an office in Arizona for that purpose; and

- (E) possess the necessary documentation evidencing compliance with the immigration laws of the United States;
- (2) *Filing Requirements.* An applicant must file an application for foreign legal consultant registration with the Committee on Character and Fitness on a form supplied by the Committee. An application must include all of the following:
- (A) an application fee as established by the Supreme Court;
 - (B) a character report and character investigation fee as established by the Supreme Court;
 - (C) a certificate from the professional body or public authority having jurisdiction over professional discipline in each foreign county in which the applicant is admitted to practice, certifying the applicant's admission to practice, date of admission and good standing as an attorney or counselor at law or the equivalent;
 - (D) a letter of recommendation from one of the members of the executive body of each professional body or public authority referenced in (2)(C) or from one of the judge of the highest law court or court of original jurisdiction in each foreign county in which the applicant is admitted;
 - (E) duly authenticated English translations of the certificate required by (2)(C) and the letter of recommendation required by (2)(D), if they are not in English; and
 - (F) other evidence of applicant's educational and professional qualifications, character and fitness, and satisfaction of the conditions of (1) of this rule as the Committee on Character and Fitness may require. If strict compliance with the provisions of (C) of this rule would cause the applicant unnecessary hardship or upon a showing of exceptional professional qualifications to practice as a foreign legal consultant, the Committee may waive or vary the application of those provisions and permit the applicant to furnish other evidence.
- (3) *Scope of Authority.*
- (A) *Scope of Practice.* A person registered to practice as a foreign legal consultant under this rule may render legal services in Arizona subject, however, to the limitations that he or she shall not:
 - (i) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state other than upon admission pro hac vice pursuant to Rule 39;

- (ii) prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States of America;
 - (iii) prepare any will or trust instrument affecting the disposition on death of any property located in the United States of America and owned by a resident thereof;
 - (iv) prepare any instrument relating to the administration of a decedent's estate in the United States of America;
 - (v) prepare any instrument in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of a resident;
 - (vi) render professional legal advice on the law of this state or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in this state;
 - (vii) in any way hold himself or herself out as a member of the state bar.
- (B) Title of “Legal Consultant”. A person registered as a foreign legal consultant under this rule shall at all times use the title “legal consultant”, which shall be used in conjunction with the name of the foreign country of his or her admission to practice, and shall not carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:
- (i) his or her own name;
 - (ii) the name of his or her law firm;
 - (iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country.
- (4) *Rights and Obligations.* A foreign legal consultant registered under this rule shall not be a member of the state bar but shall be considered an affiliate of the state bar subject to the same conditions and requirements as apply to a member of the state bar under the Rules of the Supreme Court governing members of the state bar, insofar as conditions and requirements are consistent with the provisions of this rule, and shall:

- (A) have the right, in the same manner and to the same extent as members of the state bar, to:
 - (i) employ one or more members of the state bar;
 - (ii) be employed by one or more members of the state bar or by any partnership or professional corporation that includes members of the state bar or that maintains an office in this state; or
 - (iii) be a partner in any partnership or shareholder in any professional corporation that includes members of the state bar or that maintains an office in this state;
 - (B) enjoy and be subject to all rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges in the same manner and to the same extent as members of the state bar; and
 - (C) within one year after receiving a certificate of registration, a foreign legal consultant shall complete the state bar course on professionalism, or an equivalent course on the principles of professionalism approved or licensed by the Board of Governors of the State Bar of Arizona for this purpose.
- (5) *Discipline and Disability Jurisdiction.* A person registered as a foreign legal consultant under this rule shall be subject to professional discipline and disability proceedings in the same manner and to the same extent as members of the state bar.
- (6) *Termination of Registration.* If the Supreme Court determines that a person registered as a foreign legal consultant under this rule no longer meets the conditions for registration, it may summarily terminate the foreign legal consultant's registration. Upon termination of the registration, the person shall immediately cease acting as a foreign legal consultant, notify in writing all clients in pending matters, and opposing counsel in pending matters, of the termination of the person's authority to act as a foreign legal consultant, and take all necessary steps to protect the interests of clients.
- (7) *Registration and Fees.* A person registered as a foreign legal consultant must renew his or her registration and pay a renewal fee set the Supreme Court on or before February 1 of each year.
- (8) *Registration Number.* A person registered as a foreign legal consultant shall be assigned a registration number, which will be used to identify that person's registration status in Arizona. Any pleading signed by the foreign legal consultant must include the person's registration number.

- (9) *Subsequent Attorney Admission.* If a person registered as a foreign legal consultant in Arizona is subsequently admitted to the practice of law in Arizona, that person's foreign legal consultant registration will be superseded by the Arizona license to practice law.

(c) Law Professor Certification

- (1) *General Statement and Eligibility.* The Supreme Court may certify a law professor who has been admitted to practice law in another jurisdiction in the United States to practice law in Arizona if all the following conditions are met:

- (A) the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of the applicant's graduation;
- (B) the applicant is employed full-time as a faculty member at a law school in Arizona which is provisionally or fully approved by the American Bar Association;
- (C) the applicant is a member in good standing of the bar of all courts and jurisdictions in which the applicant is admitted to practice;
- (D) the applicant is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability proceeding in any jurisdiction; and
- (E) the applicant possesses the character and fitness required of all applicants for admission to the practice of law in Arizona.

- (2) *Filing Requirements.* An applicant must submit an application for law professor certification with the Committee on Character and Fitness on a form supplied by the Committee. The application must include all of the following:

- (A) an application fee as established by the Supreme Court;
- (B) a character report and character investigation fee as established by the Supreme Court;
- (C) a certification of employment by the law school;
- (D) a certificate of good standing from all courts and jurisdictions in which the applicant is admitted to practice; and
- (E) evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j).

- (3) *Certification of Full-time and Clinical Law Professors.*

- (A) Full-time Law Professors. If the Committee determines that the full-time law professor possesses the character and fitness required of

other applicants for admission, it shall recommend to the Court the applicant's certification to practice law. The applicant may not act as counsel for a client until certified under this rule by order of the Court. A copy of the order certifying the attorney will be sent by the Clerk to the Chief Bar Counsel.

- (B) Clinical Law Professors. A law professor providing clinical instruction to law students is authorized to practice law in connection with the supervision of a clinical law program at the law school while the application for certification is pending before the Committee, provided that the clinical law professor:
- (i) has first submitted an application for law professor certification deemed complete by the Committee;
 - (ii) is supervised by an attorney licensed to practice in Arizona, and discloses the name, address, and membership status of that attorney;
 - (iii) affirmatively states in all written communications with the public and clients the following language: "Practice temporarily authorized pending certification under Rule 38(c). Supervision by [name of attorney], a member of the State Bar of Arizona."

If the Committee determines that the clinical law professor possesses the character and fitness required of other applicants for admission, it shall recommend to the Court the applicant's certification to practice law. A copy of the order certifying the attorney will be sent by the Clerk to the Chief Bar Counsel.

- (4) *Scope of Authority.* Except as provided in this rule, an attorney certified under this rule shall be entitled to all rights and privileges and subject to all duties, obligations, and responsibilities applicable to licensed Arizona attorneys for the period of authorized practice.
- (5) *Discipline and Disability Jurisdiction.* An attorney certified under this rule shall be subject to the Arizona Rules of Professional Conduct and attorney discipline and disability proceedings in the same manner and to the same extent as members of the state bar.
- (6) *Termination of Certification.* Certification under this rule will automatically terminate when the attorney:
- (A) no longer holds full-time status as a law professor at the Arizona law school; or

- (B) is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted.

The attorney admitted under this rule must notify the State Bar of any such change of status within thirty days of the change.

- (7) *Action Required after Termination of Certification.* Upon termination of certification under subsection 5, within thirty days the attorney must:
 - (A) notify in writing all clients in pending matters, and co-counsel and opposing counsel in pending litigation, of the termination of the attorney's authority to practice law in Arizona;
 - (B) decline any new representation that would require the attorney to be admitted to practice in Arizona; and
 - (C) take all other necessary steps to protect the interests of clients.
- (8) *Registration, Fees & CLE.* An attorney certified under this rule must pay annual registration fees as required under Rule 32 and comply with mandatory legal education requirements under Rule 45.
- (9) *Registration number.* An attorney certified under this rule shall be assigned a registration number, which shall be used to identify that attorney's status in Arizona in accordance with applicable rules of procedure.
- (10) *Subsequent Attorney Admission.* If an attorney certified under this rule is subsequently admitted to the practice of law in Arizona, the attorney's law professor certification will be superseded by the Arizona license to practice law.

(d) Approved Legal Services Organizations and Certification of *Pro Bono* Counsel.

- (1) *Approved Legal Service Organizations.* An "approved legal services organization" is a non-profit legal entity that has as one of its primary purposes the provision of free civil legal assistance to low income individuals.
 - (A) *Filing Requirements.* To qualify as an approved legal services organization, an entity must first file a petition with the Clerk of the Arizona Supreme Court, and a copy of the petition with the Chief Bar Counsel of the State Bar of Arizona. The petition must contain the following information:
 - (i) A statement that it does not accept fees for services rendered to its clients;

- (ii) An explanation of the structure of the organization;
 - (iii) Disclosure of the major sources of funds used by the organization;
 - (iv) The criteria used to determine potential clients' eligibility for legal and non-legal services performed by the organization;
 - (v) A description of the types of legal services provided by the organization;
 - (vi) The names of all attorneys who are employed by the organization, or who regularly or periodically provide volunteer legal services for clients under the auspices and supervision of the organization; and
 - (vii) The existence and extent of malpractice insurance that will cover attorneys authorized to practice under Rule 38(d)(2).
- (B) *State Bar comment.* The State Bar of Arizona, through its Chief Bar Counsel or other authorized representative, may, within ten days of receipt, file a comment on the petition with the Clerk.
- (C) *Annual Notice to Court.* On or before February 1 of each year, the organization shall file a notice with the Clerk and a copy with the State Bar, providing updated information, including a current list of employed and volunteer lawyers certified under this rule, and certifying that the organization has provided, and will insure that volunteer *pro bono* lawyers providing services pursuant to this rule have been offered appropriate training and continuing legal education as it relates to the *pro bono* work being performed under the auspices of the organization. The State Bar, through its Chief Bar Counsel or other authorized representative, may, within ten days of receipt, file a comment on the organization's annual notice with the Clerk.
- (D) *Scope of Authority.* A legal services organization is not approved until an administrative order confirming such approval is entered by the Court. A copy of the order approving the legal services organization and/or certifying the employed or volunteer *pro bono* lawyers listed by the legal services organization, will be sent by the Clerk to the Chief Bar Counsel.

(E) *Termination of Authorization.* In the event of non-compliance with these provisions, the Court *sua sponte*, or on application by the State Bar, may order the legal services organization to show cause as to whether its approved status, and the *pro bono* certification of lawyers working under its auspices and supervision, should be revoked.

(2) *Certification of Pro Bono Counsel.*

(A) *General Statement.* The Supreme Court may certify attorneys not otherwise authorized to practice law in Arizona to provide *pro bono* legal services under the auspices of a legal services organization approved under Rule 38(d)(1). “*Pro bono* services” are civil legal services provided without charge to low income clients

(B) *Eligibility.* To be certified, the attorney must be one of the following:

(i) *An attorney, including a retired attorney, admitted to practice in Arizona* who:

- (a) Has practiced law for at least five years, but is now on inactive or retired status;
- (b) Is a member in good standing of the bar of all courts and jurisdictions in which he or she has been admitted to practice;
- (c) Has not been disciplined for professional misconduct during the last five years, and has no pending disciplinary or disability proceeding; and
- (d) Limits his or her practice to acting as *pro bono* counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Ethical Rule 6.1(a), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or

(ii) *An out of state attorney domiciled in Arizona but not admitted to practice law in Arizona*, who:

- (a) Has been licensed to practice law for at least five years and is on active, inactive or equivalent status in another jurisdiction;

- (b) Is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;
 - (c) Has not been disciplined for professional misconduct during the last five years and has no pending formal disciplinary or disability proceeding;
 - (d) Has successfully completed the course on Arizona law described in Rule 34(j);
 - (e) Has read and agrees to be subject to the Arizona Rules of Professional Conduct; and
 - (f) Limits his or her practice to acting as *pro bono* counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Ethical Rule 6.1(a), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or
- (iii) *An attorney, either domiciled in Arizona or outside Arizona, who is employed part-time or full-time by an approved legal services organization in this state, and who:*
- (a) Has been licensed to practice law for at least two years, holds an active license to practice law in another jurisdiction in the United States, and is a member in good standing of the bar of all courts or jurisdictions in which he or she is admitted to practice;
 - (b) Has not been disciplined for professional misconduct in the last five years and has no pending formal disciplinary or disability proceeding;
 - (c) Has successfully completed the course on Arizona law described in Rule 34(j);
 - (d) Has read and agrees to be subject to the Arizona Rules of Professional Conduct; and
 - (e) Limits his or her practice to acting as *pro bono* counsel as set forth in this rule; or

(iv) *An attorney, not licensed to practice in Arizona, but who is duly registered as In-House Counsel pursuant to Rule 38(a), and provides pro bono legal services under the auspices and supervision of an approved legal services organization, pursuant to Rule 38(d)(1).*

(C) *Filing Requirements.* The approved legal services organization under which a lawyer is to provide *pro bono* legal services shall file an initial application with the Clerk listing those lawyers it seeks to qualify for *pro bono* counsel certification. For each such lawyer, the application shall include:

- (i) A certificate from each of the highest courts or agencies in the state, territory or district in which the applicant is presently licensed to practice law, documenting that the applicant is a member in good standing of all courts and jurisdictions in which he or she has been admitted to practice, and has no disciplinary history within the last five years or any pending discipline or disability proceeding. An applicant who is registered as In-House Counsel pursuant to Rule 38 (a) shall fulfill this requirement by providing a copy of his or her current Arizona Certification of Registration of In-House Counsel;
- (ii) An avowal by the approved legal services organization that the applicant is employed by or is an unpaid volunteer providing *pro bono* legal services under the auspices of the organization;
- (iii) An avowal from the applicant certifying he or she qualifies under and agrees to the provisions of Rule 38(d)(2)(A).

(D) *Scope of Authority.* An attorney certified and registered under this rule has the authority to act as *pro bono* counsel for clients as defined in this rule. The attorney may not act as counsel for a client until certified under this rule by order of the Court.

(E) *Recovery of Attorneys' Fees and Costs.* This rule does not preclude an approved legal services organization from receiving court-awarded attorneys' fees and costs for representation provided by certified *pro bono* counsel. Certified volunteer *pro bono* counsel may be reimbursed for recoverable costs, but may not seek or collect attorneys' fees incurred in representing a *pro bono* client.

- (F) *Discipline and Disability Jurisdiction.* An attorney certified under this rule is subject to the Arizona Rules of Professional Conduct. In addition to the proceedings and forms of discipline identified in those rules, the attorney may also be enjoined from further practice of law in Arizona.
- (G) *Termination of Certification.* Certification under this rule shall automatically terminate when:
- (i) An attorney employed by an approved legal services organization ceases working for that organization and is not employed by another approved legal services organization;
 - (ii) The approved legal services organization with which the attorney is associated fails to file the annual supplemental statement required in Rule 38(d)(1)(C), or fails to identify the attorney in that filing;
 - (iii) The attorney is suspended or disbarred or placed on disability inactive status in any jurisdiction, court or agency before which the attorney is admitted;
 - (iv) The attorney is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter; or
 - (v) The attorney fails to complete the dues statement or pay the prior year's attorney registration fees as required in Rule 38(d)(2)(H)(i) or (ii).
- (H) *Notice of change of status.* The approved legal services organization shall notify the Clerk of the Arizona Supreme Court in writing of any change of status described in Rule 38(d)(2) (F) within 28 days of such change.
- (I) *Registration, Fees and CLE.*
- (i) An otherwise retired or inactive attorney certified under this rule shall not be required to pay an annual registration fee if the attorney has provided ten (10) hours of *pro bono* legal services under this rule within the prior twelve-month period. To be

exempt from paying an annual registration fee, the attorney shall complete a dues statement provided by the State Bar of Arizona on or before February 1, identifying the approved legal services organization(s), as described in this rule, for which the attorney has volunteered in the prior twelve-month period, and avowing that he or she has provided ten (10) hours of *pro bono* services during that period and remains qualified for such waiver and for continuing certification as *pro bono* counsel under this rule.

(ii) An attorney who has not provided at least ten (10) hours of *pro bono* legal services under this rule within the prior twelve-month period but who wishes to remain certified as *pro bono* counsel must pay the registration fee that was applicable in the prior calendar year for registered inactive or retired attorneys, as appropriate, pursuant to the fee schedule established by the Court.

(iii) Failure of an attorney certified under this rule to complete the State Bar's dues statement, as described above, or to pay the prior year's inactive attorney registration fees by February 1 of each year, shall automatically terminate that lawyer's status as certified *pro bono* counsel and result in suspension of the attorney's Arizona license, if applicable.

(iv) Attorneys directly employed by an approved legal services organization and licensed volunteer attorneys in active practice must comply with the Mandatory Continuing Legal Education requirements of Rule 45. Retired and inactive lawyers certified as *pro bono* counsel are exempt from Rule 45 CLE reporting requirements.

(J) *Certification Number.* An attorney certified under this rule shall be assigned a certification number by the State Bar of Arizona, which shall be used to identify that attorney's authorization to practice in Arizona. Any pleading signed by an attorney authorized under this rule shall include the attorney's certification number. Whenever an initial appearance is made in court without a written pleading, the attorney shall advise the court of the attorney's certification number.

- (K) *Subsequent Attorney Admission.* If an Arizona attorney certified under this rule subsequently changes his or her status to active, that attorney's *pro bono* counsel certification shall be terminated. If an attorney licensed in another jurisdiction but certified to practice in Arizona under this rule is subsequently admitted to the practice of law in Arizona, that attorney's *pro bono* counsel certification shall be superseded by the Arizona license to practice law.

Rule 39. Temporary Authorizations to Practice Law

- (a) Pro Hac Vice**
 - (b) Practice Pending Admission**
 - (c) Law Student Practice**
 - (d) Military Spouse Certification**
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(a) Pro Hac Vice

(1) *General Statement and Eligibility.* An attorney who is not a member of the State Bar of Arizona but is currently a member in good standing of the bar of another state or non-U.S. jurisdiction, and eligible to practice before the highest court in any state, territory or insular possession of the United States or foreign jurisdiction (hereinafter called a non-member attorney) may appear as counsel pro hac vice in any case before any state or local court, board or administrative agency in the State of Arizona upon compliance with this rule:

(2) In order to appear as counsel in any matter pending before a court, board, or administrative agency in the State of Arizona, a non-member attorney shall:

- (A) File with the State Bar of Arizona an original and one copy of a verified application; and the verified application required by this rule shall be on a form approved by the Arizona Supreme Court and available at the clerk of the court, board, or administrative agency where such cause is pending.
- (B) File with the State Bar of Arizona a certificate from each state bar or from the clerk of the highest admitting court of each state, territory or insular possession of the United States, or foreign jurisdiction, in which the non-member attorney has been admitted to practice law certifying the non-member attorney's date of admission to such jurisdiction and the current status of the non-member attorney's membership or eligibility to practice therein.

- (C) Pay to the State Bar of Arizona a non-refundable application fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such application is filed plus an additional assessment set by the Arizona Supreme Court for the Client Protection Fund, with the following exceptions:
- (i) Not more than one application fee may be required per non-member attorney for consolidated or related matters regardless of how many applications are made in the consolidated or related proceedings by the non-member attorney.
 - (ii) The application fee shall be waived (1) for Judge Advocate General's Corps' military attorneys practicing before the Military Trial Court of the State of Arizona or the Arizona Court of Military Appeals and (2) to permit pro bono representation of an indigent client or clients. An attorney seeking a fee waiver to provide pro bono representation of an indigent client or clients shall include in the application a verification that all clients represented in the action are indigent and that no attorney fee shall be paid by the client. "Indigent" is defined as those individuals whose gross income is at or below 125% of the federal poverty guidelines, as calculated in conformity with the eligibility requirements for Legal Services Corporation grantees, currently codified at 45 C.F.R. Section 1611.
- (D) Upon receipt of the verified application and fee from the non-member attorney as described above, the State Bar of Arizona shall issue to local counsel a Notice of Receipt of Complete Application that states: (1) whether the non-member attorney has previously made any application or motion pursuant to this rule within the preceding three years; (2) the date of any such application or motion; and (3) whether the application or motion was granted or denied by the court or administrative agency. The State Bar of Arizona Notice shall include as exhibits: (1) the original verified application and (2) the original certificate(s) of good standing. The State Bar shall retain copies of verified applications, certificates of good standing and orders granting, denying or revoking applications to appear pro hac vice for three (3) years.
- (E) Local counsel shall file a motion to associate counsel pro hac vice with the court, board, or administrative agency where the cause is pending, together with proof of service on all parties in accordance

with Arizona Rules of Civil Procedure. The motion to associate counsel pro hac vice shall include:

- (i) the original verified application as an exhibit;
 - (ii) the original certificates of good standing as an exhibit;
 - (iii) the State Bar of Arizona Notice as an exhibit; and
 - (iv) a proposed order granting or denying the motion.
- (F) Local counsel shall mail a copy of each order granting or denying the motion as entered by the court, board, or administrative agency to the State Bar of Arizona.

(3) *Scope of Authority.* A non-member attorney may not appear pro hac vice before any court, board or administrative agency of this state unless the non-member attorney has associated in that cause an attorney who is a member in good standing of the State Bar of Arizona (hereinafter called local counsel). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court, board, or administrative agency when the court, board, or administrative agency deems such appearance and participation appropriate. Local counsel associating with a non-member attorney in a particular cause shall accept joint responsibility with the non-member attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

(4) *Discretion.* The granting or denial of a motion to associate counsel pro hac vice pursuant to this rule by the court, board, or administrative agency is discretionary. The order granting or denying the motion to associate counsel pro hac vice shall be entered by the court, board, or administrative agency no later than 20 days (exclusive of weekends and holidays) after the filing of such motion. A non-member attorney shall make no appearance in a cause until the court, board, or administrative agency where the cause is pending enters the order granting the motion to associate counsel pro hac vice. The order granting pro hac vice status shall be valid for a period of one year from the date of entry, and shall be renewed for subsequent one year periods upon compliance with renewal procedures as specified herein.

(5) *Disciplinary Jurisdiction of the State Bar of Arizona.* As provided in Rule 46(b), Rules of the Supreme Court, a non-member attorney admitted pro hac vice

pursuant to these rules shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar of Arizona.

(6) *Termination of Authorization.* The court, board, or administrative agency may revoke the authority of a non-member attorney to make continued appearances pursuant to this rule. Absent special circumstances, repeated appearances by any person pursuant to this rule may be the cause for denial of the motion to associate counsel pro hac vice. Such special circumstances may include, but are not limited to, the following: (1) a showing that the cause involves a complex area of law in which the nonmember attorney possesses a special expertise, or (2) a lack of local counsel with expertise in the area of law involved in the cause.

(7) *Transfer.* The non-member attorney shall be deemed admitted in the event venue in such action is transferred to another county or court or is appealed; provided, however, that the court having jurisdiction over such transferred or appealed cause may revoke the authority of the non-member attorney to appear pro hac vice.

(8) *Continuing Duties to Advise of Changes in Status.* A non-member attorney admitted pro hac vice shall have the continuing obligation during the period of such admission to promptly advise the State Bar of Arizona of a disposition made of pending charges or the institution of any new disciplinary proceedings or investigations. The State Bar of Arizona shall then advise any court, board, or administrative agency where the non-member attorney has been admitted pro hac vice of any such information. A non-member attorney shall promptly advise the State Bar of Arizona if permission to appear pro hac vice pursuant to this rule is revoked by any court, board, or administrative agency.

(9) *Renewal of Application and Fees.* On or before each anniversary date of the filing of the verified application with the State Bar of Arizona, local counsel must certify to the State Bar of Arizona whether (a) the non-member attorney continues to act as counsel in the cause; or (b) such cause has been adjudicated to a final conclusion or is otherwise concluded. Any non-member attorney who continues to act as counsel in the cause shall remit to the State Bar of Arizona on or before each anniversary date an assessment set by the Arizona Supreme Court for the Client Protection Fund and a fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such renewal is sought, unless the non-member attorney is waived under paragraph (c)(1)(B)(ii) of this rule as a Judge Advocate General's Corps' military attorney or as an attorney providing pro bono representation of an indigent client.

(10) *Failure to Renew.* Any non-member attorney who continues to appear pro hac vice in a cause and fails to pay the renewal fees set forth in paragraph (h) of this rule shall be suspended from appearance in any cause upon the expiration of a period of thirty days from the anniversary date. The executive director of the State Bar of Arizona shall notify the non-member attorney and local counsel of the suspension and shall file a certified copy of the notice with the court, board or administrative agency where the cause is filed. The non-member attorney may be reinstated upon the payment of fees set forth in paragraph (h) of this rule and a \$50 late penalty. Upon payment of all accrued fees and late penalty, the executive director shall reinstate the non-member attorney and shall certify such reinstatement to the court, board, or administrative agency where the cause is filed.

(11) *Annual Reporting.* The State Bar of Arizona shall prepare an annual report which shall list: (a) all applications filed pursuant to this rule during the preceding twelve months; (b) the names of all applicants; and (c) whether the application was granted or denied. The report shall be available for inspection at the offices of the State Bar of Arizona and shall be provided to the Supreme Court.

(12) *Disposition of Fees.* Fifteen percent of the application fees paid pursuant to this rule shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in Rule 38(d).

(b) Practice Pending Admission

(1) *General Statement and Eligibility.* An applicant who currently holds an active license to practice law in another jurisdiction in the United States, and who has been primarily engaged in the active practice of law for three of the last five years immediately preceding the date upon which the application for admission is filed, may provide legal services in Arizona through an office or other place for the regular practice of law in Arizona for no more than 365 days, provided that the applicant:

- (A) is a licensed attorney in good standing in all courts and jurisdictions in which he or she is admitted to practice;
- (B) is not currently subject to an order of attorney discipline or the subject of a pending disciplinary or disability investigation in any jurisdiction;
- (C) has not previously been denied admission to practice law in Arizona, has not failed the Arizona bar examination within the last three

years, and has never been denied admission on character and fitness grounds in any jurisdiction;

- (D) has first submitted an application deemed complete by the Committee on Character and Fitness for admission on motion (Rule 34(f)), admission by transfer of uniform bar examination score (Rule 34(h)), or admission by Arizona bar examination (Rule 34), and has complied with the requirements of Rule 34 (f)(1)(B),(D) and (H);
- (E) reasonably expects to fulfill all of Arizona's requirements for that form of admission;
- (F) associates with and is supervised by an attorney licensed to practice in Arizona, and discloses the name, address, and membership status of that attorney;
- (G) provides a signed verification form from the Arizona attorney certifying the applicant's association with and supervision by that attorney;
- (H) affirmatively states in all written communications with the public and clients the following language: "Practice temporarily authorized pending admission under Rule 39(b). Supervision by [name of attorney], a member of the State Bar of Arizona";
- (I) pays the annual assessment to the Client Protection Fund; and
- (J) pays the required admission fee.

(2) *Appearances.* Until the applicant's admission is granted, the applicant may not appear before a court of record or tribunal in Arizona that requires pro hac vice admission unless the applicant is granted such admission pursuant to Rule 39(a).

(3) *Notice of Disciplinary Investigation.* The applicant must immediately notify the Committee on Character and Fitness in writing if the applicant becomes subject to a disciplinary or disability investigation, complaint, or sanctions in any other jurisdiction at any time during the 365 days of practice authorized by this rule. The Committee on Character and Fitness shall take into account such information in determining whether to grant the attorney's application for admission to practice law in Arizona.

(4) *Discipline and Disability Jurisdiction.* Any attorney practicing under this rule shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in the State of Arizona.

(5) *Termination of Authorization to Practice.* The authority given an applicant to practice law pending admission pursuant to this rule shall terminate immediately if:

- (A) the applicant withdraws the application for admission or the application is denied;
- (B) the applicant fails to remain in compliance with paragraph (1) of this rule;
- (C) the applicant is disbarred, suspended, or placed on disability inactive status in any other jurisdiction in which the applicant is licensed to practice law; or
- (D) the applicant fails to comply with the notification requirements of paragraph (3) of this rule.

(6) *Action Required after Termination of Authorization to Practice.* Upon the termination of authority to practice law pursuant to this rule, the applicant shall:

- (A) immediately cease practicing law in Arizona;
- (B) notify in writing all clients in pending matters, and opposing counsel and co-counsel in pending litigation, of the termination of the applicant's authority to practice law in Arizona; and
- (C) take all other necessary steps to protect the interests of the applicant's clients.

(7) *Registration, Fees & CLE.* An attorney practicing under this rule shall not be subject to annual registration fees as required under Rule 32 or the mandatory legal education requirements under Rule 45.

(8) *Subsequent Attorney Admission.* When an attorney authorized under this rule is subsequently admitted to the practice of law in Arizona, the authorization will be superseded by the Arizona license to practice law.

(c) Law Student Practice

(1) *Definitions:*

“Certified limited practice student” is a law student or a graduate of a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association who holds a current Arizona Supreme Court certification as a limited practice student.

“Supervising attorney” is an attorney authorized to practice law in Arizona who agrees in writing to supervise the certified limited practice student under these rules and whose name appears on the application for certification or recertification.

“Designated attorney” is, exclusively in the case of government agencies, any deputy assistant or other staff attorney authorized and selected by a supervising attorney to supervise the certified limited practice student where permitted by these rules.

(2) *General Statement and Eligibility.* A student enrolled in an approved law school, or a recent graduate of such a school who has applied to take the bar examination, may apply to be certified as a limited practice student under this rule. To be eligible to become a certified limited practice student, the student must:

- (A) have successfully completed a minimum of two semesters of legal studies, or the equivalent academic hour credits;
- (B) neither ask for nor receive any compensation or remuneration of any kind for services rendered by the student from the person on whose behalf the services are rendered; however, this does not prevent a supervising lawyer, legal services organization, public defender agency, or the state from paying compensation to the student, nor shall it prevent the lawyer or agency from making such charges for its services as it may properly require;
- (C) certify in writing that the student has read, is familiar with, and will be governed by the Arizona Rules of Professional Conduct and Arizona statutes relating to the conduct of attorneys; and
- (D) be certified by the dean of the accredited law school where the student is enrolled, or was enrolled upon graduation, as being in good academic standing, or good character, and as having either successfully completed or being currently enrolled in and attending academic courses in civil procedure, criminal law, evidence, and professional responsibility;

(3) *Filing Requirements.*

- (A) All applications for certification as a limited practice student must be submitted to the clerk of the Court on a form provided by the clerk. All information requested on the form must be provided.
- (B) The application must include the signature of the student, the dean or the dean's designee of the law school in which the student is enrolled or was a recent graduate, and the supervising attorney.
- (C) The student must attest that he or she meets all the requirements of the rules; agrees to and shall immediately notify the clerk of the Court in the event he or she no longer meets the requirements of the rule; and that he or she has read, is familiar with, and will be governed by the Arizona Rules of Professional Conduct and these rules.
- (D) The dean or dean's designee of the accredited school in which the applicant is enrolled or was a recent graduate must attest that the applicant meets the requirements of these rules; that he or she will immediately notify the clerk of the Court if the student no longer meets the requirements of these rules; and that he or she has no knowledge of facts or information that would indicate that the applicant is not qualified by ability, training, or character to participate in the activities permitted by these rules.
- (E) The supervising attorney must specify the period of time during which he or she will supervise the student and attest that he or she has read and will abide by these rules and will assume responsibility under the requirements of these rules.
- (F) Requests to change or add a supervising attorney or to extend the period of certification must be submitted on a form provided by the clerk.
- (G) The clerk of the Court will issue the notice of certification and send a copy of the certification to the student, the law school, the supervising attorney, and the State Bar.

(4) *Scope of Authority.*

- (A) Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person if the person on whose behalf the student is appearing has consented in writing to that

appearance and the supervising attorney has also indicated in writing approval of that appearance. In each case, the written consent and approval shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. In addition, the certified limited practice student shall orally advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules. Notwithstanding anything set forth below, the court may at any time and in any proceeding require the supervising attorney (or designated attorney) to be personally present for such period and under such circumstances as the court may direct. A certified limited practice student may appear in the following matters:

- (i) Civil Matters. In civil cases in justice, municipal, and magistrate courts, the supervising lawyer (or designated lawyer) is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising lawyer's absence.
- (ii) Criminal Matters on Behalf of the State. In any criminal matter on behalf of the state or any political subdivision thereof with the written approval of the supervising attorney (or designated attorney), the supervising attorney (or designated attorney) must be personally present except when such appearance is in justice, municipal, or magistrate courts.
- (iii) Felony Criminal Defense Matters. In any felony criminal defense matter in justice, municipal, and magistrate courts, and any criminal matter in superior court, the supervising attorney (or designated attorney) must be personally present throughout the proceedings.
- (iv) Misdemeanor Criminal Defense Matters. In any misdemeanor criminal defense matter in justice, municipal, and magistrate courts, the supervising attorney (or designated attorney) is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney must be physically present during trial.
- (v) Appellate Oral Argument. A certified limited practice student may participate in oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only in the physical

presence of the supervising attorney (or designated attorney) and with the specific approval of the court for that case.

(B) Other Client Representation Activities. Under the general supervision of the supervising attorney (or designated attorney), a certified limited practice student may:

- (i) prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney (or designated attorney);
- (ii) prepare briefs, abstracts and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney (or designated attorney);
- (iii) provide assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all such assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney (or designated attorney);
- (iv) render legal advice and perform other appropriate legal services, but only after prior consultation with and upon the express consent of the supervising attorney (or designated attorney).

(C) Other Non-Representation Activities. A certified limited practice student may perform any advisory or non-representational activity which could be performed by a person who is not a member of the State Bar, subject to the approval by the supervising attorney (or designated attorney). In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

- (i) the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;

- (ii) the student's supervising attorney is associated with the particular volunteer legal services program;
- (iii) the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

(5) *Requirements and Duties of Supervising Attorney.*

The supervising attorney must:

- (A) be an attorney authorized to practice law in Arizona and have practiced law or taught law in an accredited law school as a full-time occupation for at least two years;
- (B) supervise no more than five (5) certified limited practice students concurrently; provided, however, that a supervising attorney who is employed full-time to supervise law students as part of an organized law school or government agency training program may supervise up to, but in no case more than, fifty (50) certified students;
- (C) assume personal professional responsibility for any work performed by the certified limited practice student while under his or her supervision;
- (D) assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper practical training of the certified limited practice student and the protection of the client;
- (E) read, approve, and personally sign any pleadings, briefs or other similar documents prepared by the certified limited practice student prior to the filing thereof, and read and approve any documents which shall be prepared by the certified limited practice student for execution by any person (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the supervising attorney shall still provide general supervision);

- (F) provide the level of supervision to the certified limited practice student required by these rules (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide general supervision); and
 - (G) in the case of a certified student who is participating in the clinical program post-graduation pending the taking of the bar examination, report to the clinical law professor and the dean of the law school, as the law school shall require, on a monthly basis regarding the supervising attorney's supervision and guidance of the certified student.
 - (H) promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease prior to the date indicated on the application form.
- (6) *Discipline Jurisdiction.* The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a limited practice student pursuant to this rule.
- (7) *Duration and Termination of Certification.* Certification of a certified limited practice student will commence on the date indicated on a notice of certification and remain in effect for the period specified on the notice of certification unless sooner terminated pursuant to the earliest of the following occurrences:
- (A) Termination by the Student. The certified limited practice student may request termination of the certification in writing or notify the clerk of the Court that he or she no longer meets the requirements of this rule, and in such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the State Bar.
 - (B) Termination by the Supervising Attorney. The supervising attorney may notify the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease prior to the date specified in the notice of certification. In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean and the State Bar, and the dean may issue a modified certification reflecting the substitution of a new supervising attorney, as necessary.

- (C) Termination by the Dean. A certification of student limited practice may be terminated by the dean any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the State Bar.
 - (D) Failure to Take or Pass the Bar Examination. A certification of student limited practice shall be terminated if the certified student fails to take or pass the first general bar examination for which the student is eligible.
 - (E) Termination by the Arizona Supreme Court. A certification of student limited practice may be terminated by the Arizona Supreme Court any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the State Bar.
- (8) *Subsequent Attorney Admission.* If a student certified under this rule is subsequently admitted to the practice of law in Arizona, that student's certification of student limited practice will be superseded by the Arizona license to practice law.

(d) Military Spouse Certification.

- (1) *General Statement and Eligibility.* Due to the unique mobility requirements of military families who support the defense of our nation, the Court may certify an attorney who is a spouse of a member of the United States Uniformed Services ("service member") stationed within Arizona to practice law under the terms of this rule. An attorney ("applicant") who is not a member of the State Bar of Arizona who meets the requirements of (A) through (J) of this

paragraph (d)(1) may, upon verified application, be admitted to the temporary practice of law in this jurisdiction. The applicant must:

- (A) establish that the applicant is currently an active member in good standing in at least one jurisdiction where admitted in the United States or territory and is a member in good standing in all jurisdictions where admitted;
- (B) hold a juris doctor degree from a law school provisionally or fully approved by the Council of the Section of Legal Education and Admissions of the American Bar Association at the time of graduation;
- (C) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- (D) submit character investigation information, in a manner established by the Court, including all required supporting documents, and establish that the applicant possesses the character and fitness to practice law in this jurisdiction;
- (E) submit evidence that the applicant is a dependent spouse of a service member of the United States Uniformed Services; that the service member is on full-time, active duty pursuant to military orders in Arizona; and that the applicant is residing in Arizona due to the service member's full-time, active duty pursuant to military orders in this state;
- (F) submit evidence of achieving the passing score established in this jurisdiction for the Multistate Professional Responsibility Examination;
- (G) submit evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j);
- (H) not have failed the Arizona bar examination or failed to achieve the Arizona scaled score on the uniform bar examination administered within any jurisdiction within five years of the date of filing an application under this rule;
- (I) not have been previously denied admission to the practice of law in Arizona; and

- (J) agree to advise all clients, prior to providing representation or services, that the attorney is temporarily admitted under the military spouse exception.

(2) *Filing Requirements and Certification.*

- (A) **Application.** An applicant must file a verified application for military spouse certification with the Committee on Character and Fitness on a form supplied by the Committee. The application must include the documentation necessary to establish the requirements of (A) through (J) of this rule. At the time of submitting the verified application, the applicant must pay an application fee as set by the Court.

- (B) **Certification by Court.** If the Committee determines that the applicant has met the requirements of this rule and possesses the character and fitness required of all applicants for admission, it shall recommend to the Court the applicant's certification to practice law. The attorney may not act as counsel for a client until certified under this rule by order of the Court. A copy of the order certifying the attorney for temporary admission will be sent by the Clerk to the Chief Bar Counsel.

- (C) **Duration and Renewal.** A temporary admission will be valid for one year from the date of issuance, unless terminated earlier pursuant to paragraph (5). An attorney admitted under this rule may annually renew a temporary admission by filing a written request for renewal and paying a registration fee.

(3) *Scope of Authority.* Except as provided in this rule, an attorney temporarily admitted under this rule shall be entitled to all rights and privileges and subject to all duties obligations and responsibilities otherwise applicable to active members of the State Bar for the period of authorized practice.

- (A) **Association of Local Counsel.** No attorney temporarily admitted under this rule may appear before any court, board, or administrative agency of this state unless the attorney has associated in that cause an attorney (local counsel) who is a member in good standing of the State Bar of Arizona. The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court, board, or administrative agency when the court, board, or administrative agency deems such appearance and participation

appropriate. Local counsel associating with an attorney temporarily admitted under this rule in a particular cause shall accept joint responsibility with that attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

(B) Supervision of local counsel. If the attorney temporarily admitted under this rule has not engaged in the active practice of law for at least five years cumulatively, the attorney shall be supervised by local counsel as defined above, who will be responsible to the court, the bar, the Court, and the client for all services the temporarily admitted attorney provides pursuant to this rule.

(4) *Discipline and Disability Jurisdiction.* An attorney temporarily admitted under this rule shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the state bar.

(5) *Termination of Certification.*

(A) Events triggering termination. A temporary admission shall terminate, and an attorney shall cease the practice of law in Arizona pursuant to that admission, unless otherwise authorized by these rules, 30 days after any of the following events:

- (i) the service member's separation or retirement from the United States Uniformed Services;
- (ii) the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the Department of Defense does not authorize dependents to accompany the service member, in which case the temporary attorney may continue to practice law in Arizona as provided in this rule;
- (iii) the attorney's permanent relocation outside the state of Arizona for reasons other than the service member's relocation;
- (iv) the attorney's ceasing to be a dependent as defined by the Department of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Department of Homeland Security;

- (v) the attorney's failure to meet the annual licensing requirements for an active member of the State Bar of Arizona;
 - (vi) the attorney's request;
 - (vii) the attorney's admission to practice law in Arizona under any other admissions rule;
 - (viii) the attorney's failure to achieve the Arizona scaled score on the uniform bar examination administered within any jurisdiction;
 - (viii) the attorney's denial of admission to the practice of law in Arizona for violating ethical rules; or
 - (x) notice by the Court at any time, provided that the Clerk of the Court shall mail a copy of the notice of termination to the attorney and associated local counsel.
- (B) Notice of termination to State Bar. An attorney whose temporary admission is terminated shall provide written notice to the State Bar of Arizona within thirty (30) days of the terminating event.
- (C) Notice to courts and clients. At least sixty (60) days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:
- (i) file in each matter pending before any court or tribunal a notice that the attorney will no longer be involved in the case; and
 - (ii) provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.
- (6) *Registration, Fees & CLE.* An attorney certified under this rule who seeks to renew the certification shall be required to pay a registration fee. No later than six months following the attorney's temporary admission, the attorney shall certify to the Court completion of at least fifteen hours of continuing legal education on Arizona practice, procedure, and ethics. The attorney shall also comply with Rule 45 and ,on or before September 15 of each year, certify completion of at least fifteen (15) hours of such continuing legal education during each year for which a temporary admission is renewed.

- (7) *Registration number.* An attorney certified under this rule shall be assigned a registration number, which shall be used to identify the attorney's registration status in Arizona as required by applicable rules of procedure.
- (8) *Subsequent Attorney Admission.* If an attorney certified under this rule is subsequently admitted to the practice of law in Arizona, that attorney's military spouse certification will be superseded by the Arizona license to practice law.

Rule 40. [Reserved]

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the Public Information and Messaging Workgroup
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From: Aaron Nash (chair)

Presenters: (Same)

Discussion: The workgroup met on January 28, 2019.

- Presenter will discuss the workgroup's strategic planning focus in light of the new workgroup leadership.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the AZCourtHelp.org website
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From: Dr. Kevin Ruegg, Executive Director, Arizona Foundation for Legal Services & Education, Cathleen Cole, Content Manager, Arizona Foundation for Legal Services & Education, and Theresa Barrett, Manager, Court Programs Unit, AOC

Presenters: (Same)

Discussion will include updated statistics from Google Analytic reports for the AZCourtHelp.org website, and enhancements and improvements to the website since the last report.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Judicial and Attorney Engagement Workgroup
------------------------------------	--	--

From: Judge Joseph Kreamer

Presenters: (Same)

Discussion: The workgroup met on January 18, 2019.

Presenter will discuss the workgroup's strategic planning focus, including engaging public lawyers, engaging law firms, and judicial engagement.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Inter-Governmental Collaboration Workgroup
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From: Judge Lawrence F. Winthrop (chair)

Presenters: (Same)

Discussion: The workgroup met on January 16, 2019. Judge Winthrop will discuss the workgroup's strategic planning focus.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: February 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Presentation of the Legal Information & Navigation Clinic (LINC)
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From: Shawn Haught, Law Library Resource Center, Department Administrator
Superior Court of Arizona in Maricopa County

Presenters: Shawn Haught and Matt Wood

Discussion: We will present the brief history of our court's Legal Information & Navigation Clinic ("LINC") program, from conception to execution. Shawn Haught will present the data and future of LINC, and Matt Wood will address the community's need for expanding the program.

Recommended motion: None.



Legal Information & Navigation Clinic



The Need: Access to Justice

- ▶ Locations do not cover the entire county
- ▶ Difficult for people to travel during work hours
- ▶ Public libraries often refer people to LLRC




Solution:

- ▶ Provide services during non-court hours and at outlying locations
- ▶ Take the LLRC on the road



The Legal Information & Navigation Clinic offers free English- and Spanish-speaking forms assistance for:

- ▶ Dissolution, LDM, Parenting Time
- ▶ Paternity
- ▶ Conservatorship
- ▶ Guardianship
- ▶ Child Support
- ▶ Other



LINC to JUSTICE

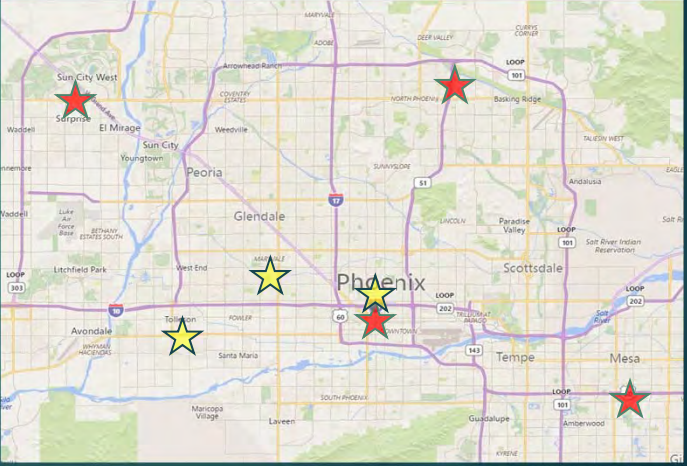
Legal Information & Navigation Clinic

☆ LLRC Locations

- Superior Court – Downtown
- Superior Court – Southeast
- Northeast Regional Center
- Northwest Regional Center


★ LINC Locations

- Tolleson Public Library
- Burton Barr Central Library
- Palo Verde Public Library (March 25th)



Five LINC events:

- ▶ 119 distinct legal issues addressed
- ▶ 18 hours of assistance
- ▶ Requests to extend to other libraries

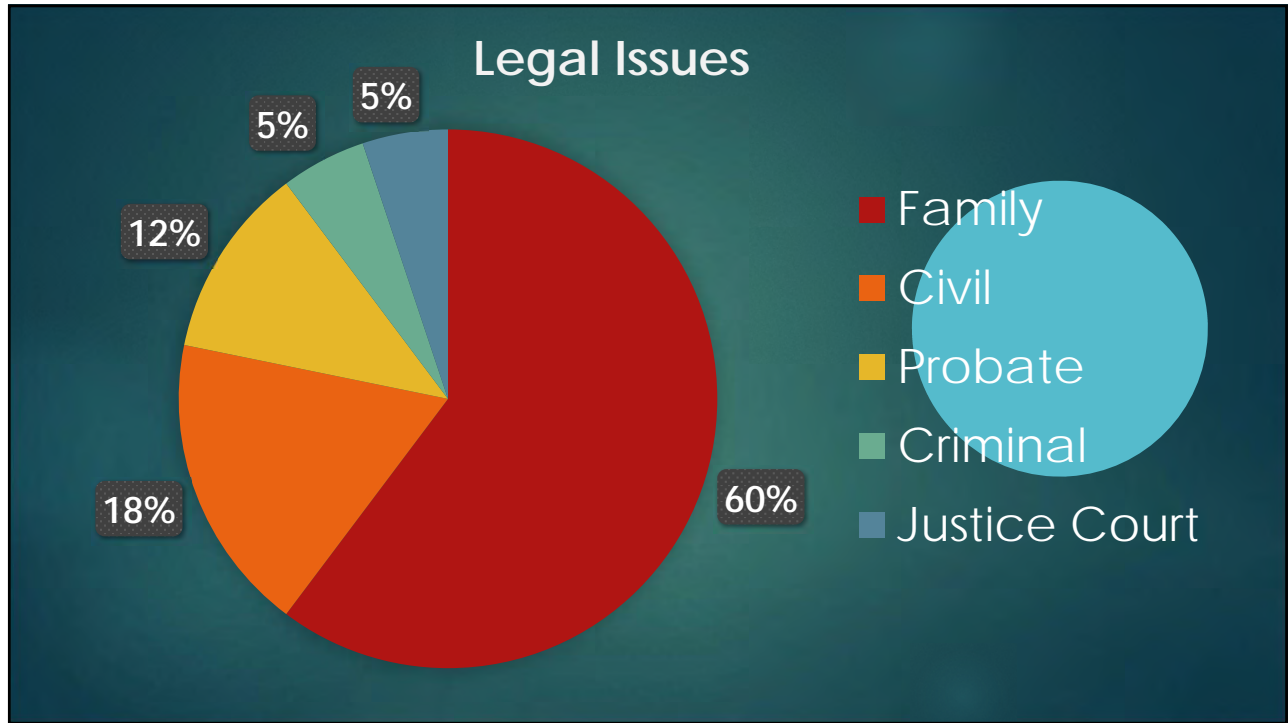


¿Usted busca información legal?
Looking for legal information?

STICIA
m. - 1:30 p.m.
proporciona asistencia
el referente a los
5:
a tutela
a paternidad
más
de computación
62-4636
Superior de Arizona
en Maricopa County
Biblioteca de Derecho
court.maricopa.gov

Looking for legal information?
LINC to JUSTICE
Legal Information & Navigation Clinic
9:30 a.m. - 1:30 p.m. | Friday, March 29
The Legal Information and Navigation Clinic offers free English- and Spanish-speaking court-forms assistance for:
• Divorce • Guardianship
• Paternity • Child support
• Estate administration • and more
Tolleson Public Library
9555 W Van Buren Ave - Tolleson - (623) 936-2746
Provided by the Superior Court of Arizona in Maricopa County
Law Library Resource Center
superiorcourt.maricopa.gov

Justice
y, March 23
Clinic offers free
ms assistance for:
rdianship
d support
more
oor Computer Lab
262-4636
or Court of Arizona
in Maricopa County
y Resource Center
court.maricopa.gov







LINC future expansion:

- ▶ Wickenburg
- ▶ Gila Bend
- ▶ Other county library and city library locations



Superior Court of Arizona in Maricopa County

LINC Program

Innovation for Justice: Unlock Change

Stacy Butler
January 2019




The civil legal system is failing most of us.

Legal representation has a transformative impact on outcomes.

But 76% of civil cases involve a self-represented litigant.

There is no amount of time or money that can solve the current access to justice crisis under the current model.

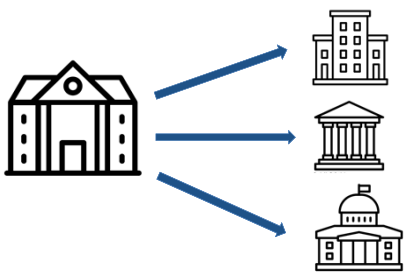
We cannot train the next generation of lawyers for business as usual.

Justice needs Innovation.

Law students must be able to:

- Work collaboratively across disciplines
- Think creatively about solution-building
- Work with and within communities
- Understand systems-level challenges
- Apply technology effectively
- Engage in evidence-based evaluation of their work
- Be willing to iterate and pivot

The power of innovation in legal education.

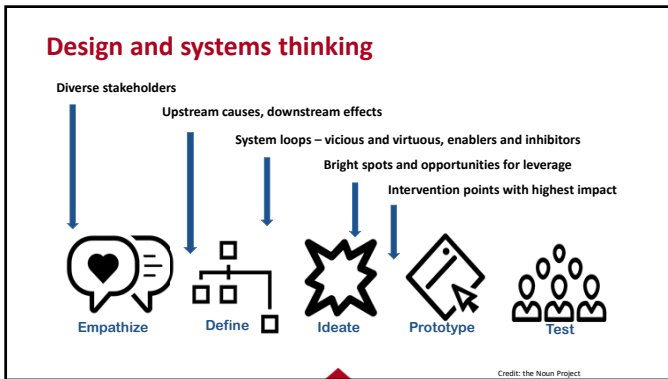



The Innovation for Justice Program:

Community-Engaged, Project-Based Learning, Participatory Design, Collaborative Technology and Systems-Thinking.



THE UNIVERSITY OF ARIZONA
James E. Rogers
College of Law



Interdisciplinary curriculum, BA to JD


- Innovation for Justice**
How might we empower people to change the system?
- Innovating Legal Services**
How might we change the system to work better for the people?
- Visualizing Justice**
How might we use art and design to simplify the system?

Fall 2018 Challenge:
Increase housing stability for tenants in underserved communities by reducing the frequency of eviction.

- 13,000+ evictions in Pima County each year
- Tucson is a Top 25 evicting city
- Less than 20% of tenants appear in eviction proceedings
- 90% of tenants appear without counsel
- 96% of eviction judgments are entered in favor of the landlord

- Court observations
- Stakeholder interviews
- Journey mapping

- Unpacking interviews with design-thinking coaches
- Mapping the eviction process
- Identifying eviction enablers and inhibitors
- Creating system loops

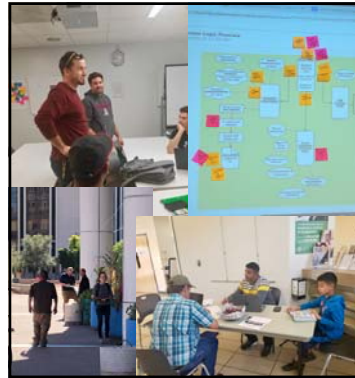




Brainstorming with design thinking coaches

Creating an asset inventory

Considering feasibility and impact



Upstream and downstream forces

Identifying and testing assumptions

Pivoting

Constructing a prototype

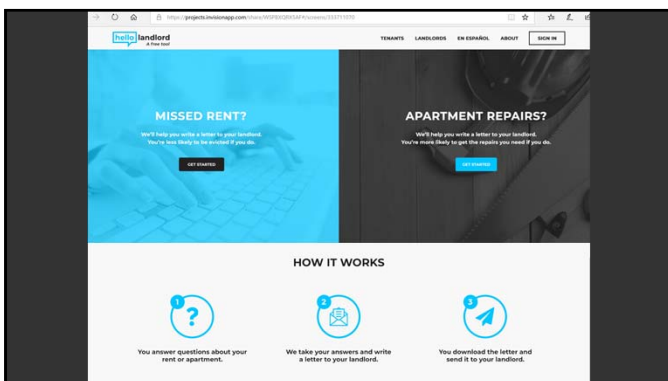
Web-based tool design

Community-engaged testing

Empirical methods crash course

Key themes from community-based work:

- Students wanted to direct their efforts upstream
- Tenants and landlords both reported communication breakdowns leading to evictions
- Tenants report feeling powerless against landlords and the courts
- Tenants were eager for help in keeping their rental during a financial crisis
- Landlords said they'd be willing to work with a tenant in crisis if the tenant reached out
- Lawyers and judges identified failure to document a habitability issue as leading cause of eviction



hello landlord

TEENANTS LANDLORDS EN ESPAÑOL ABOUT SIGN IN

MISSED RENT?
We'll help you write a letter to your landlord. You'll have time to be reviewed if you do.

APARTMENT REPAIRS?
We'll help you write a letter to your landlord. You'll have time to get the repairs you need if you do.

HOW IT WORKS

- 1 You answer questions about your rent or apartment.
- 2 We take your answers and write a letter to your landlord.
- 3 You download the letter and send it to your landlord.

We will ask you questions about your rental and create a letter to your landlord based on your answers. You will need to be able to print the letter or copy it by hand.

Le haremos preguntas sobre su apartamento y le crearemos una carta a su propietario según sus respuestas. Deberá poder imprimir la carta o copiarla a mano.

Continue

What issues are you experiencing with your apartment?
¿Qué problemas está experimentando en su apartamento?

- No water
- Unclean water
- No hot water
- No cold water
- Water damage
- No heat
- No air conditioning/cooling
- No power

12/5/2018

Bob Burger
1234 Tucson Street,
Tucson
AZ
85705

Dear Bob Burger:

I rent a unit from you at 123 Sesame Street, Tucson, AZ, 85741. I have experienced the following problems with my rental unit: roaches and broken doors.

These problems make it difficult to live in the rental unit. Please fix them as soon as possible. Landlord-tenant law in our state outlines the deadlines to make these repairs. I can provide your staff access to my rental unit to make the necessary fixes on December 10 between noon and 4pm.

Sincerely,
Wilma Wildcat
555-555-5555

The infographic is divided into several sections:


- ECONOMIC COSTS OF EVICTION:**
 - PLANNED FEES TO THE COURT:** Includes court filing fees, sheriff's fees, and other legal costs.
 - ATTORNEY FEES:** Discusses how attorneys charge fees, often on a contingency basis.
 - LOST RENT MONEY:** Explains that landlords lose rent during the eviction process.
 - VARIOUS OTHER COSTS:** Includes costs for property damage, lost utility payments, and administrative expenses.
- HOW TO AVOID AN EVICTION:**
 - PLAN AHEAD:** Encourages tenants to pay rent on time and communicate with landlords.
 - COMMUNICATE:** Advises tenants to talk to their landlord before taking any action.
 - KEEP RECORDS:** Suggests keeping copies of all correspondence and receipts.
 - PAY WHAT YOU CAN:** Encourages tenants to make partial payments if they are struggling.
 - TAKE ACTION:** Advises tenants to seek legal help if they are being evicted.
 - ASK FOR HELP:** Encourages tenants to reach out to community organizations for support.
- Understanding THE EVICTION PROCESS:** A flowchart showing the steps from a landlord's notice to a tenant's removal from the property.
- HUMAN COSTS OF EVICTION:**
 - CHRONIC INSTABILITY & HOMELESSNESS:** Discusses the long-term impact of eviction on a person's housing stability.
 - NEGATIVE HEALTH CONSEQUENCES:** Explains how the stress of eviction can lead to mental and physical health issues.
 - FURTHER EFFECTS UPON CHILDREN:** Discusses how eviction affects children's education and social development.

This wasn't a class about building a website.

This was a class about shifting student mindsets.


This was often simultaneously my least favorite class and favorite class. I took this class specifically because it was outside my comfort zone. It did not disappoint. 10/10. Would challenge myself again.

What's Next?

 **Visualizing Justice**

How might we use art and design to improve self-represented tenants' ability to understand and navigate the eviction process?
Co-taught by Art Prof. Kelly Leslie
Community Partner: Pima County Main Library


What's Next?

 **Innovating Legal Services**


Should Arizona create a new tier of civil legal professional, and what could that mean for victims of domestic abuse?
Co-taught by Arizona State Bar President Jeffrey Willis;
Community Partner: EMERGE! Center Against Domestic Abuse

 **Innovating Legal Services**

- **Week 1, January 15:**
 - **The Promise of Equal Justice / The Reality of the Justice Gap**
 - Jeff Willis, Karen Adam, Stacy Butler & Emerge!
- **Week 2, January 22:**
 - **Innovating Legal Services**
 - AZ Supreme Court Chief Justice Scott Bales, AZ State Bar President Jeffrey Willis, and AZ Access to Justice Commission Chair Lawrence Winthrop
- **Week 3, January 29:**
 - **The Limits of Lay Legal Assistance**
 - Emerge! lay legal advocates, Prof. Barbara Atwood, Prof. Negar Katirai, SALA's Dana Katbah, Mayor Jonathan Rothschild

 **Innovating Legal Services**

- **Week 4, February 5:**
 - **The Ethics of Tiered Legal Services**
 - Keith Swisher, Commissioner Christoffel, Commissioner Pennington, AZ State Bar Ethics Counsel Craig Henley
- **Week 5, February 12:**
 - **Early Adopters in and beyond the Profession**
 - WA State Bar Executive Director Paula Littlewood, U of A Med School Dean Irving Kron, Pima County Juvenile Court Clinical Director Beverly Tobiason
- **Week 6, February 19:**
 - **Effective Evaluation of Programs and Pilots in A2J**
 - U of A Law Visiting Prof. Chris Griffin

 **Innovating Legal Services**

- Jan 15 – Feb 19: Defining the Problem Space
- Feb. 26: Project Selection
- March 4-26: Project Development
- **April 2: Community Feedback**
- April 9-16: Project Revisions
- April 23: Project Completion




STEP UP to JUSTICE
www.stepuptojustice.org

 **Our Mission**

- Provide free civil legal services in our community.
- Partner and collaborate within other organizations in our community.
- Dedicate ourselves to a volunteer model.
- Keep the doors open to all who qualify.
- Seek continuous improvement by pursuing innovative changes to add value.

STEP UP to JUSTICE

Who We Serve

Pima County residents at or below 125% of FPG with civil legal needs in the following areas:

- Family Law
- Minor Guardianship
- Consumer Protection
- Bankruptcy
- Housing
- Wills / Probate
- Employment

STEP UP to JUSTICE

Continued Focus on Technology

- Clients, volunteers and donors in one integrated database (LegalServer)
- Tech tools (ROSS, Upsolve, Hello Landlord, document assembly)
- Tech workgroup actively recruits emerging tech
- Board and workgroup members using collaborative technology
- Technology interns from U of A MIS

STEP UP to JUSTICE

Our Growth in Year Two

<p>2017</p> <ul style="list-style-type: none"> • 1,000 applicants • \$1,000,000 in free civil legal services • 133 volunteer attorneys • 9 students 	<p>2018</p> <ul style="list-style-type: none"> • 1,253 applicants • \$1,400,000 in free civil legal services • 174 volunteer attorneys • 11 students
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STEP UP to JUSTICE

Key Stats To Date

Since January 2017 ...

- served over **2,200** clients
- recruited a dedicated community of **174** volunteer attorneys
- held **615** client clinics
- delivered over **\$2,400,000** worth of free civil legal assistance.

STEP UP to JUSTICE

Funding Sources

Funding Source	Percentage
Private Foundation Grants and Court Contracts	55%
Private Donations	30%
Fundraising Events	15%

No Federal, State or IOLTA Funding

STEP UP to JUSTICE

Steadily Increasingly Operational Efficiency

- 2017: Budget \$229,000; cost per case \$282
- 2018: Budget \$252,000; cost per case \$201
- 2019: Budget \$337,000; cost per case \$192



A National Model for Innovating Legal Services

- Federal spending on legal services: \$563 per case
- Step Up to Justice spending: **\$192 per case**
- The 1,000 clients served in 2017 represented a **25%** increase in access to justice in Pima County
- Winner of 2018 ABA Legal Rebel Award



Excellence in Service

- 90% of clients report receiving “substantial benefit”
- 10% of clients report receiving “some benefit”
- No clients reporting “no benefit”



Reputation for Excellence in the Community

- No public advertising
- 10-15 applications per day
- Referrals:
 - 47% Pima County Superior Court
 - 23% from Southern Arizona Legal Aid
 - 15% Emerge! Center Against Domestic Abuse
 - 15% United States District Court



22 Community Partners

Arizona Children’s Association – Kinship Adoption Resource & Education Program - Arizona Foundation for Legal Services and Education - Arizona Center for Disability Law - Arizona Department of Economic Security - Arizona’s Pro Bono Network - Community Legal Services - Emerge! Center Against Domestic Abuse - Fair Housing Resources - Gospel Rescue Mission - Justice for our Neighbors - The Mexican Consulate - Pima Council on Aging - Pima County Attorney’s Office - Pima County Bar Association - Pima County Housing Office - Pima County Superior Court - Southern Arizona Legal Aid, Inc. - Southwest Fair Housing - State Bar of Arizona - United States District Court – District of Arizona - University of Arizona James E. Rogers College of Law - Office of Congressman Raul Grijalva



Service Areas

Current In-Office Clinics

Advice-Only Consumer (individual appointments)
 Advice-Only Wills/Probate (individual appointments)
 Minor guardianship – English and Spanish (group clinic)
 Minor guardianship Follow Up (individual appointments)
 Divorce With and Without Children, English and Spanish (group clinic)
 Paternity (group clinic)
 Family law Follow Up (individual appointments)
 Housing Clinic

Court Clinics

Federal Court Clinic (individual appointments)
 Superior Court Clinic (individual appointments)

Direct Representation



AZCourtHelp.org

Annual Results 2018

Google Analytic Results

<i>Timeframe</i>	<i>Sessions</i>	<i>Users</i>	<i>New Users</i>	<i>Page views</i>
1/1/17-12/31/17	53,285	42,629	42,378	183,370
1/1/18-12/31/18	199,248	166,043	164,456	503,998
<i>Difference</i>	273.93%	289.51%	288.07%	174.85%

Devices Used

<i>Timeframe</i>	<i>Desktop</i>	<i>Cell Phone</i>	<i>Tablet</i>
1/1/17-12/31/17	22,065 (51.96%)	17,992 (42.37%)	2,411 (5.68%)
1/1/18-12/31/18	81,965 (49.38%)	76,366 (46.01%)	7,659 (4.61%)
<i>Difference</i>	271.47%	324.44%	217.67%

Acquisition of Users

<i>Timeframe</i>	<i>Organic Search</i>	<i>Referral</i>	<i>Direct</i>	<i>Google Ad</i>	<i>Social Media</i>
1/1/17-12/31/17	19,270	14,411	9,037	310	372
1/1/18-12/31/18	100,880	33,588	22,422	9,879	2,122
<i>Difference</i>	423.51%	133.07%	148.11%	3,086.77%	470.43%

Top 10 Referrals

<i>1/1/17 – 12/31/17</i>	<i>1/1/18 – 12/31/18</i>
AZLawHelp.org – 5,842	AZCourts.gov – 12,929
AZCourts.gov – 4,273	AZLawHelp.org – 9,141
courts.Yavapai.us – 474	courts.Yavapai.us – 2,239
superiorcourt.Maricopa.gov – 402	sc.Pima.gov – 833
Co.Greenlee.az.us – 308	jp.Pima.gov – 699
Mohavecourts.com – 302	Chandleraz.gov – 619
Coconino.az.gov – 274	co.Apache.az.us – 522
Chandleraz.gov – 261	Navajocountyaz.gov – 508
co.Apache.az.us – 258	Mohavecourts.com – 461
Navajocountyaz.gov – 244	Maranaaz.gov – 444

To contribute content or provide feedback - Cathleen.Cole@azflse.org



AZCourtHelp.org

Top 10 Cities Using AZCourtHelp

1/1/17-12/31/17	1/1/18-12/31/18
Phoenix- 10,885	Phoenix- 41,429
Tucson- 2,565	Tucson- 10,269
Los Angeles- 1,417	Los Angeles- 6,039
Mesa- 1,354	Mesa- 5,189
Scottsdale- 904	Scottsdale- 3,606
Tempe- 899	Tempe- 3,208
Chandler- 685	Chandler- 2,629
Gilbert- 621	Gilbert- 2,471
Glendale- 611	Glendale- 2,446
Flagstaff- 554	Bogota- 2,345

Top 10 Languages Used on the Site (Lifetime)

Language	#Users
Spanish	18,442
French	361
Portuguese	208
Korean	196
Chinese	163
Italian	70
German	69
Russian	59
Japanese	47
Dutch	22

49 Languages Translated
Arabic, Azerbaijani, Burmese, Catalan, Chinese, Croatian, Czech, Danish, Dutch, Estonian, Faeroese, Farsi, Filipino, Finnish, French, German, Greek, Hebrew, Hungarian, Indonesian, Irish, Italian, Japanese, Korean, Latin, Latvian, Lithuanian, Malaysian, Marathi, Norwegian, Persian, Polish, Portuguese, Romanian, Russian, Serbian, Slovenian, Spanish, Swedish, Turkish, Ukrainian, Vietnamese

Top 10 Pages Viewed on the Site (Lifetime)

#Views	Page Name/Link
35,418	Maricopa Court Records
28,060	Forms
19,881	Pima Court Records
17,536	Self-Help Resources
17,512	Qué significa días calendario?
16,483	Find My Court
12,766	What happens at a pretrial conference?
10,250	Live Chat
9,629	Courthouse Calendars
6,169	Justice Courts

Accessibility Tools (Lifetime)

Tool Usage
Form Downloads – 9,320
Screen Reader - 3,986
Google Translate - 1,119
Screen Color Contrast – 1,102
Dyslexic Font - 607

To contribute content or provide feedback - Cathleen.Cole@azflse.org



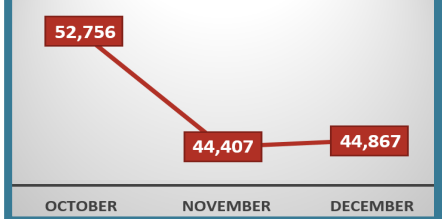
AZCourtHelp.org

Rising in Ranks

Search Engine Optimization

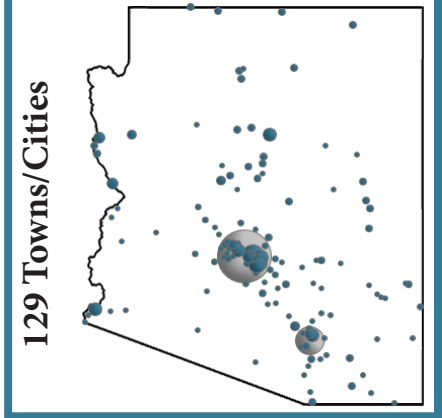
Thru Search Engine Optimization (SEO) AZCourtHelp.org content is more likely to appear in the top spots on Google, Bing, DuckDuckGo, and other search engines. SEO consists of improvements to site speed, image size, quality of content, quantity of hyperlinks, and embedded metadata. Metadata is embedded titles, keywords, and descriptions that search engines look for when matching a person with the information they are seeking. To optimize the thousands of pages on AZCourtHelp.org, we make a concerted effort to properly frame the content prior to it being uploaded, making enhancements as they are needed. For 2019 we are directing our focus towards the latest AI technologies and keeping an eye out for what's next!

Pageviews



* Historically, website usage trends downward during the holiday months.

Statewide Usage



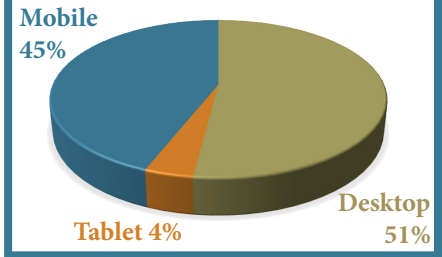
Expanding the Reach of Legal Aid

Arizona Access to Justice



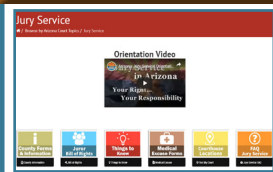
Legal aid resources are regularly sought after on AZCourtHelp. To improve the visibility of these resources, the homepage navigation was altered to accommodate a new tile - the Legal Aid Resource page. The page is broken into two sections; the first section provides the user with a video tutorial, in English and Spanish, detailing what legal services exist, while the second section contains links to the agencies described throughout the video. Since the November 14th publication of this information, in the second quarter, 808 users have spent more than five minutes on the page, with more than a third of these users reaching out to a listed agency.

Device Usage



45,542 New Users

Coming to a Browser Near You



Helping Jurors Help You

Jury Service is something that most Arizonans will have to experience, but they are not always sure of what to do or

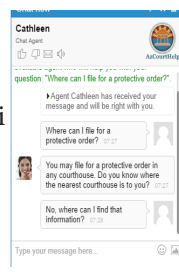
where to go. To complement what the Courts have produced and to create a statewide database of resources for jurors, the jury service page will consist of an FAQ, county-specific questionnaires, and more.

Chatting Away

Live Chat Operators

The Live Chat feature of AZCourtHelp is operated by eight volunteers from the Coconino, Maricopa, Mohave, and Yavapai Law Libraries. In 2018, these volunteers assisted over 700 individuals, for a total of 7,393 minutes!

Thank you for all that you do!



Arizona Commission on Access to Justice

Meeting Agenda

May 15, 2019 - 10:00 a.m. to 2:00 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 345A/B ♦ Phoenix, Arizona

[ACAJ WEBPAGE](#)  

TIME	AGENDA ITEM	PRESENTER
1 10:00 a.m.	Welcome and Opening Remarks Approval of minutes from February 13, 2019 <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Judge Lawrence F. Winthrop, Chair</i>
2 10:05 a.m.	Chairperson's report	<i>Judge Winthrop</i>
3 10:25 a.m.	Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup <ul style="list-style-type: none"> • <u>R-19-0018</u>: Amend Rules 5(d) and 10(a), Arizona Rules of Procedure for Eviction Actions, to require the landlord to serve additional relevant documents with the complaint 	<i>Judge Anna Huberman</i>
4 10:35 a.m.	Report on Other Rule Petitions <ul style="list-style-type: none"> • <u>R-19-0011</u>: Amend Rules 38 and 39 and abrogate Rule 40, Rules of the Arizona Supreme Court, to reorganize exceptions to the usual attorney admission process. 	<i>Julie Graber, AOC Staff</i>

- | | | | |
|----|------------|---|---|
| 5 | 10:40 a.m. | AZFLSE report on law-related educational programs | <i>Lara Slifko, AZFLSE
Joannie Collins</i> |
| 6 | 11:00 a.m. | Update on the Public Information and Messaging Workgroup | <i>Aaron Nash, AOC
Communications Director
Alberto Rodriguez, ASB,
Public Relations Manager</i> |
| 7 | 11:15 a.m. | Report on the AZCourtHelp.org website | <i>Dr. Kevin Ruegg
Cathleen Cole
Theresa Barrett</i> |
| 8 | 11:30 a.m. | Report on Evictions: Politics, Policy & Possibilities public event | <i>Will Knight</i> |
| | 11:45 a.m. | ☞ Lunch Break ☞ | |
| 9 | 12:15 p.m. | Report from the Legal Services Task Force | <i>Judge Maria Elena Cruz
Judge Joseph Kreamer
Don Bivens</i> |
| 10 | 12:45 p.m. | Preliminary results of the 2017 Legal Needs Study | <i>Anthony Young</i> |
| 11 | 1:00 p.m. | Report from the Inter-Governmental Collaboration Workgroup | <i>Chris Groninger
Janet Regner
Maria Morlacci
Kevin Groman</i> |
| 12 | 1:30 p.m. | New Strategic Plan for Arizona Supreme Court | <i>Justice Robert Brutinel</i> |
| 13 | 1:55 p.m. | Good of the Order / Call to the Public | <i>Judge Winthrop</i> |
| | 2:00 p.m. | Adjournment | |

Next meeting:
November 13, 2019 ~ Room 119 A/B
 10:00 a.m. to 2:00 p.m.
 State Courts Building, Phoenix, Arizona

- 2020 meetings**
- **February 5**
 - **May 13**
 - **November 18**

**Arizona Commission on Access to Justice
DRAFT MINUTES**

Wednesday, February 13, 2019

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

State Courts Building, 1501 W. Washington Street, Conf. Rm. 119A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson (*telephonic*), Judge Janet Barton, Mike Baumstark, Judge Thomas Berning (*telephonic*), Pamela Bridge, Joel England, Anni Foster (*telephonic and in-person*), Kevin Groman, Judge Anna Huberman, William Knight, Judge Joseph C. Kreamer, Maria Morlacci, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Valerie Wyant, Anthony Young

Absent/Excused: Judge Maria Elena Cruz, Judge David Haws

Presenters/Guests: Stacy Butler, Cathleen Cole, Michele Feeney, Chris Groninger, Shawn Haight, Cheryl Kulas, Alicia Moffatt, Aaron Nash, Lara Slifko, Matt Wood

Administrative Office of the Courts (AOC) Staff: Julie Graber, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 13, 2019, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:04 a.m. Judge Winthrop introduced new members, William Knight, Deputy Public Defender with the Maricopa County Public Defender's Office, and Joel England, CEO/Executive Director of the State Bar of Arizona.

B. Approval of Minutes

The draft minutes from the November 14, 2018, ACAJ meeting were presented for approval.

Motion: Janet Regner moved to approve the November 14, 2018, minutes, as presented. **Seconded:** Helen Purcell. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics.

- Judge Winthrop reviewed articles from the New York Times about ground-breaking work creating an app to assist tenants in New York facing eviction, and from the East Valley Tribune about court navigators from social service agencies assisting defendants in Mesa Municipal

Court. Judge Winthrop asked staff to upload articles to the Commission's webpage.

- Judge Winthrop updated members on the online dispute resolution (ODR) project, which launched to address barriers to access, such as economic challenges, geographic barriers, and psychological difficulties. ODR provides increased access, reduced costs, and information exchange. Proof of concept projects are currently being piloted in the Superior Courts in Maricopa, Pinal, and Yuma Counties in family law and civil judgment debtor cases, and in Scottsdale City Court in traffic cases and misdemeanor pleas. The pilot projects will help determine if ODR is effective with these case types and whether it is cost effective.
- Justice Brutinel will be attending the May 15, 2019, ACAJ meeting to present his strategic agenda. The first goal of the strategic agenda is to continue promoting access to justice, which includes expanding ODR projects, continuing to improve information for self-represented litigants, expanding language access services, and implementing recommendations from the Legal Services Task Force.
- Another goal relates to developing best practices in family court, which Chief Justice Bales jumpstarted with a study committee on domestic violence and mental illness in family court cases. This study committee's report includes action items that tie in with the Commission's interests, such as partnering with AZCourtHelp.org to develop resources, collaborating with Legal Talks coordinators, and providing resources for self-represented litigants (SRLs) in navigating the court system, such as court navigators and lay persons. In light of the strategic agenda, the SRL in Family Court Workgroup might return as an active ACAJ workgroup.
- Chief Justice Bales and Judge Winthrop spoke at the "Innovation for Justice" class at the University of Arizona. Judge Winthrop also made presentations to the Utah Access to Justice Commission and the Mohave County Bar Association. Other future presentations are being scheduled.
- Judge Winthrop reminded members to promote the 2018-2019 State Tax Credit and that resources and templates are available on the [Member Toolkit](#) webpage for members to make presentations to groups.
- Judge Winthrop reported that attorney, John J. Bouma, passed away. Among his many accomplishments, Mr. Bouma was a staunch advocate for delivery of *pro bono* services and a key supporter for civil legal aid in Arizona.
- Judge Winthrop noted that last month, following in Maricopa County's lead, Pima County converted its law library into an expanded resource center for SRLs.

B. Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Judge Anna Huberman reported that the workgroup continues to work on eviction Legal Info Videos and is currently finalizing the English and Spanish mobile home and RV videos. The workgroup will hold a joint meeting with the Public

Information and Messaging Workgroup to discuss a marketing push for the eviction content that has been developed. The workgroup started brainstorming about potential topics to focus on after the eviction work is completed. Pam Bridge reported using the videos in presentations and receiving positive feedback from attendees.

- C. Update Step Up to Justice efforts and Innovation for Justice program**
Stacy Butler, Director, Innovation for Justice, University of Arizona James E. Rogers College of Law, described the new program launched at the University of Arizona entitled Innovation for Justice, which focuses on the power and impact of innovation on the legal system and in legal education. The program teaches undergraduate and law students to think differently about problem-solving and learn a new set of skills to protect access to justice and potentially change the delivery of legal services, inform how courts engage with self-represented litigants, and train policy makers about systems-level change. The program is based on a community-engaged and project-based learning approach that uses collaborative technology, and participatory design and systems-thinking.

Ms. Butler discussed the Fall 2018 class challenge to increase housing stability for tenants in underserved communities by reducing the frequency of eviction. The challenge was done in collaboration with LabX, a legal design lab at Brigham Young University, so the problem could be seen from two jurisdictions and a solution could be built that scaled. Eviction was selected as the challenge because the statistics show evidence of a systems failure. The challenge was first tackled by students in court observations and stakeholder interviews to understand and define the problem. Then, they unpacked the community-engaged work to the classroom, brainstormed creatively, and assumptions were tested in the field. Students decided on one project that was built out into a prototype and tested it in the community. Key themes from the community-based work included miscommunications by tenants and landlords leading to evictions; landlords would be willing to work with a tenant in crisis if the tenant reached out; and lawyers and judges identified failure to document a habitability issue as a leading cause of eviction. Students came up with a web-based solution called Hello Landlord, which is a guided interview that assists tenants in writing letters that can be printed and sent out to landlords. Hello Landlord is available in English and in Spanish and is not jurisdiction specific.

Member comments:

- Judge Winthrop inquired about the cooperation received from courts in this project. Court administration willingly shared court data with the class and allowed students to observe proceedings.
- How do you envision working with the landlord community? One of the proposed projects is partnering with Step Up to Justice, which just received a grant to provide two years of tenant education workshops in the community and involving landlords as partners to offer the workshops.

- Judge Huberman supported the focus on landlords but was not encouraged because in her courtroom, she is not seeing landlords being willing to work with tenants as much as in the past. Judge Winthrop suggested that landlords may be more willing to deal with tenants at the front end rather than at the back end.
- Is Hello Landlord available online now? The website is still in development and is expected to launch in March.
- Members liked that the Innovation for Justice program was training law students to become community lawyers. Members also liked the concept of Hello Landlord because it educates tenants and engages the community.

Ms. Butler provided an update on Step Up to Justice’s efforts since its last presentation to the Commission and compared statistics from 2017 and 2018 to show the organization’s growth.

- The number of applicants assisted increased from 1,000 to 1,253
- The number of volunteer lawyers increased from 133 to 181
- The number of students increased from 9 to 11
- In 2017, Step Up to Justice provided \$1 million in free civil legal services; in 2018, the amount increased to \$1.4 million.

Step Up to Justice is focused on increasing operational efficiency because it does not receive any federal, state, or IOLTA funding. The cost per case has been decreasing from \$282 in 2017, to \$201 in 2018, and \$192 in 2019, while 90 percent of clients reported receiving “substantial benefit” and 10 percent of clients reported receiving “some benefit.” Despite no public advertising, Step Up to Justice receives between 10 and 15 applications per day from referrals from Pima County Superior Court, Southern Arizona Legal Aid, Emerge! Center Against Domestic Abuse, and the United States District Court. Step Up to Justice is not only a model with a reputation for community collaboration and excellence, it is a national model for innovating legal services as winner of the 2018 ABA Legal Rebel Award.

Member comments:

- How are volunteer attorneys recruited? Volunteer attorneys come to the organization by word of mouth about the positive volunteer experience and from the staff’s reputation for excellence in *pro bono* services.
- What type of representation do you provide? Usually, individuals are seen on-site within the office and at court clinics, but about 25 percent are through direct representation.

D. Report on Rule Petitions

Julie Graber, AOC staff, reported on two rule petitions filed.

R-19-0018: Amend Rules 5(d) and 10(a), Arizona Rules of Procedure for Eviction Actions, to require the landlord to serve additional relevant documents, such as the lease and ledger, with the complaint. Comments are due May 1, 2019.

The SRL-LJC Workgroup considered the rule petition at its last meeting, and while members agreed that the rule petition's concept was good, several had concerns about its practicality, cost and privacy issues. The workgroup's suggestion was to add language to Rule 10(c) stating that "If the tenant does not receive the lease by the initial appearance, trial may be continued at the request of either party." The Commission members further discussed the rule petition and raised similar points and concerns as the workgroup regarding its implementation.

Motion: Judge Huberman moved for the SRL-LJC Workgroup to draft a comment and circulate to Commission members for review, as discussed.

Seconded: Judge Janet Barton. **Vote:** Unanimous.

R-19-0011: Amend Rules 38 and 39 and abrogate Rule 40, Rules of the Arizona Supreme Court, to reorganize exceptions to the usual attorney admission process. Comments are due May 1, 2019.

Member comments:

- Judge Winthrop added that the rule petition has access to justice components. It would make changes to the rules governing legal service organizations. In addition, it would make changes to exceptions to allow someone not licensed in Arizona to practice, like a foreign legal consultant. There is also a new proposal that would encourage retired and inactive attorneys to provide *pro bono* services by waiving the State Bar's annual registration fee if the attorney has provided more than ten hours of *pro bono* service in the preceding 12 months.

E. Update on Public Information and Messaging Workgroup

Aaron Nash, AOC Communications Director, introduced himself as the new workgroup's co-chair. Alberto Rodriguez from the State Bar of Arizona also co-chairs the workgroup. Mr. Nash requested that members email the workgroup when events are being held to assist the workgroup with populating the master editorial calendar and to leverage exposure of events with cross-promotion. The workgroup is considering rebranding the podcasts to direct content to a specific audience by adding a moderator, so the podcast is not scripted, and adding video to place them on a YouTube channel. The podcasts would still be hosted by Justices. Based on the top searches on AZCourtHelp.org, the workgroup is looking to develop content and work product on warrants with the help of subject matter experts. The workgroup is also looking at producing a podcast for the incoming Chief Justice's next strategic agenda and finalizing an updated animated video on the state tax credit.

F. Report on the AZCourtHelp.org website

Cathleen Cole, Arizona Foundation for Legal Services & Education, reviewed the information contained in AZCourtHelp.org's second Quarterly Newsletter.

- The Live Chat feature has expanded in 2018 and is now operated by eight volunteers from various law libraries. In 2018, 700 users were assisted for a total of 7,393 minutes.
- A jury service portal has been populated that complements what the courts have produced.
- To boost AZCourtHelp.org's rankings in Google searches, focus has been placed on Search Engine Optimization (SEO).

Ms. Cole also reviewed 2018 annual Google Analytics results.

- The number of users has increased from 42,629 to 166,043, which represents an increase of 289.51 percent.
- In 2018, 49.38 percent of users used a desktop as compared to 46.01 percent for mobile phones, which highlights the need for the website to be mobile friendly.
- Social media usage increased 470.43 percent from targeted ads on Facebook and Twitter.
- The accessibility tools that were installed are being utilized.

Ms. Cole highlighted new content areas on AZCourtHelp.org that are based on the Legal Talks and the Public Information and Messaging Workgroup's podcasts.

Kathy Sekardi, AOC staff, noted that Yuma County recently redesigned its law library and has the opportunity to stream out their legal clinics in English and in Spanish. Yuma and Coconino Counties will be meeting in April to strategize so there is no duplication of information and to maximize public outreach. Coconino County also hired a new AZCourtHelp Specialist who has been busy conducting Legal Talks.

Member comments:

- Cochise County has also recently updated its law library and installed video equipment that will be used shortly to webcast a legal clinic to another county.
- The public could benefit from a Legal Talk or podcast on how to approach the clerk's window and ask questions, so the public is not nervous when conducting business at the courthouse.

G. Report from the Judicial and Attorney Engagement Workgroup (*agenda item taken out of order*)

Judge Joseph Kreamer focused his report on the workgroup's progress with judicial engagement. The workgroup is looking at developing a web portal for judges for *pro bono* community service to link up opportunities to judges and confirm to judges that they do not need to get separate approval to do these activities. The workgroup has been working with former Judge Margaret H. Downie, executive director of the Judicial Ethics Advisory Committee, to vet opportunities. Judge Kreamer praised Judge Cruz's law-related education program for high school students regarding all parts of the judicial process

because it has access to justice impact and provides direct engagement with the community. The workgroup's strategy on the best way to engage law firms and public attorneys has evolved to identifying a discrete opportunity that a law firm or agency can adopt and own like Intel ("pick one and own it").

H. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop reported that the workgroup met on January 16, 2019 and discussed the nature and scope of its collaboration with the executive branch. One of the workgroup's focus is to identify opportunities for civil legal aid to assist state agencies serving poverty populations and to use federal funds already allocated to Arizona to fund those efforts. The workgroup is proposing to use federal funding to fund the placement of a legal aid lawyer or paralegal in each of the Second Chance Centers. At the meeting, Anni Foster identified several follow up opportunities for the workgroup, and discussed the progress of the Governor's Arizona Management System and how it can compel accountability for the project and help access to justice issues at the agency level from an administrative customer service model. The workgroup's plan is to select individuals to be liaisons between the Governor's task forces and the workgroup to better understand the task forces' goals, to determine how legal aid services can assist, and to present that information to agency representatives in their format.

Chris Groninger provided a brief update on the \$1.1 million VOCA grant that the Bar Foundation received and will be reporting on the progress at future Commission meetings. Janet Regner discussed her efforts identifying federal funds that could come to Arizona or are already here, and the pipeline of collaborative opportunities ranging from statewide to local communities.

I. Presentation regarding the Arizona Legal Center

Michele Feeney, Arizona Legal Center, provided background information regarding the Arizona Legal Center, which is a legal clinic that operates out of Arizona State University, and provides legal consults to individuals who will be acting as their own attorney. Volunteer lawyers do not represent the individuals, except in very rare instances. The legal clinic relies on 1) its law students, who volunteer and get a chance to learn skills not learned in law school; 2) its attorneys, who usually volunteer one or two afternoons per month and work directly with students; and 3) partners in the community, who send over referrals. The legal clinic is open for calls and walk-ins, Monday through Thursday, 1:00 p.m. to 3:00 p.m. There are no eligibility criteria and no limitations about practice areas. The top practice areas include family law, landlord/tenant, low-level criminal litigation, civil litigation, immigration, and employment. The legal clinic also handles *pro bono* mediations for the City of Phoenix and Maricopa County Superior Court in post-decree cases. The legal clinic's main functions are to provide service to the community, and to educate students, which includes assisting them in building relationships and learning how to work with practicing lawyers.

J. LINC Program

Shawn Haught, Law Library Resource Center Dept. Administrator, and Matt Wood, Instructional Technology Coordinator, from the Superior Court in Maricopa County, provided background information regarding the Legal Information & Navigation Clinic (LINC), which was established to address the need for greater access to justice for individuals by taking the Law Library Resource Center (LLRC) on the road, and providing services during non-court hours and at outlying locations. LINC offers free forms assistance in English and in Spanish in mostly family law and probate areas. LINC started by targeting the West Valley because this location is the closest to downtown Phoenix but the hardest to get to during work hours and parking is limited, public transportation is slow, and individuals cannot get time off work to travel. Since September, there have been five LINC events at Tolleson Public Library (weekday), Burton Barr Central Library (week-end), and Palo Verde Public Library (weekday), in which 18 hours of assistance was provided, and 119 distinct legal issues were addressed regarding family law, civil, probate, criminal, and justice court. Requests have been made to extend LINC to other libraries. Future expansion of LINC is planned in the Far North and Southwest areas, such as Wickenburg and Gila Bend, and in other city and county libraries, such as Tempe, Guadalupe, and downtown Glendale. In addition, a grant may be obtained to fund a mobile library unit with filing and payment services available by partnering with the Superior Court Clerk of Maricopa County.

Member comments:

- Judge Winthrop proposed meeting with Secretary of State, Katie Hobbs, who has supervisory jurisdiction over Arizona public libraries, and discussing statewide support for the LINC project, including the mobile LINC, getting the word out, and involving representatives from other counties.
- A member suggested using the kiosks located at some libraries for LINC.
- Could this project be replicated in rural counties? Other libraries might be able to participate remotely to access webinars and use technology solutions, such as Facetime, to assist individuals with forms.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, May 15, 2019

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

State Courts Building, Room 345

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:42 p.m.

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA
PROCLAMATION

WHEREAS, as citizens we commit ourselves to the goal of equal access to justice for all;
and

WHEREAS, promotion of meaningful access to justice for all Arizonans helps build confidence in the legal system; and

WHEREAS, most clients for indigent civil legal aid services are single heads of household with children and many among them are victims of domestic violence; and

WHEREAS, it is important to secure to all persons, particularly those with limited financial resources, professional legal help, and meaningful access to the courts, thereby creating meaningful opportunities to preserve families, protect victims of crime, and uphold protection for all under the law; and

WHEREAS, many organizations and individuals – lawyers, legal professionals, judges, court staff, and volunteers – work valiantly to promote equal access to justice for all, and their efforts deserve our support and recognition; and

WHEREAS, we celebrate over 100 years of Arizona’s legal community and judiciary working to assure equal access to justice for all Arizonans.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2019 as

ACCESS TO JUSTICE MONTH



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twentieth day of February in the year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:

[Signature]
SECRETARY OF STATE

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup
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From: Judge Anna Huberman, Chair – SRL-LJC Workgroup

Presenters: (Same)

Discussion: The workgroup met on April 1, 2019. The presenter will discuss strategic planning focus:

- The workgroup is finalizing the last English and Spanish eviction-related videos that are available on AZCourts.gov and AZCourtHelp.org.
- The workgroup collaborated with the Public Information and Messaging Workgroup on April 1, 2019 to formulate a marketing plan for the new eviction resources on AZCourtHelp.org.

Recommended motion: None.

Lawrence F. Winthrop
Arizona Commission on Access to Justice
1501 W. Washington St., Suite 410
Phoenix, AZ 85007

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

SUPREME COURT NO. R-19-0018

PETITION TO AMEND RULES 5(d) AND
RULE 10(a) OF THE ARIZONA RULES OF
PROCEDURE FOR EVICTION ACTIONS

COMMENT BY ARIZONA
COMMISSION ON ACCESS TO JUSTICE

Introduction

The Arizona Commission on Access to Justice (ACAJ) was established by Administrative Order 2014-83, pursuant to the Court’s 5-year strategic agenda of “Advancing Justice Together: Courts and Communities.” The order specifically directs the ACAJ, among other things, to make recommendations that provide meaningful access to the court system, particularly for those individuals representing themselves in eviction matters. In that regard, the Commission has a standing work

group devoted to evaluating issues that affect self-represented litigants in our limited jurisdiction courts. Members of that work group include court administrators, limited jurisdiction court judges and attorneys representing both the housing industry and tenants.

The Proposed Rule Changes

The proposed Rule changes require a plaintiff to serve (1) a copy of any lease and any addendums with the complaint (proposed Rule 5(d)(3)); (2) if the action is based on non-payment of rent, a copy of the accounting of charges and payments for the preceding six months (proposed Rule 5(d)(4)); and (3) documents and exhibits the plaintiff intends to present or rely upon at the trial, if the complaint seeks a judgment for reasons other than the non-payment of rent (proposed Rule 5(d)(5)). Additionally, the proposed Rule change provides for sanctions for non-compliance without good cause, including granting a continuance, excluding evidence not disclosed, and dismissal of the complaint (proposed Rule 5(e)). Lastly, the proposed Rule change allows a party to request, prior to the hearing or trial, (1) a list of witnesses, and (2) copies of any documents the party intends to introduce as an exhibit at trial that were not attached to the complaint (proposed Rule 10(a)).

Policy Considerations

Without question, the time parameters surrounding eviction proceedings by statute are accelerated and place a tenant at a substantial disadvantage. Even assuming a tenant has time to seek civil legal aid assistance, those agencies report that many tenants do not receive, or maintain, a copy of their lease, or where the complaint is based upon unpaid rental charges, have ready access to the accounting records of the owner/landlord/property manager as to the subject rental unit. Without immediate access to these documents, a *pro bono* or legal aid attorney is hampered in providing timely assistance. Similarly, tenants who represent themselves in these proceedings are at a significant disadvantage if they have to proceed without timely access to the subject lease provisions and/or a detailed explanation as to why the eviction action has been filed, including how the alleged unpaid rental and other charges have been calculated.

The Commission's work group has reviewed the proposed rule change petition. While all agreed that as a matter of due process a tenant is entitled to have the information called for in the petition, there was no consensus on the mechanism to provide it, either through amending these rules or otherwise.

Concerns Identified and Recommendations

on Behalf of Tenants

- Due process mandates that a defendant be provided with adequate notice of the plaintiff's claim; in this setting that requires access to or a detailed explanation of unpaid rental and other charges. As to other alleged lease violations, the tenant is entitled to timely production of the particulars of the alleged violation, including a description and/or production of the evidence to be produced in support of such allegations;
- Without timely production of the information, tenants are not in a position to negotiate a resolution or be prepared for accelerated proceedings;
- The suggestion that tenants can obtain the information by requesting same from the landlord or property manager is illusory. It is impractical to expect a tenant to timely track down the relevant information from often-unavailable landlords or property managers, particularly in light of the compressed time from service of the complaint to an eviction hearing;

- The proposal to allow a tenant to request a continuance if the information has been requested but not produced is not a practical solution, particularly where a tenant has had to secure limited time off from an employer in order to attend the scheduled hearing, or has to make transportation or child care arrangements;
- At a minimum, a copy of the accounting charges and payments for the preceding six months should be attached to the complaint when the action is based upon non-payment of rent. Any redaction required for that form or explanation would be non-existent or minimal;
- To address concerns raised by the housing industry, proposed Rule 5(d)(3) should be modified to require attachment to the complaint of only those portions of the lease and any addendum that are related to the underlying basis for the proposed eviction;
- There is no practical ability to conduct traditional discovery in an eviction case. As such, proposed Rule 5(d)(5), requiring the owner/landlord to simultaneously produce documents or other materials plaintiff intends

to rely on at the time of trial, is the only way to timely receive those materials and be prepared to meaningfully participate at the hearing.

**Concerns Identified and Recommendations
by Housing Industry Representatives**

- 85-90 per cent of eviction actions are triggered by non-payment of rent; only a small number of actions are triggered by other alleged lease violations;
- Attaching voluminous and mostly irrelevant information to a non-payment of rent eviction complaint is costly;
- Requiring that the documents be attached to the complaint would mean that such information will often be posted on the tenant's door as part of service of process. The lease and accounting records contain confidential information and providing it without redaction would place the tenant at risk for identity theft, would violate federal law and expose the landlord/owner to potential liability. That information of necessity contains tenant signature(s), may include social security numbers, bank account numbers, prior residential addresses, emergency contact

information, children's names and birthdates and the location of the tenant's assigned parking spot;

- Redaction of confidential information would require lawyer supervision and time, thereby increasing the cost of litigation;
- Many large multi-family housing entities have secure tenant portals that provide access to all lease-related documents. An alternative to the proposed rule change could require the landlord to ensure that a detailed accounting record is available on the portal. For those owners/landlord representatives in rural areas or who don't have a tenant portal, perhaps the documents could be provided as an attachment to an e-mail to the tenant.

Concerns Identified and Recommendations

by Maricopa County Justice Court Representatives

- Attaching lease documents to eviction complaints only creates storage and redaction problems for the courts;
- A different solution would require more detailed information concerning the basis for the eviction action be contained in the Residential Eviction

Information Sheet (REIS), including the method of calculating rental arrearages and other outstanding charges.

Conclusion

All involved in the eviction process agree that tenants are entitled to timely receive documentation relevant to the issue(s) raised by the eviction action. The disagreement concerning the proposed rule changes center on what and how the information is to be provided. The Commission believes the Court should consider a resolution that insures timely delivery of the relevant information without creating any risk of identity theft or release of otherwise confidential information.

RESPECTFULLY SUBMITTED this 18th day of April, 2019.

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

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report on Rule Petitions
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From: Julie Graber, AOC staff

Presenters: (Same)

Discussion: The presenter will report to the commission on the following rule petition:

- **R-19-0011:** Petition would reorganize exceptions to the usual attorney admission process.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: AZBF Report on Law-Related Educational Programs
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From: Lara Slifko, AZBF CRO, and Joannie Collins, AZBF, CAO

Presenters: (Same)

Discussion: Overview of a variety of law related education programs administered through the Arizona Bar Foundation including ICivics, We the People, and Mock Trial.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the Public Information and Messaging Workgroup
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From: Aaron Nash and Alberto Rodriguez (Co-chairs)

Presenters: (Same)

Discussion: The workgroup met on April 1, 2019.

- Presenter will discuss the workgroup's plan for a media kit to demonstrate the new eviction resources, such as videos and *Legal Info Sheets* that will be presented into the community.

Recommended motion: None.

AZCourts.gov Landlord/Tenant Online Resource Bank

Social Media Content and Schedule

Twitter

Day One: Do you know what to do if your AC goes out during an Arizona summer and your landlord won't fix it? You'll find answers at azcourts.gov/eviction.

Day Two: Evictions are real and they're scary. Know your rights by visiting azcourts.gov/eviction.

Day Three: Your landlord is taking you to court, now what? Visit azcourts.gov/eviction to watch a quick video on what you can do.

Day Four: Did your landlord follow the rules and laws related to your eviction? You can check by visiting azcourts.gov/eviction.

Day Five: Can you stop your landlord from evicting you? Maybe. Learn how by visiting azcourts.gov/eviction.

Day Six: Want to make sure you get your full deposit back from your landlord? Pull out your rental agreement and visit azcourts.gov/eviction to learn how.

Day Seven: Is your tenant's dog causing a ruckus for their neighbors and won't do anything about it? Visit azcourts.gov/eviction to see if there's anything you can do.

Facebook

Day One: Evictions are real and they're scary. Know your rights by visiting azcourts.gov/eviction.

Day Two: Your landlord is taking you to court, now what? Visit azcourts.gov/eviction to watch a quick video on what you can do.

Day Three: Did your landlord follow the rules and laws related to your eviction? You can check by visiting azcourts.gov/eviction.

Day Four: Can you stop your landlord from evicting you? Maybe. Learn how by visiting azcourts.gov/eviction.

Day Five: Want to make sure you get your full deposit back from your landlord? Pull out your rental agreement and visit azcourts.gov/eviction to learn how.

Day Six: Is your tenant's dog causing a ruckus for their neighbors and won't do anything about it? Visit azcourts.gov/eviction to see if there's anything you can do.

Day Seven: Do you know what to do if your AC goes out during an Arizona summer and your landlord won't fix it? You'll find answers at azcourts.gov/eviction.

Instagram

Day One: Your landlord is taking you to court, now what? Visit azcourts.gov/eviction to watch a quick video on what you can do.

Day Two: Did your landlord follow the rules and laws related to your eviction? You can check by visiting azcourts.gov/eviction.

Day Three: Can you stop your landlord from evicting you? Maybe. Learn how by visiting azcourts.gov/eviction.

Day Four: Want to make sure you get your full deposit back from your landlord? Pull out your rental agreement and visit azcourts.gov/eviction to learn how.

Day Five: Is your tenant's dog causing a ruckus for their neighbors and won't do anything about it? Visit azcourts.gov/eviction to see if there's anything you can do.

Day Six: Do you know what to do if your AC goes out during an Arizona summer and your landlord won't fix it? You'll find answers at azcourts.gov/eviction.

Day Seven: Evictions are real and they're scary. Know your rights by visiting azcourts.gov/eviction.

Linked In

Day One: Know someone with landlord or tenant issues? Show them this: [Supporting Graphic]

Day Two: Sure, you're a lawyer, but your landlord is taking you to court. Do you KNOW what you need to know? Check azcourts.gov/eviction.

Day three: Landlords can evict tenants, but they must follow the rules. Do you know people in this situation? Share this link with them: azcourts.gov/eviction.

Day Four: Scenario: Friends/family know you're a lawyer and bring you all their legal questions – including news they are being evicted. Solution: Send them here: azcourts.gov/eviction.

Day Five: Empower the people around you to know their rights as a tenant and as a landlord. Get them the help they need here: azcourts.gov/eviction.

Day Six: Here's a great resource for the landlords in your life: azcourts.gov/eviction.

Day Seven: The heat is coming, and another AC unit will bite the dust. Do the renters in your life know what to do if their landlord won't pay to fix it? Have them visit azcourts.gov/eviction.

Hashtags

#evictionaz #tenantright saz #landlordright saz #landlordtenantaz #landlordtenantright saz

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the AZCourtHelp.org website
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From: Dr. Kevin Ruegg, Executive Director, Arizona Foundation for Legal Services & Education, Cathleen Cole, Content Manager, Arizona Foundation for Legal Services & Education, and Theresa Barrett, Manager, Court Programs Unit, AOC

Presenters: (Same)

Discussion will include updated statistics from Google Analytic reports for the AZCourtHelp.org website, and enhancements and improvements to the website since the last report.

Recommended motion: None.

Arizona Access to Justice Commission

Name and Professional Title of Commission Chair:

Hon. Lawrence F. Winthrop, Judge Arizona Court of Appeals, Division One

Name and E-mail of Commission Staff:

Theresa Barrett = tbarrett@courts.az.gov

Kathy Sekardi = ksekardi@courts.az.gov

Julie Graber = jgraber@courts.az.gov

AZ Bar Foundation liaison staff, Dr. Kevin Ruegg = kevin.ruegg@azflse.org

Mission

The Commission's directive is to study and make recommendations on innovative ways of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases.

Goals

- 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; and
- 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.

Top Three Accomplishments in the Last Year

Redesign of the Arizona Judicial Branch's on-line Self-Service Center, available in both English and Spanish versions, on the Arizona Judicial Branch's website to assist self-represented litigants and other users. The Self-Service Center's content was expanded, enhanced, and organized using tiles (graphics) to assist users navigate the site more intuitively. In collaboration with Maricopa County Superior Court, over 400 forms, available in both English and Spanish, have been developed. The forms are generic in nature and may be accepted by courts statewide. In collaboration with the Administrative Office of the Court's language access coordinator, 78 topic and form pages were translated to Spanish, as well as numerous AOC forms and instructions, FAQs, videos, and other resources.

Expansion of the Virtual Legal Resource Center in Yuma. For the last several years, the Coconino County Law Library has served as a physical hub for the Virtual Legal Resource Center, which offers webinars and "Legal Talks" on such subjects as "Divorce 101" in both English and Spanish. In 2018, Yuma County Law Library redesigned and expanded a dedicated space that better serves self-represented

litigants. The project was a collaborative effort with AOC and the Arizona Foundation for Legal Services and Education, and Yuma now serve as an additional hub for expanded services for self-represented litigants, also hosting legal clinics and informational talks.

“Justice in Government” Project. With 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. In 2018, continuing the work and relationships started, the project began plans to celebrate the 20th anniversary of the Domestic Violence Legal Assistance Project, a joint effort of the Department of Economic Security, the Arizona Bar Foundation, legal aid agencies, and domestic violence shelters. Additionally, Arizona has just been awarded a two-year, \$1.1 million grant to work with legal aid agencies and other entities to improve technology services for all Arizona victims of crime, including victims of domestic violence, elder abuse and consumer fraud. In addition, the Commission is collaborating with the Executive Branch to make legal aid services available for those participating in the Second Chance Centers created by the Governor’s task force on Reentry and Recidivism and, through another Executive Branch task force, to assist victims of the opioid crisis.

Top Three Accomplishments Since Commission Began

Court Navigator Program. In the third year of the Maricopa County Superior Court’s Providing Access to Court Services (PACS)/AmeriCorps navigator program, 54 undergraduate students from Arizona State University, Northern Arizona University, Grand Canyon University, and several community colleges in Maricopa County have been trained and serve as AmeriCorps Navigators in the Law Library Resource Center (“LLRC”). The student navigators take the time to, assist self-represented people complete court forms and help them find applicable legal information. They answer questions about the court process, and escort self-represented litigants to the proper courtroom. Through its Legal Information & Navigation Clinic (LINC) program, the Navigators and volunteer lawyers take these self-represented litigant resources “on the road” to public libraries throughout the largest population base in the state. In the last 12 months, AmeriCorps Navigators have assisted more than 100,000 self-represented litigants.

AzCourtHelp.org and the Statewide Virtual Legal Resource Center. Since the virtual resource center’s launch in January 2017, over 160,000 individuals have found court-related legal help. Resource information for AZCourtHelp.org – including forms, answers to FAQs, access to court calendars and detailed information about all of the courts in the state -- is gathered from the 15 Arizona counties through in-person meetings, organized committees, and ongoing collaborations with various state and local agencies and organizations. The core features of the site are: substantive legal information for 35 topic areas; a searchable legal glossary with 672 entries; fillable superior court forms for self-represented litigants in both English and Spanish; ADA and language compliance through the use of an audio component that reads text in English and 54 other languages, high contrast imaging for those with color blindness, text resizing, font alteration for those with dyslexia, image captions, and Google translate features; a map component with 384 detailed court, probation, police, Motor Vehicle Department, and Division of Child Support Services (DCSS) locations; an on-line “live chat” service staffed by eight law librarians in different counties; an online user survey in English and Spanish that allows for continued input and feedback on the site’s functionality and content; and, notification of “Legal Talks” information and logistics for the public and volunteers.

In-House Counsel Pro Bono Commission (IHCPBC). The IHCPBC, chaired by Kevin Groman, was developed to increase pro bono participation of corporate counsel and their outside law firms. To date, these efforts have resulted in corporate counsel partnering with schools and colleges to improve the pipeline of future lawyers, helping to represent immigrant children and refugees, assisting veterans with startup businesses as a part of a Phoenix based incubator, and serving first responders through the Wills for Heroes program. Many of the legal departments at Arizona-based companies are becoming more actively engaged in pro bono efforts. For example, Pinnacle West’s legal department created a clinic and partners with the State Bar to create Wills for Heroes. This clinic for the past 12 months has helped 105 veterans and their spouses, prepared more than 315 legal documents, logged over 513 volunteer hours and 238 pro bono hours. Intel’s corporate law department regularly staffs a debt counseling clinic for low income residents. Other clinics are staffed with volunteers from the Salt River Project, Arizona Public Service Company, Blue Cross/Blue Shield and USAA Insurance legal departments.

Current Initiatives

Continued Development of the Legal Info Hub. Since the Commission’s establishment, many legal resources have been developed by its Work Groups for self-represented litigants in different formats. The Legal Info Hub was recently created on azcourts.gov and serves as the Arizona Supreme Court’s central repository for Legal Info Podcasts, Legal Info Videos, Legal Info Sheets, and Legal Info FAQs.

Legal Info Podcasts were first created by the Public Information and Messaging Work Group and feature a Supreme Court Justice who interviews an expert on a topic of general interest. These podcasts are available on both azcourts.gov and AZCourtHelp.org.

Legal Info Sheets were initially developed by the Self-Represented Litigants in Limited Jurisdiction Courts Work Group (SRL-LJC) in housing-related matters as quick reference sheets for self-represented litigants, which courts could also make available in their own self-service centers. The Legal Info Sheets use tiles (graphics) to illustrate content and legal processes in a more user-friendly way. They are available to print on azcourts.gov in English and in Spanish and the content is searchable via access to individual pages on AZCourtHelp.org.

To complement the Legal Info Sheets and answer the needs expressed by the public, the SRL-LJC Work Group began developing **Legal Info Videos** in housing-related matters, using animation software to address specific legal issues. The video series provides legal information tailored to the type of housing involved: residential, mobile home, and recreational vehicles. Legal Info Videos are available in both English and Spanish on azcourts.gov and AZCourtHelp.org. Transcripts of the Legal Info Videos are provided on azcourts.gov while closed-captioning videos are available on AZCourtHelp.org. Legal Info FAQs were developed based on the **Questions & Responses Handbook** that the Commission updated and expanded, which was originally only targeted for court staff to answer questions at the front counter. Legal Info FAQs are available on both azcourts.gov and AZCourtHelp.org.

The Commission will continue to develop legal information products for self-represented litigants in housing-related matters and other case types, and urge Arizona Supreme Court committees to consider using the same concept.

With respect to all of these resources, special consideration was taken to provide Spanish speaking self-represented litigants with identical content in a separate Spanish Legal Info Hub.

Justice In Government. The Commission will continue its efforts to work with the relevant state agencies to identify opportunities and funding sources to provide civil legal assistance for the state's most vulnerable populations. Also, planning is underway to celebrate the 20th anniversary of a long standing unique Judicial/Executive Branch collaborative effort, the Arizona Domestic Violence Legal Service Project.

Continuation of initiatives defined in above sections.

Planned Initiatives

Highlighting a few:

Online Dispute Resolution. As facilitated by the Commission, AOC continues to study the viability of an online dispute resolution (ODR) option for self-represented litigants. Based on information initially provided by the Commission, AOC is currently conducting a Proof of Concept Pilot in multiple courts to determine whether ODR could be utilized to increase the percentage of residents who actively participate in their court case, and to more efficiently resolve those cases. The technology platform under consideration allows litigants to provide and receive information and to actively negotiate their civil legal dispute or criminal misdemeanor charge through an on-line resource without having to leave work or their home to travel to a courthouse. Pilot courts in Yuma and Pinal counties will be addressing family law cases with the use of on-line court mediators regarding requests to modify child support, parenting-time, and legal decision-making matters. Effective January 2019 Administrative Order No. 2018-78 provides that if parties reach an agreement, the confirming documents can be executed using electronic signatures, and electronically filed with the court. This order also eliminates the need in this application for such agreements to be notarized. Scottsdale Municipal Court launched their pilot in January 2019, and will allow for resolution of traffic cases and for accepting negotiated plea documents in misdemeanor cases. In July, the Maricopa County Superior Court launched a parallel on-line project, the Accountability and Enforcement Court (ACE). This court will supervise a separate ODR pilot for family and civil cases. Additionally, Maricopa County Superior Court recently launched an on-line platform to allow parties to remotely negotiate and resolve credit card and other consumer debt cases under \$50,000. All pilots are underway, and data will be gathered regarding the results of these cases in the coming months. Future plans include creating a statewide Request for Quotes, which will allow courts to independently select and purchase the on-line dispute resolution product that best meets their specific business needs.

	Creation	Members	Appointment	Membership	Chair	Staffing and Commission Support Time	Report
Arizona Commission on Access to Justice	Supreme Court Order, August 2014	18	Chief Justice	1 appellate court judge (serving as chair); 1 superior court clerk; 1 superior court administrator; 2 superior court judges; 2 limited jurisdiction court judges; 2 AZ lawyers in active law practice; 1 AZ Judicial Council member; Administrative Director of the Courts or designee; AZ Bar Foundation ED/designee; SBA ED/designee; 2 legal services reps; 2 public members; ad hoc members as Chief Justice appoints.	Appellate court judge appointed by Chief Justice	Administrative Office of the Courts	At least annually, to the Arizona Judicial Council



AZCourtHelp.org

Google Analytic Results

<i>Timeframe</i>	<i>Sessions</i>	<i>Users</i>	<i>New Users</i>	<i>Pageviews</i>
11/1/18 – 1/29/18	53,764	45,117	44,010	139,556
1/30/19 – 4/29/19	58,135	49,130	47,387	155,608
<i>Difference</i>	8.13%	8.89%	7.67%	11.5%

Devices Used

<i>Timeframe</i>	<i>Desktop</i>	<i>Cell Phone</i>	<i>Tablet</i>
11/1/18 – 1/29/18	22,688 (49.77%)	20,870 (45.78%)	2,031 (3.45%)
1/30/19 – 4/29/19	25,269 (51.42%)	21,777 (45.78%)	2,101 (4.72%)
<i>Difference</i>	11.38%	4.35%	3.45%

Acquisition of Users

<i>Timeframe</i>	<i>Organic Search</i>	<i>Referral</i>	<i>Direct</i>	<i>Google Ad</i>	<i>Social Media</i>
11/1/18 – 1/29/18	28,917	7,495	6,950	2,743	76
1/30/19 – 4/29/19	29,196	8,204	7,831	4,842	130
<i>Difference</i>	.96%	9.46%	12.68%	76.52%	71.05%

Top 10 Referrals

<i>11/1/18 – 1/29/18</i>	<i>1/30/19 – 4/29/19</i>
AZCourts.gov – 4,387	AZCourts.gov – 5,385
courts.Yavapai.us – 570	courts.Yavapai.us – 574
AZLawHelp.org – 216	AZLawHelp.org – 229
jp.Pima.gov – 178	jp.Pima.gov – 192
sc.Pima.gov – 135	sc.Pima.gov – 143
Maranaaz.gov – 111	Coconino.az.gov – 139
Goodyearaz.gov – 110	Navajocountyaz.gov – 120
Coconino.az.gov – 105	Goodyearaz.gov – 113
Navajocountyaz.gov – 100	Maranaaz.gov – 109
Mohavecourts.com – 97	Flagstaff.az.gov – 96

Top 10 Cities

<i>11/1/18 – 1/29/18</i>	<i>1/30/19 – 4/29/19</i>
Phoenix – 12,718	Phoenix – 14,391
Tucson – 2,564	Tucson – 2,775
Los Angeles – 1,799	Mesa – 1,935
Mesa – 1,682	Los Angeles – 1,735
Scottsdale – 1,059	Scottsdale – 1,245
Tempe – 989	Tempe – 1,171
Chandler – 795	Chandler – 915
La Victoria – 729	Gilbert – 827
Glendale – 718	Glendale – 813
Gilbert – 690	La Victoria – 707

To contribute content or provide feedback - Cathleen.Cole@azflse.org



Searches from 1/30/19 – 4/29/19

Top 10 Pages Viewed on the Site

#Views	Page Name/Link
6,822	Maricopa Court Records
5,842	Forms
5,293	Find My Court
4,981	Qué significa días calendario?
3,823	Self-Help Resources
2,393	Pima Court Records
2,115	Live Chat
1,939	Child Support Calculator
1,919	Traffic Violations
1,880	Courthouse Calendars

Top 10 Searches on the Site

#Views	Search Term
733	Divorce
595	Name change
324	Child support
315	Probate
273	Guardianship
257	Power of attorney
254	Eviction
242	Small claims
231	Set aside
228	Order of protection

Top 10 Searches on Google

Search Term
Types of warrants
Arizona divorce papers
How to get unsupervised probation
Arizona divorce forms pdf
Divorce papers az
Az divorce papers
Different types of warrants
Arizona divorce forms
Types of warrant
What are the different types of warrants

Top 10 Pages with the Most Reactions

Page Name	Like	Legal	Comment
Qué significa días calendario	255	2	2
Live Chat	211	73	101
Pima ECR	57	5	22
Preparing to Calculate Child Support	53	1	0
Legal Decision Making and Parenting Time Form	48	5	13
Maricopa ECR	35	6	28
Mohave ECR	33	3	4
What Happens at Pretrial	35	2	0
Having a courthouse wedding	22	0	2
Eviction Filing Form Criteria - Landlord	14	3	3

To contribute content or provide feedback - Cathleen.Cole@azflse.org

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report on “Evictions: Politics, Policy & Possibilities” event
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From: Will Knight, Public Defender

Presenters: (Same)

Maricopa County Justices of the Peace signed 43,800 eviction judgments in 2018 alone.

To address this eviction epidemic, a community event was held at South Mountain Community College. The public was invited to engage in productive dialogue and meaningful discussions with legal experts, state officials, advocates, journalists, and peers.

Mr. Knight attended this event and will report on the experience and insight gained from this public gathering.

Recommended motion: None.

Presenters

- Karia Basta**
Special Needs Programs Administrator
Arizona Department of Housing
- Pamela Bridge, JD**
Director of Litigation and Advocacy
Community Legal Services, Inc.
- Rhoshawndra L. Carnes**
Director of Family Services
Pilgrim Rest Foundation, Inc.
- Zaida Dedolph**
Director of Public Policy
Wildfire: Igniting Community Action to
End Poverty in Arizona
- Michael Franczak, PhD**
Director of Population Health
Partners in Recovery
- Enrique Medina-Ochoa**
Justice of the Peace
Maricopa County Justice Courts
- David Moise**
McKinney-Veto and Foster Care
District Liaison
Tempe Union High School District
- Stan Silas, JD**
Senior Lead Attorney
Community Legal Services, Inc.
- Nichole Stevens**
Homeless Solutions Supervisor
City of Tempe
- Alden Woods**
Reporter
Arizona Republic

Program

Welcome

Lois Brown, PhD
Director, Center for the Study of Race and Democracy
Foundation Professor of English, Arizona State University

Activity and Turn & Talk

Presentations

Video
Stan Silas, JD "The Eviction Epidemic"
Pamela Bridge, JD Legal Representation
Karia Basta Populations Affected
Resources

Small Group Presentations

Karia Basta Affordable Housing
Pamela Bridge, JD Special Populations
Rhoshawndra L. Carnes Faith-based Interventions
Zaida Dedolph Child and Family Poverty
Michael Franczak, PhD Behavioral Health
Enrique Medina-Ochoa Justice System
David Moise Educational Impact
Stan Silas, JD Legal Representation
Nichole Stevens Homelessness
Alden Woods Telling the Story

Discussion

Next Steps

Closing Remarks and Evaluations

Maricopa County Justice Court Report

William E. Morris Institute for Justice
(Summer of 2004)

FROM THE STUDY, WE FOUND:

- Approximately 82,000 evictions cases were filed in the Maricopa County Justice Courts in 2004;
- **Approximately 87% of the landlords were represented;**
- **No tenants were represented;**
- **Less than 20% of tenants came to court;**
- Many Justices do not require landlords to prove their entitlement to either possession of the rental unit or a monetary award;
- The Justices hold tenants to a higher standard of proof for defenses;
- Unrepresented tenants rarely had their eviction cases dismissed;
- The courts provide helpful information to landlords, but limited and occasionally incorrect information to tenants;
- Most eviction cases take less than a minute to hear and many cases are heard in less than 20 seconds; and
- Currently, the extremely fast and abbreviated proceedings mete out swift judgments, overwhelmingly in favor of the landlords.

EXAMPLES OF TENANT EVICTIONS DEFENDED BY COMMUNITY LEGAL SERVICES (CLS)

- 1. MOBILE HOME REPAIRS/NON-PAYMENT OF RENT** – Landlord sought to collect \$99.77 in rent and other charges which accrued in the month of January 2018 and were identified in the Plaintiff’s March Complaint as “previous balance of \$506.65.” The total January 2018 rent was \$830.77. The tenant paid and the landlord accepted \$731.00 for rent. The landlord did not have the tenant sign a partial payment agreement for the \$99.77 balance. Landlord later attempted to collect other partial payments in the amount of \$223.56 (including the \$99.77) from January and February and apply them to the March rent to satisfy claim for unpaid rents due in March 2018. Landlord never had tenant sign a “partial payment agreement for the \$223.56 in rent and other charges as well. Tenant has affirmative defense to defeat landlord’s claim for possession as a result of the landlord’s failure to have the tenant sign a partial payment agreement. A.R.S. § 33-1371(A). Parties negotiated a settlement with the assistance of CLS.
- 2. SECTION 8 PROJECT-BASED VOUCHER PROGRAM (PBV) TERMINATION OF TENANCY** – The landlord issued NOTICE OF IMMEDIATE TERMINATION (“Notice”) to tenant who had committed material and irreparable breach of lease and lost right to possession in June 2018. The tenant’s CLS attorney argued that the Notice was not served in the manner required under federal law as set forth in HUD’s regulations and failed to inform the tenant of her rights under federal law. CLS presented proof that that the HUD regulations required both the mailing and hand-delivery of the termination notice to the tenant. The complaint only provided for personal service of the Notice and failed to comply with the mailing requirement. CLS was able to convince the justice court that the complaint should be dismissed because the landlord failed to comply with the HUD regulations and the lease. The case was dismissed by the Court.
- 3. TERMINATION OF TENANCY FOR LEASE VIOLATIONS RELATED TO MENTAL ILLNESS** – In September, 2018, tenant received NOTICE OF IMMEDIATE TERMINATION for allegations of indecent exposure within the apartment community. Tenant has been diagnosed as suffering from serious mental illness (“SMI”). He was expected to vacate the premises immediately. The tenant’s CLS attorney presented facts and law based upon the tenant’s disability under the federal Fair Housing Amendments Act (“FHAA”), that the tenant could remain on the premises and be lease compliant if provided with a “reasonable accommodation” under the FHAA. The tenant’s behavioral health providers produced documentation to support the request for reasonable accommodation and demonstrated that the tenant with the proper supportive services could remain housed. The landlord agreed to dismiss the eviction complaint as a result.
- 4. TENANT RECEIVED FIVE DAY NOTICE OF INTENT TO TERMINATE LEASE FOR MATERIAL HEALTH AND SAFETY BREACH** (dated 07/17/18) – Landlord accepted rent from defendant on August 6, 2018, with KNOWLEDGE of this prior written notice. On 08/24/18, landlord issued a second ten-day notice (non-curable) to tenant seeking to evict the tenant for failing to maintain leased premises in clean and safe manner related to roach infestation inside her apartment. Defendant has valid waiver defense under A.R.S. § 33-1371(B) because the landlord accepted rent in August with actual knowledge of the alleged July breach of the rental agreement and intended to use it as part of a second non-curable 10-day breach notice issued on 08/28/18.

HANDOUT NO 8.
JUSTICE COURT CASE ACTIVITY
FISCAL YEAR 2017
FISCAL YEAR JULY 1, 2016- JUNE 30, 2017

Justice Court Case Activity – Fiscal Year 2017 (July 1, 2016 – June 30, 2017)

- **Forcible detainers – 61,841 eviction actions filed:**
 - 61,640 had no legal representation for the tenant.
 - 201 had legal representation for the tenant.
 - 6 times defendant prevailed with monetary judgment.
 - 83 times there was no judgment entered for either side.
 - 4 times plaintiff won but no money awarded.
 - 108 times plaintiff won with monetary judgment.
 - Calendar year 2017 – 63,615 evictions were filed. Approximately 24,899-32,577 tenants defaulted or did not show up for the eviction hearing.
- **In Fiscal year 2017 – 62,680 eviction cases filed:**
 - 1,334 went to bench trial.
 - 53 defendants/tenants had legal representation.

*Source: Scott Davis/MCJ CX 04/18/19 (the number discrepancy is due to varying accounting procedures)

TENANTS CANNOT ENGAGE IN RENT STRIKES IN ARIZONA

Tenants in Maricopa County are not successful in filing and prevailing on counterclaims to compel repairs to dwelling units due to technical rules of giving written notice to landlords under ARLTA (A.R.S. § 33-1361(A)), which is strictly enforced by the landlord bar inside the courtroom. Have roaches? Better give property manager or landlord proper written notice for relief.

Tenants may also seek relief for landlord's failure to supply heat, air conditioning, cooling, water, hot water or essential services. A.R.S. § 33-1364(A)(2) and (3).

- **Remedies:** Procure damages based upon the diminution in fair rental value of the dwelling unit.
- **Remedies:** Procure substitute housing during period of landlord's noncompliance and is tenant is excused from paying rent for period of the landlord's noncompliance.

Tenant may never/never/never withhold rent because landlord failed to comply with their responsibilities under ARLTA. A.R.S. § 33-1324(A).

The following picture is from tenant's floor inside mobile home – showing condition of trailer floor underneath bathroom sink – tenant asserted counterclaim to landlord's claim for nonpayment of rent for diminution in fair rental value to dwelling unit for landlord's repeated failure to remove materials containing mold from mobile home. Tenant lost on issue of possession and was evicted.



HANDOUT 4

TIMELINE FOR EVICTION FOR NON-PAYMENT OF RENT PER A.R.S. § 33-1368 (04/29/19)

1. Rent due November 1, 2018.
2. Rent late November 2, 2018.
3. Rent unpaid – tenant receives 5-day written notice dated and served November 3, 2018 (11/4, 11/5 11/6, 11/7, 11/8). 11/8 is deadline to pay overdue rent.
4. If tenant pays rent and late fees accruing daily before landlord submits nonpayment to landlord attorney, tenant can reinstate tenancy.
5. If rent remains unpaid and after written notice of nonpayment, landlord can submit nonpayment matter to landlord attorney for eviction /special detainer action.
6. If rent has not been paid and the matter has been filed with the justice court, the tenant can still reinstate their tenancy by paying all back rent, all outstanding late fees as stated in the lease, court costs and attorney fees before judgment is entered.
7. Landlord will commence the eviction action/special detainer, by way of a standardized summons and complaint form filed with the justice court and have these documents served on the tenant at least two days before the day the eviction matter is assigned for trial. The summons and complaint shall require that the tenant appear for court not more than six nor less than three days from the date of the summons. November 9th date of summons. Trial is set for November 14, 2018 (5 days from date of summons). Tenant must be served at least two days before the hearing (A.R.S. §33-1377(A)). Tenant must be served by 11/11/18.
8. The initial hearing date is November 14, 2018. The eviction trial can be continued no longer than 3 calendar days. (11/15, 11/16, 11/19). Landlord attorneys rarely ever agree to continuances. Tenant claims an affirmative defense for partial payment of rent to landlord's claim for nonpayment. Eviction trial set for 11/19/18. 11/22/18 is Thanksgiving Day.
9. Tenant will be unrepresented and will most likely lose eviction trial. The judgment will be signed that day 11/19/18. The writ of restitution is the court's order granting possession to the landlord and it will be issued or available to the landlord within five days after the judgment is signed. The constable may show up for the lockout within 12-24 hours typically after receipt of the writ of restitution from the landlord. Writ of restitution will be issued on 11/26/18. Constable may perform the lockout by 11/27/18.

10. Tenant may appeal judgment but must do so within five days from judgment and pays bonds for possession before writ of restitution is issued. If eviction is for material and immediate eviction, then must file appeal immediately. The writ of restitution will issue within 12-24 hours from date of judgment in an immediate eviction.

11. Rent due November 1, 2018 – tenant out of dwelling by 11/27/18. Total of 27 days including weekends.

November 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Rent Due	2 Rent Late	3 5-Day Notice for Nonpayment of Rent Served
4	5	6	7	8	9 Landlord Files Summons & Complaint	10
5-Day Cure Period						
11 Tenant Must be Served by Today	12	13	14 Eviction Action Hearing (5 Days from Date of Summons)	15	16	17
18	19 F E D Eviction Action Trial (Tenant Loses)	20	21	22 	23	24
25	26 Writ of Restitution to Issue	27 Constable will Lock Tenant Out by this Date.	28	29	30	

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Legal Services Task Force
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From: Judge Maria Elena Cruz, Judge Kreamer, and Don Bivens

Presenters: (Same)

Discussion: Across the nation, judicial and legal community leaders are examining the delivery of legal services to identify issues and improvements in delivery of legal services either by recognizing certain services can be provided by non-lawyers or by embracing new ways for lawyers to provide services, such as “unbundling” or “limited scope representation.”

Judges Cruz, Kreamer, and Mr. Bivens will report on the efforts being made in Arizona’s review of the rules and codes to identify issues and improvements in the delivery of legal services that would further the Arizona Judiciary’s goal of Promoting Access to Justice. The Task Force on Delivery of Legal Services, established by Administrative Order 2018-111 is to review the regulation of the delivery of legal services in Arizona, will make recommendations as follows:

- Restyle, update, and reorganize Rule 31(d) of the Arizona Rules of Supreme Court to simplify and clarify its provisions
- Review the Legal Document Preparers program and related Arizona Code of Judicial Administration requirements and, if warranted, recommend revisions to the existing rules and code sections that would improve access to and quality of legal services and information provided by legal document preparers.
- Examine and recommend whether other non-lawyers, with specified qualifications, should be allowed to provide limited legal services, including representing individuals in civil proceedings in limited jurisdiction courts, administrative hearings not otherwise allowed by Rule 31(d), and family court matters.
- Review Supreme Court Rule 42. E.R. 1.2 related to scope of representation and determine if changes to this and other rules would encourage broader use of limited scope representation by individuals needing legal services.
- Recommend whether rules should be modified to allow for co-ownership by lawyers and non-lawyers in entities providing legal services.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Inter-Governmental Collaboration Workgroup
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From: Inter-Governmental Collaboration Workgroup members

Presenters: Chris Groninger, Janet Regner, Maria Morlacci, and Kevin Groman

Discussion: Members of the Inter-Governmental Collaboration Workgroup will provide a brief update on progress made to incorporate access to justice and legal assistance into Executive Branch and Arizona State Agency efforts related to 1) Re-Entry & Recidivism Reduction and 2) Opioid & Addiction.

Recommended motion: None.

Arizona Commission on Access to Justice

<p>Meeting Date:</p> <p>May 15, 2019</p>	<p>Type of Action Requested:</p> <p><input type="checkbox"/> Formal action or request</p> <p><input checked="" type="checkbox"/> Information only</p> <p><input type="checkbox"/> Other</p>	<p>Subject:</p> <p>Preliminary Report on Legal Aid Programs Unmet Civil Legal Needs Study</p>
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From: Anthony Young

Presenters: (Same)

Discussion: Mr. Young will report on methodology and preliminary findings.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from Vice-Chief Justice Robert Brutinel
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From: Vice-Chief Justice Robert M. Brutinel

Presenters: (Same)

Discussion: Vice-Chief Justice Brutinel will be the next Chief Justice of the Supreme Court effective July 1, 2019.

Vice-Chief Brutinel will present his vision of the direction and charge for the Arizona Commission on Access to Justice during the next strategic agenda.

Recommended motion: None.



Arizona Commission on Access to Justice

Meeting Agenda

November 13, 2019 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ 1501 West Washington ♦ Conference
Room 119A/B ♦ Phoenix, Arizona

[ACAJ WEBPAGE](#)

TIME	AGENDA ITEM	PRESENTER
1 10:00 a.m.	Welcome and Opening Remarks	<i>Judge Lawrence F. Winthrop, Chair</i>
	Approval of minutes from May 15, 2019 <input type="checkbox"/> <i>Formal Action/Request</i>	
2 10:05 a.m.	Chairperson’s report <ul style="list-style-type: none"> • Legal Services Corporation (2020 Budget) • AOC - 2019 Rules Summary • LSC Opioid Task Force Report 	<i>Judge Winthrop</i>
3 10:25 a.m.	Status report of the Governor’s Task Force on the opioid crisis and discussion regarding the benefits legal aid can provide this population	<i>Dr. Cara Christ, Director of Arizona Department of Health Services and Christina Corieri, Governor’s Office, Sr. Policy Advisor on Health and Human Services</i>
4 11:00 a.m.	Legal Aid Client Successes	<i>Chris Groninger and Kristin Fitzharris, SALA</i>
5 11:45 a.m.	Discuss legal aid federal funding and highlights from the new Vermont legal aid/opioid partnership	<i>Karen Lash, Director, The Justice in Government Project</i>
12:00 p.m.	☞☞ Lunch Break ☞☞	

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact ACAJ staff, Kathy Sekardi at (602) 452-3253 or Julie Graber, at (602) 452-3250 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

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|----|------------------------|---|--|
| 6 | 12:45 p.m. | Update on Arizona ODR Pilot Projects | <i>Cathy Clarich,
AOC Caseflow Manager</i> |
| 7 | 1:00 p.m. | Report on the AZCourtHelp.org website | <i>Dr. Kevin Ruegg and
Cathleen Cole</i> |
| 8 | 1:15 p.m. | Update on the Public Information and Messaging Workgroup | <i>Alberto Rodriguez, State
Bar Public Information
Officer</i> |
| 9 | 1:25 p.m. | Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup | <i>Judge Anna Huberman</i> |
| | | <ul style="list-style-type: none"> • R-19-0018: Amend Rules 5(d) and 10(a), Arizona Rules of Procedure for Eviction Actions | |
| 10 | 1:35 p.m. | Final Report from the Delivery of Legal Services Task Force | <i>Justice Ann A. Scott
Timmer, Vice Chief
Justice</i> |
| 11 | 1:55 p.m.
2:00 p.m. | Good of the Order / Call to the Public Adjournment | <i>Judge Winthrop</i> |

Amended - 2020 Future meetings

February 4, 2020

May 14, 2020

November 19, 2020

Conference Room 119 A/B; 10:00 a.m. to 2:00 p.m.

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact ACAJ staff, Kathy Sekardi at (602) 452-3253 or Julie Graber, at (602) 452-3250 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

Arizona Commission on Access to Justice
DRAFT MINUTES
Wednesday, May 15, 2019
10:00 a.m. to 2:00 p.m.

State Courts Building, 1501 W. Washington Street, Conf. Rm. 345A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson, Judge Janet Barton, Mike Baumstark, Judge Thomas Berning (*telephonic*), Pamela Bridge (*telephonic*), Judge Maria Elena Cruz, Kathy Schaben (proxy for Judge David Haws), Judge Anna Huberman, William Knight, Judge Joseph C. Kreamer, Maria Morlacci, Joel England, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Valerie Wyant (*telephonic*), Anthony Young

Absent/Excused: Kevin Groman

Presenters/Guests: Justice Robert Brutinel, Don Bivens, Cathleen Cole, Joannie Collins, Joanne Dufour, Scott Davis, Chris Groninger, Aaron Nash, Lara Slifko

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Julie Graber

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the May 15, 2019, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:06 a.m.

B. Approval of Minutes

The draft minutes from the February 13, 2019, ACAJ meeting were presented for approval.

Motion: Helen Purcell moved to approve the February 13, 2019, minutes, as presented. **Seconded:** Janet Regner. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice events, projects, and topics.

- The 2019 National Meeting of State Access to Justice Commission Chairs and the Equal Justice Conference were held on May 10 and 11 in Louisville, KY. Arizona's updated annual statement is included in the meeting packet.
- There were group discussions at the Veterans Legal Services Summit on March 26, on how to better share information and legal resources for veterans. Judge Winthrop highlighted the work of the University of Arizona's Veterans Advocacy Clinic, which assists veterans with

representation at veteran courts; and in benefit and discharge upgrade cases.

- Pinal County launched online dispute resolution for those seeking to initiate or modify a family court matter and allows parties to negotiate their case with the help of a court facilitator. This free service is available 24 hours per day.
- The Pima County Public Defender’s Office offers weekly “second chance” clinics regarding civil rights restoration, misdemeanor designation of unclassified felony convictions, and quashing warrants. Judge Winthrop referenced an article in the Yale Law Journal highlighting the potential benefit of legal aid assistance on reentry issues with the real-life example of Tarra Simmons.
- “Pima County Court Night” was held on March 26, 2019 and will be returning on October 15, 2019. There were presentations on divorce, custody, and guardianship issues from many agencies and organizations.
- Judge Winthrop highlighted updates from the Arizona Foundation for Legal Services & Education (Bar Foundation):
 - 20th anniversary of the Domestic Violence Legal Assistance Project.
 - The Arizona Department of Housing sponsored a statewide training for community action program case managers regarding landlord tenant law.
 - Innovations Awards were announced for projects that promote access to justice in unique and innovative ways: Arizona Legal Center; Maricopa County AmeriCorps Court Navigator Program; State Bar’s Find a Lawyer tool; University of Arizona Law School “Innovation for Justice” Program; Step Up for Justice; and AOC court technology projects.

B. Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Judge Anna Huberman reported that the workgroup was unable to reach a consensus regarding rule petition, R-19-0018, which would require the landlord to serve additional relevant documents, such as the lease and ledger, with the complaint. A comment was filed by Judge Winthrop, which summarizes the workgroup’s opposing viewpoints without making a final recommendation. While workgroup members agreed that the tenant is entitled to relevant information, they differed regarding how the information should be provided. Judge Huberman also reported that the first group of eviction videos have been finalized and are posted by housing type (i.e., residential, mobile home, and recreational vehicle) in English and Spanish on AZCourts.gov. The next step is marketing the eviction content to the public.

C. Report on Other Rule Petitions

Julie Graber, AOC staff, reported on rule petition, [R-19-0011](#), which would reorganize exceptions to the usual attorney admission process. One comment was

filed from the AOC's Certification and Licensing Division with concerns regarding expanding practice pending to Bar Exam applicants. Judge Winthrop added that no comments have been filed regarding part of the rule petition that would encourage retired and inactive members of the State Bar to volunteer *pro bono* services in connection with an approved legal service organization.

D. AZFLSE Report on Law-Related Educational Programs

Lara Slifko and Joannie Collins from the Bar Foundation provided some background information regarding the LawForKids.org website since launching in 1999. The interactive and dynamic website receives between 175,000 and 200,000 users per year and is always trying to evolve to reach students with mock trials, games, contests, and apps. Ms. Slifko described law-related educational programs on LawForKids.org, such as Project Citizen, which is a portfolio-based civic education program for grades 5-12 that helps teachers and students understand public policy; We The People, which simulates a congressional hearing as the culminating activity; Arizona Teen Court Association, which empowers youth in their communities to help change negative and delinquent behavior in their peers; and Arizona High School Mock Trial program, which teaches students in grades 9-12 about the law and the legal system by participating in a simulated trial. Other initiatives include the When You Turn 18 program, which is distributed to high school seniors in the form of a booklet and will be turned into an app as of June 30, 2019; Kids Voting AZ, which is a voter education program that encourages lifelong voting habits; the School Safety Program, which provides law-related education to students and staff; iCivics.org, which is a web-based education project designed to teach civics using fun games; and the Law Day Contest, in which students from grades K-12 submit coloring sheets and comic strips, and the ones with the most "Likes" win a mini iPad. Ms. Collins invited members to vote for their favorite coloring sheets during her presentation.

E. Update on the Public Information and Messaging Workgroup

Aaron Nash, AOC Communications Director, reported that the State Tax Credit video was updated, and a joint meeting took place on April 1, 2019, between the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup and the Public Information and Messaging Workgroup to discuss the roll out of the new eviction content on AZCourts.gov. Members from both workgroups have been compiling contact information for interested groups and partners, and demos of the eviction content will be presented to these groups. Scott Davis, Maricopa County Justice Courts Communications Director, summarized the subgroup's eviction marketing push.

- The new eviction "hub" consists of nine residential, seven mobile home, and seven recreational vehicle (RV) Legal Info Videos and transcripts; 14 Legal Info Sheets; and FAQs, which are all available in both English and Spanish on AZCourts.gov.

- Vanity URLs were created for easy navigation (azcourts.gov/eviction and azcourts.gov/desalojo). A home button was also added to the website, so users can easily return to the eviction home page.
- The marketing push will begin May 29, 2019, and last for one week.
- A press release will go out along with a digital marketing kit with pre-made image files and text for the main social media platforms.
- Judge Huberman will serve as the spokesperson to the media.

The next workgroup meeting is scheduled for June 6, 2019. The goal will be to focus on the topic of warrants and to develop content in different formats in a similar way as eviction. Mr. Nash also asked members to continue to send events to include on the Editorial Calendar.

Member comments:

- Will the eviction content be shared with the justice courts on a statewide basis? Judge Huberman reported that courts will be able to easily add a link on their websites to the new content. There has already been a lot of interest from groups and she will be looking for some volunteers to assist with the demos.

F. Report on the AZCourtHelp.org website (*agenda item out of order*)

Cathleen Cole, Bar Foundation, reviewed eviction-related Google Analytics on AZCourtHelp.org and noted that over 15,000 forms have been downloaded by users since September 2017 and the top two eviction resources are the Legal Info Sheets on “After an Eviction Judgment” and “Mobile Home Park Evictions.” Ms. Cole also reviewed Google Analytics, Search Engine Optimization, and enhanced features and content on the entire AZCourtHelp.org site for the period from January 30, 2019 through April 29, 2019. The statistics reflect an increase in the number of users and specifically the top pages viewed relate to finding court records and forms while top searches relate to divorces, name change, and warrants. Upcoming projects include developing a portal of information on warrants; adding an eviction glossary in English and Spanish; and preparing for probate and garnishment content.

Theresa Barrett, AOC staff to the commission, reported on a recent meet-and-greet that took place to discuss and coordinate the Legal Talks with court and law library representatives from Cochise, Coconino, Maricopa, Pima, and Yuma counties. At the meeting, each county reported on ongoing efforts and a list of action items was made to better collaborate moving forward. The goal is for the group to meet on a recurrent basis to improve the services offered.

G. Report on Evictions: Politics, Policy & Possibilities public event (*agenda item out of order*)

Will Knight reported on the “Evictions: Politics, Policy & Possibilities” public event that took place on April 29, 2019, at South Mountain Community College, which focused on engaging in productive dialogue with legal experts, state

officials, advocates, journalists, and peers, and educating stakeholders about the problems surrounding eviction. Special attention was placed on the impact of mental health issues on evictions as well as eviction's disproportionate impact on special populations, such as those receiving subsidized housing, the disabled, minorities, and women. Arizona has the second highest eviction rate in the nation.

H. Report from the Legal Services Task Force

Judge Maria Elena Cruz and Don Bivens reported on the Task Force on Delivery of Legal Services, which was established by Administrative Order No. 2018-111. The charge of the task force was to further promote access to justice in the Arizona judiciary by exploring issues and improvements in delivery of legal services and identifying that certain services can be provided by non-lawyers, as well as promoting new models for lawyers to provide legal services like unbundling. Mr. Bivens shared that the task force examined adding a new tier of non-lawyers, who, with specified qualifications, could be allowed to provide limited legal services in civil proceedings in limited jurisdiction courts, family court matters, and administrative hearings. He also discussed making changes to improve access to legal services provided by certified Legal Document Preparers. The task force is formulating recommendations that will (1) modify Arizona's ethical rules regarding advertising; (2) allow recent law graduates to practice law under the supervision of an attorney after graduation but before they are admitted to the bar; and (3) remove the explicit barrier to lawyers and non-lawyers co-owning businesses that engage in the practice of law.

Member comments:

- Judge Winthrop questioned whether adding a new tier of non-lawyers would resolve the issue related to the cost of legal services. The task force is aware of the problem, but the issue is who would pay for it. Some ideas that were shared included obtaining help from the private market or from charities, or as part of a navigator program. A member suggested setting up a fee structure to meet the gap if the client worked with an approved entity and the attorney volunteered hours as part of continuing legal education.
- Did the task force consider allowing courts to hire individuals to provide legal advice, not legal representation, for court users? Judge Cruz will bring the suggestion back to the task force.

I. Preliminary Results of the 2017 Legal Needs Study

Anthony Young explained that periodic legal needs studies are conducted by legal aid providers to help set priorities and to identify gaps in service and the areas of law that need to be addressed. Mr. Young reviewed the type of data collected and the survey methods to gather the data. He shared some preliminary results on the statewide 2017 study conducted by the Arizona Bar Foundation and legal aid providers.

- 80 percent of Arizonans reported having a legal problem.
- Arizonans are going to the Internet to resolve issues.

- 64 percent were unable to obtain a private or legal aid attorney to resolve their issue.
- The highest areas of needs include: (1) family law (divorce, child support, and domestic violence); (2) housing (habitability, safety, eviction); and (3) consumer law (debt issues).
- Emerging issues include civil rights restoration, minor and adult guardianship, and elder abuse.

The data will be compiled into a report and made available to the public. For legal aid providers, there will be internal conversations about the delivery of services and case priorities.

J. Report from the Inter-Governmental Collaboration Workgroup

Janet Regner reported on a meeting with a representative from the Task Force on Recidivism and Reentry at the Governor’s Office, which focused on providing education about what legal services mean and cover. Suggestions were made about placing paralegals in Second Chance Centers and partnering with a Task Force subgroup that is made up by non-profits. Chris Groninger discussed federal funding opportunities for partnerships between state agencies and legal services providers. Maria Morlacci and Kevin Groman met with Christina Corieri from the Task Force on the Opioid Crisis at the Governor’s Office to explore how the commission could assist their efforts. Suggestions were made for Ms. Corieri and the Task Force’s chair, Dr. Cara Christ, from the Arizona Department of Health Services, to be added to the ACAJ November agenda to discuss the Task Force’s goals and how ACAJ could assist.

K. New Strategic Plan for the Arizona Supreme Court

Vice Chief Justice Robert M. Brutinel discussed his upcoming five-year strategic plan for the Arizona Supreme Court when he becomes Chief Justice on July 1, 2019. This strategic plan provides direction and charge for both the Administrative Office of the Court and the commission and sets out goals and priorities. Justice Brutinel reviewed previous strategic agendas to reaffirm important goals and to highlight previous success. Promoting access to justice will continue to be an important initiative and the commission will be charged with expanding its work to ensure equal access to justice for all Arizonans by providing more information for the public through AZCourtHelp.org and AZCourts.gov; working with the Bar Foundation and the State Bar to improve access to legal services and legal information for individuals with modest incomes; and establishing a workgroup to identify ways to simplify court processes and procedures. Other access to justice initiatives will include evaluating online dispute resolution pilot projects; implementing recommendations from the Task Force on the Delivery of Legal Services; expanding training and resources to provide support for self-represented litigants; and expanding services for limited English-proficient litigants.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, November 13, 2019

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

State Courts Building, Room 119

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:49 p.m.



An Arizona Success Story The Domestic Violence Legal Assistance Project

Almost daily you can turn on the news or read in the paper about a violent or dangerous domestic violence incident somewhere in Arizona.

As Gov. Doug Ducey has noted:

Every 44 minutes in Arizona, one or more children bears witness to domestic violence. Every 36 minutes in Arizona, a police officer responds to a domestic violence dispute where a child is present. Every 19 minutes in Arizona, an arrest is made as a result of a domestic violence incident. Every 12 minutes in Arizona, a domestic violence victim calls the Department of Economic Security to request emergency shelter, information, or a referral. And every five minutes in our state, a law enforcement officer responds to a domestic violence call.

But in those news stories, you are unlikely to hear about the civil legal challenges for victims of domestic violence navigating a divorce from an abusive spouse or trying to prevent an eviction due to a domestic violence noise violation.

This crisis is not unique to Arizona. It is estimated that one in four women and one in seven men will experience domestic violence in their lifetime. This means that more than 800,000 women and more than 450,000 men in Arizona will experience domestic violence in their lifetime. Domestic violence affects all of us, including the legal community. In 2018, more than 80 Arizonans lost their lives due to domestic violence—including six legal professionals whom a domestic violence perpetrator believed were associated with his divorce and child custody cases.

Beyond the challenges of participating in our criminal justice system, victims of domestic violence often have a variety of DV-related civil legal needs, ranging from obtaining or keeping a protective order; preventing an eviction because of the domestic violence; divorce, custody and/or child support issues; stolen identity and consumer debt problems; and employment matters.

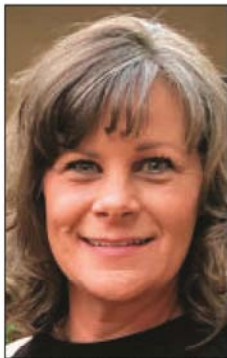
Multiple studies demonstrate access to civil legal assistance can both reduce domestic violence and mitigate some of its collateral consequences. One study found that when domestic violence survivors have access to legal representation in child custody cases, they are afforded greater protection and granted more frequent visitation rights as compared to those who are not represented. A 2017 survey of 1,762 DV shelters by the National Network to End Domestic Violence found that DV survivors without legal representation are more likely to be victimized later than those without access to such representation.

October is Domestic Violence Awareness Month, and here's some good news: Arizona leads the nation in identifying and working with DV victims to meet these needs through the Arizona Domestic Violence Legal Assistance Project. The Project is a 20-year success story built on a collaboration between the executive and judicial branches of government, administered by the

Opinions in the magazine are those of the authors and not necessarily those of the State Bar of Arizona, its Board of Governors, the Editorial Board or staff. The magazine provides an open forum for readers. Send your own letter to tim.eigo@staff.azbar.org. (Please provide a high-resolution 2 x 3 head shot with your *My Last Word* submission.)



LAWRENCE F. WINTHROP is a judge on the Arizona Court of Appeals and since 2014 has served as Chair of the Arizona Commission on Access to Justice.



CHRIS GRONINGER is the Chief Strategy Officer for the Arizona Bar Foundation and administrator of the Arizona Domestic Violence Legal Assistance Project.

Arizona leads nation in identifying and working with domestic violence victims

Arizona Bar Foundation, and through pro bono services provided by Arizona lawyers—a true public-private partnership working to improve communities.

The Project is supported by the Department of Economic Security, composed of 13 different domestic violence service providers with lay legal assistance. Arizona's three Legal Services funded legal aid organizations and volunteer Lawyers Programs at the state level. This collaboration includes legal aid staff attorneys, and the project works seamlessly to provide a network of effective civil legal assistance to victims throughout Arizona.

In its 20 years, the Project has helped over 125,000 victims of domestic violence in Arizona with the civil legal assistance they need to be safe, free from violence and financially independent. Since 1999, more than 10,000 lawyers have volunteered approximately 100,000 pro bono hours—the financial value of more than \$13 million—to assist victims. Each year, more than 1,000 attorneys are trained, supported and recognized through the Project. They celebrate and recognize this contribution.

Every day brings civil law assistance to Arizonans experiencing domestic violence. *Will you help?* For more information, to donate or volunteer, please contact the Arizona Bar Foundation: <https://www.azbar.org/domestic-violence-legal-project>



Meeting Date: November 13, 2019

Subject: Report on the Governor's Task Force on the opioid crisis and discussion regarding the benefits legal aid can provide this population

Type of action requested:

- Formal action or request
- Information only
- Other

From: Inter-Governmental Collaboration Workgroup

Presenters: Dr. Cara Christ, Director of the Arizona Department of Health Services and Interim Director of the Department of Economic Security and Christina Corieri, Sr. Policy Advisor on Health and Human Services, Governor's Office, Chris Groninger, Arizona Foundation for Legal Services & Education, and Kristin Fitzharris, Attorney, SALA

Discussion: Dr. Christ and Ms. Corieri will present on the efforts being made by the Governor's Task Force on the Opioid Crisis, followed by a question and answer period. Ms. Corieri will also discuss the Governor's Task Force on reentry/recidivism and how that is intertwined with the opioid crisis. Ms. Groninger and Ms. Fitzharris will then lead the conversation to discuss insights on legal aid for nonuser-based victims of the opioid crisis.

Recommended motion: None at this time.



Meeting Date: November 13, 2019

Subject: Discuss legal aid funding and highlights from the new Vermont legal aid/opioid partnership

Type of action requested:

- Formal action or request
- Information only
- Other

From: Inter-Governmental Collaboration Workgroup

Presenters: Ms. Karen Lash, Practitioner-in-Residence, Justice Programs Office Director, The Justice in Government Project, School of Public Affairs, American University

Discussion: Ms. Lash will discuss the national perspective on why it makes sense for legal aid to be part of the services offered to deal with the opioid crisis and its fallout, and to report on the new Vermont Health Department medical-legal partnerships between recovery centers and Vermont Legal Aid.

Recommended motion: None at this time.

The Opioid Crisis and the Nation's Youth— Strategies and Solutions to Serve Our Youngest Victims

2019 National Training Event

December 4-5, 2019—Alexandria, Virginia

DRAFT Agenda

December 4, 2019

8:30 a.m. – 9:30 a.m.

Convene and Welcoming Remarks

A Day in the Life of a Young Victim

This presentation will help to ground our collective purpose in the experiences of a young victim of the opioid crisis.

9:30 a.m. – 9:45 a.m.

Break

9:45 a.m. – 10:45 a.m.

Breakout Series 1

Track I: Assessing What Is Needed

Young Victims: Strategies for Uncovering What They Need

Young victims' lives are disrupted in a myriad of ways by the opioid crisis. This session will delve deeper into strategies and tools that responders and professionals are using to work with children, families, and caregivers to determine and provide what they really need.

This session builds upon the opening plenary, "A Day in the Life of a Young Victim," and can be considered the second installment in the series.

Track II: System Navigation

All Doors are Open

As public servants, we all strive to provide full and easy access to our services, but what does that really look like? This session will explore models that are removing barriers to access, improving service navigation, and welcoming families into comprehensive care.

Track III: Skill Building

Trauma-Informed Care: Moving from Principles to Practice

The concept of “trauma-informed care” has now reached every corner of our nation, but how do we put this concept into practice? This session will help participants across disciplines integrate core principles into daily practice to ensure we are providing effective services to children and families.

Track IV: Practice Improvement

Beyond the Crisis Call: Balancing Risk and Resiliency Historically first responders and victim service providers have focused exclusively on ensuring immediate safety for young victims. Today we recognize that children and youth instead need a balanced approach that ensures their permanency, safety, and well-being are all fully considered. This session highlights holistic approaches to supporting young victims—beyond the immediate crisis—to reduce long term risk and build strength and resilience children and youth.

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 12:00 Noon

Breakout Series 2

Track I: Assessing What Is Needed

Spreading the Word in Local Communities

Outreach, awareness, and education are critical to ensure those interacting with children and families on a daily basis can recognize the signs, respond in ways that do not re-victimize families, and connect those in need with the right services. This session will explore ways to tailor your efforts to meet the needs of your own audience and set the stage for successful community engagement.

Track II: System Navigation

Using Legal Aid to Support Young Victims

Legal aid can be an incredible resource to help children and families navigate the complex legal and service issues associated with victimization and the Opioid crisis. Four current legal service grantees will describe the concrete services they provide, share insight about their roles as collaborative partners, and provide strategies to successfully engage legal service providers in your community.

Track III: Skill Building

Helping the Helpers: Strategies to Mitigate Secondary Trauma

We're the best at helping others, but too often neglect caring for ourselves as we experience vicarious and secondary trauma in our daily work. This session will focus on strategies to care for ourselves, support one another, and integrate these practices at the organizational level.

Track IV: Practice Improvement

Mindful Questioning: Tools and Strategies to Minimize Re-Traumatization

Asking questions is a part of our daily work, so how do we screen, assess, and interview children and youth in ways that minimize re-traumatization? Knowing what tools to use, when, and with and by whom is critical to effectively serve children, youth, and families. This session will explore tools and strategies that grantees are using in their daily work with children and families.

This session builds upon the opening plenary, "A Day in the Life of a Young Victim," and Track 1 breakout "Young Victims: Strategies for Uncovering What They Need."

It can be considered the third and final installment in the series.

12:00 Noon – 1:30 p.m.

Lunch on your own

1:30 p.m. – 2:45 p.m.

Product Demonstration and Poster Showcase

2:45 p.m. – 3:00 p.m.

Break

3:00 p.m. – 4:00 p.m.

Breakout Series 3

Track I: Assessing What Is Needed

Pairing Local Needs with Local Solutions

Although community needs assessments can be complex, cumbersome, and time-consuming; but the results can be worth it. This session will offer practical tools and strategies for assessing local needs and then matching those up to local solutions to ensure long term success.

Track II: System Navigation

The Power of Local Data

This session will identify critical local data sources-across disciplines and systems-and demonstrate how this data can help shape, drive and communication about your program.

Track III: Skill Building

Using Strategic Messaging to Tell Your Program's Story

Bringing data and information to life is both a science and an art, and if done well can be a transformative tool for programs and communities. This session will demonstrate how to use data and information to develop compelling messaging that can be used to educate, raise awareness and promote broad community engagement.

Track IV: Practice Improvement

Language Matters

Sometimes the words and terms we use can hamper our well-intended efforts. This session will create an opportunity to examine terms we commonly use and discover alternate language that promotes engagement, builds trust and strengthens our efforts to meet the needs of young victims (and their families/caregivers).

4:00 p.m. – 4:15 p.m.

Break

4:15 p.m. – 5:00 p.m.

Town Hall: Harnessing Ideas and Lessons Learned from Day One

5:00 p.m.

Evening Recess

5:15 p.m. – 6:30 p.m.

**Evening collaboration space is open!
Join your peers and subject experts to share, learn, and connect.**

December 5, 2019

8:30 a.m. – 9:30 a.m.

Reconvene and Welcome to Day Two

The More You Know: Trending Now

Just when we think we have it all figured out, things change. This session will examine current drug trends impacting communities across the nation, the impact on children/youth victimization, the latest and greatest substance abuse treatment practices, acknowledgement of the impact of vicarious trauma on the workforce, and how the lens of polysubstance use is shaping more agile and sustainable programs and practices.

9:30 a.m. – 9:45 a.m.

Break

9:45 a.m. – 10:45 a.m.

Breakout Series 4

Track I: Assessing What Is Needed

Navigating a Coalition Rich Environment

Emerging concerns and of-the-moment issues often generate new task forces, sometimes drawing or dividing resources and focus away from the persistent priority of serving children and families. This session will explore strategies to navigate this coalition-saturated environment and capitalize on existing partnerships and common goals to advance your program's efforts

Track II: Navigation

Balancing the Personal and Professional Tightrope

We all bring unique backgrounds, experiences, and talents to our work. Sometimes this helps the people around us, and sometimes it can be harmful—to us and them. This session will use tools and experiences to explore how to care for ourselves as well as those around us at a time when so many are burdened (i.e., individual self-care and peer support).

Track III: Skill Building

How are We Doing? Performance Measurement Presentation

You've been working hard to track performance metrics and submit progress reports. This session will motivate participants by sharing what the collective PMT data has shown us so far. Presenters will also facilitate discussion about ways this data can be used by grantees and federal funders to inform program evaluation and bolster our collective work.

Track IV: Practice Improvement

It's All About the Kids: Recognizing Shared Values and Meeting Our Common Goals

This session will examine the differences in roles, mandates, and practices across systems. Presenters will work with the audience to develop a better understanding of cross-sector values and strategies to meet our shared goals.

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 12:00 Noon

Breakout Series 5

Track I: Assessing What Is Needed

Successful Partnerships + Strong Collaborations = Safe and Healthy Children

Finding and engaging the right partners and stakeholders can be tricky, take time, and requires ongoing maintenance. Current grantees will share their creative strategies to building strong collaborations and keeping those active over time.

Track II: Navigation

Bridging Terminology, Practice and Evaluation

Terminology gurus will guide participants through an interactive use of a new Crosswalk Tool to help anchor performance measurement in our daily practice. Current grantees will share examples of how they are navigating this terminology in their daily practice and leveraging this data in program evaluation.

Track III: Skill Building

Tribal Solutions Rooted in Native Traditions

Serving our youngest victims and families in Indian Country involves unique opportunities, challenges and culturally based approaches. Learn from current grantees how these factors are incorporated into several spotlighted projects.

Track IV: Practice Improvement

Where Do We Go From Here? Sustaining What Works Beyond DOJ Grant Funding

This session will provide practical strategies and helpful tips for maintaining (and building upon) the important work underway beyond the lifecycle of your current grant.

12:00 Noon – 1:30 p.m.

Lunch on your own

1:30 p.m. – 2:30 p.m.

Breakout Series 6

Track I: Assessing What Is Needed

Beyond Silos: Striving for A Seamless Response

Partnerships are necessary to effectively serve children and families but working across silos can be difficult. This session will candidly explore challenges and successes in building victim service-first responder partnerships.

Track II: Navigation

Mining Your Data: Sources, Strengths and Sharing

Data can be overwhelming, but carefully developing and implementing a plan can help your team harness the power of information. Successful data and evaluation plans will help your program track progress, identify successes and challenges, gaps, and advance efforts as you move ahead. This session will offer practical approaches to (1) identify relevant data sources; (2) enhance your existing data repositories; (3) use that data to strengthen your program; and, (4) responsibly share data with partners and the larger community.

Track III: Skill Building

Memoranda of Understanding and Collaboration: Tools for Formal Engagement

Use of Memoranda of Understanding, agreements, and other tools to formally engage partners, outline roles and responsibilities, and ensure a seamless response to crime victims.

Track IV: Practice Improvement

Pillars of Culturally Responsive Programming

Understanding historical trauma, acknowledging service disparities, appreciating cultural differences, and partnerships with diverse service providers are essential to reaching every victim. This session will explore the components of building a culturally responsive program.

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 4:00 p.m.

***Collective and Collaborative Focus as We Move Forward:
Bringing It All Together in a World Café Conversation***

4:00 p.m. – 4:15 p.m.

Break

4:30 p.m. – 5:00 p.m.

The Way Ahead, Final Thoughts, and Adjourn

**SUPPORT TO COMMUNITIES: FOSTERING OPIOID RECOVERY THROUGH
WORKFORCE DEVELOPMENT**

U.S. DEPARTMENT OF LABOR
Employment and Training Administration

**NOTICE OF AVAILABILITY OF FUNDS AND FUNDING OPPORTUNITY ANNOUNCEMENT
(FOA) FOR THE SUPPORT TO COMMUNITIES: FOSTERING OPIOID RECOVERY
THROUGH WORKFORCE DEVELOPMENT GRANT PROGRAM**

ANNOUNCEMENT TYPE: *Initial*

FUNDING OPPORTUNITY NUMBER: *FOA-ETA-20-01*

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: *17.277*

KEY DATES: *The closing date for receipt of applications under this Announcement is
January 9, 2020. We must receive applications no later than 4:00:00 p.m. Eastern Time.*

ADDRESSES: *Address mailed applications to:*

***The U.S. Department of Labor
Employment and Training Administration, Office of Grants Management
Attention: Brinda Ruggles, Grant Officer
Reference: FOA-ETA-20-01
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210***

*For complete application and submission information, including online application
instructions, please refer to Section IV Application and Submission Information.*

SUPPORT TO COMMUNITIES: FOSTERING OPIOID RECOVERY THROUGH WORKFORCE DEVELOPMENT

EXECUTIVE SUMMARY:

The United States is facing an ongoing health crisis stemming from widespread misuse of and addiction to opioids and other drugs, including illicit drugs. The Administration has made addressing this crisis a high priority, allocating significant funds and personnel to support treatment and recovery services, target availability of overdose-reversing drugs, train first responders, and more.

At the White House's direction, the Secretary of Health and Human Services declared a national public health emergency on October 26, 2017¹ and has renewed the declaration every 90 days thereafter. As a result of this declaration, the White House recommended the use of grant funds to help workers who have been displaced from the workforce because of the opioid crisis.² Since 2018, the Department of Labor (DOL or Department) has issued two grant opportunities addressing the workforce impacts of the opioid and larger substance misuse crisis. In all, the Department has awarded Phase One National Health Emergency (NHE) Dislocated Worker Demonstration Grants (DWGs) and Phase Two Disaster Recovery DWGs to 17 states and tribal entities to provide reemployment services for individuals impacted by the crisis; to train individuals to transition into professions that can impact the crisis, such as alternative pain management, mental health treatment, and addiction treatment; and to create temporary employment opportunities for peer recovery counselors and other positions that can immediately mitigate the impact of the crisis.

The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act), which became Public Law 115-271 in October 2018, is a bipartisan effort to address the country's opioid and substance misuse epidemic. This law includes critical provisions to standardize the delivery of addiction medicine; expand access to high-quality, evidence-based care; and address the impacts of the epidemic by increasing and strengthening our workforce. Further, it directs the Department to carry out a pilot grant program to address the economic and workforce impacts associated with high rates of substance use disorders. The provisions of the law related to the pilot grant build upon the model previously established by the Department's NHE Dislocated Worker Demonstration Grants and the NHE Disaster Recovery Dislocated Worker Grants.

As authorized by the SUPPORT Act, the Employment and Training Administration (ETA) is announcing the availability of up to \$20 million in grant funds for the Support to Communities: Fostering Opioid Recovery through Workforce Development grant program to fund approximately 8 to 10 partnership grants, with awards ranging from \$500,000 to \$5 million. The Department may award additional grants depending on the availability of funds.

The Support to Communities grant program is a separate funding opportunity from the NHE grants, which are awarded on a rolling basis. While the Support to Communities grants share some similarities with the two rounds of NHE grants, these grants will be awarded on a

¹ For more information on the HHS declaration, visit <https://www.hhs.gov/about/news/2017/10/26/hhs-acting-secretary-declares-public-health-emergency-address-national-opioid-crisis.html>.

² White House Press Release October 25, 2017, from <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-taking-action-drug-addiction-opioid-crisis/>.

SUPPORT TO COMMUNITIES: FOSTERING OPIOID RECOVERY THROUGH WORKFORCE DEVELOPMENT

competitive basis and include additional features and requirements outlined in the SUPPORT Act.

The goals of these grants are to:

- Implement innovative approaches for addressing the economic and workforce-related impacts on local communities affected by the opioid and substance misuse epidemic;
- Engage employers as essential partners to address the impacts of substance and opioid misuse by playing an active role in the grant's program design and delivery, pioneering creative ways to support the skills attainment of existing or new employees, and connecting businesses with resources such as the Employer Resource Network to help workers retain their employment;
- Provide training and employment services and comprehensive screening services, including outpatient treatment recovery care and other supportive services, to individuals impacted by the crisis; and
- Deliver training and employment opportunities to encourage more individuals to enter professions that could address the crisis and/or provide relevant skills training that would help individuals enter career pathways and find and retain employment in in-demand occupations.

Eligible applicants for the Support to Communities grant funds are State workforce agencies, State workforce agencies of outlying areas, and Tribal organizations, as defined by the Workforce Innovation and Opportunity Act (Public Law 113-128, codified at 29 U.S.C. § 3101 et seq.) (WIOA). Applicants will use these funds to collaborate with a network of partners to address the substance misuse epidemic in their local areas. Grantees will engage community partners, such as local workforce development boards, employers or industry organizations, treatment and recovery centers, education providers, legal services and law enforcement organizations, and community-based and faith-based organizations, to address the economic effects of widespread substance misuse, opioid use, addiction, and overdose in significantly impacted service areas.

Opioid Use Disorder Medical-Legal Partnership Project

The medical-legal partnership (MLP) approach is a critical addition to the wraparound services that Vermont has embraced for its patients involved in medication assisted treatment (MAT) programs. Attorneys possess a unique skillset that, if supported, could continue to deliver results in strengthening and facilitating recovery.

- Across the country, states impacted by the opioid epidemic are on the forefront of efforts promoting lasting recovery from opioid use disorder.
- Holistic recovery efforts are the primary evidence-based method for achieving these results for MAT patients.
- Medical-legal partnerships, by focusing on the social determinants of health, are one of the programs that have been proven to be effective in contributing to long-term success in recovery.
- Integrating an attorney into a medical team to help secure housing, employment, public benefits, and other critical supports helps create stability that reinforces and facilitates recovery for MAT patients.

Jason's Story:

When Jason began working with the VLA attorney at Safe Recovery, he was homeless and struggling to stay in treatment at the Chittenden Clinic. Following a referral from his case manager at Safe Recovery, his attorney successfully appealed a subsidized housing denial and ultimately was able to secure a housing voucher and supportive mental health services for Jason and his girlfriend. The voucher ended a 5-year period of homelessness for Jason—a period that led to countless police interactions and traumatic experiences that exacerbated his substance use disorder. He noted that securing stable housing made it so that he “didn’t have to worry about other things and other stresses.” His substance use has drastically decreased, as he now has somewhere else to go when friends start using drugs and alcohol. Overall, his new home has made his recovery “a lot easier,” and he has been stable in his treatment since he secured housing. Jason enthusiastically agreed to let VLA share his story to further this project, one that he believes in.

VLA and Safe Recovery operated a pilot partnership in 2017-2018 in the form of a weekly free legal clinic. Our work there not only allowed us to help 47 clients with critical legal issues such as unlawful eviction, denial of public benefits, and barriers imposed by criminal records, but also demonstrated the effectiveness of this model. In a qualitative assessment of the pilot, every former client interviewed was pleased with their case outcome, reported that the legal services had improved their quality of life, and believed that legal intervention helped facilitate their long-term recovery. Many mentioned that their legal issue had been impacting their health directly, and that impact of the legal services they received extended to their partners and children. It is clear that the MLP model provided powerful recovery support.

Common Legal Issues of Patients in MAT include:

- HOMELESSNESS
 - CRIMINAL RECORD
EXPUNGEMENT
 - CUSTODY ISSUES
 - JOB DISCRIMINATION
 - HOUSING DISCRIMINATION
 - LICENSE SUSPENSION
 - PUBLIC BENEFIT DENIALS
-

In a qualitative study of the pilot partnership, patient-clients felt that:

1. *Outstanding legal issues prevent them from accessing SDOH such as housing and employment.*
2. *Legal interventions improve mental health and reduce stress.*
3. *Without legal counsel, navigating the system alone is disempowering and difficult.*
4. *The positive impacts of legal interventions extend to family members and friends.*

Vermont Legal Aid believes a project could be started with as little as one half-time attorney working with a selection of Hub and Spoke programs in Chittenden County to provide integrated legal support alongside physicians, LADCs, social workers, and peer recovery coaches. This effort could later be scaled up to cover the entire state in collaboration with care providers throughout Vermont's Hub and Spoke system.

ARIZONA COMMISSION ON ACCESS TO JUSTICE

Meeting Date: November 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Subject: Online Dispute Resolution
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From: Cathy Clarich

Presenter: Cathy Clarich, Court Operations Manager, Administrative Office of the Courts

Description of Presentation: Will present an update on the status of the AOC sponsored Online Dispute Resolution projects currently underway in Yuma and Pinal Superior Courts as well as the Scottsdale Municipal Court

Recommended Motion: N/A

Arizona Commission on Access to Justice

Meeting Date: November 13, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the AZCourtHelp.org website
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From: Dr. Kevin Ruegg, Executive Director, Arizona Foundation for Legal Services & Education, Cathleen Cole, Content Manager, Arizona Foundation for Legal Services & Education, and Theresa Barrett, Manager, Court Programs Unit, AOC

Presenters: (Same)

Discussion will include updated statistics from Google Analytic reports for the AZCourtHelp.org website, and enhancements and improvements to the website since the last report.

Recommended motion: None.



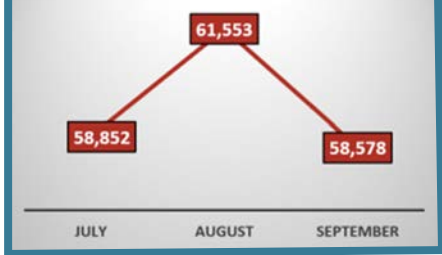
AZCourtHelp.org

Regarding Representation

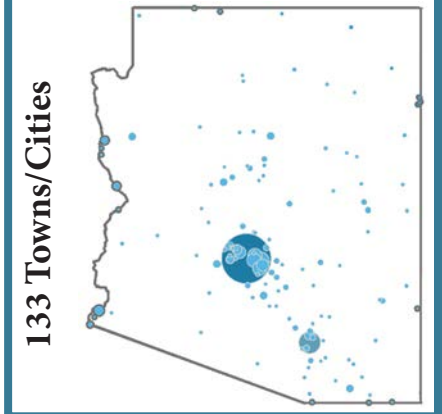
Forms of Representation

In partnership with the Legal Services Committee, an informational page devoted to the various forms of legal representation is now available on AZCourtHelp. Arizona law permits limited scope representation, also known as unbundled legal services, but it is not a well-known practice amongst pro pers. General information is now available to help people differentiate between limited scope representation, fixed rate services, ghostwriting, and full service representation. This includes the risks and benefits associated with each form of legal service, as well as what cases are best served by the method selected. Since publishing on September 5th, 374 people have been on the page, spending an average of four minutes reviewing content; whereas the national average on a page is two min.

Pageviews



Statewide Usage



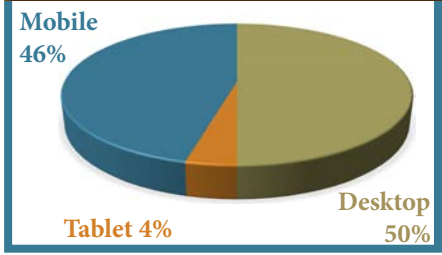
Accessibility is Key

ADA Compliance & More

To ensure that AZCourtHelp.org meets Title II requirements of the Americans with Disabilities Act there are tools enabled for the user. These include, but are not limited to: document and screen readers (used over 1,000 times this qtr); color contrast buttons; closed captions on videos; dyslexic font; and font size increase functions. The site is also able to be tabbed through and images have embedded captions that can be read by common technologies. Outside of the ADA, content is written at a 7th-9th grade level to assist those with literacy struggles.



Device Usage



47,595 New Users

Coming to a Browser Near You



Centralizing Civil Commitment

The Mental Health and the Justice System Committee has been actively gathering and parsing thru content for a statewide informational portal on mental health court. This site will include emergency and involuntary treatment applications from AHCCCS, as well as an FAQ, crisis hotlines, and steps in the process.

Community Outreach

Legal Talks & Clinics

Thanks to the hard work of the Law Librarians throughout the state, there were 43 programs offered in the last quarter! Topics range from Modifying Child Support Orders to the legal obligations of payday loans. Coconino is actively working on filming and converting their talks for English and Spanish users of AZCourtHelp.org.

Thank you for all that you do!



AZCourtHelp.org

Google Analytic Results

Timeframe	Sessions	Users	New Users	Pageviews
8/1/18 – 10/31/18	57,632	48,982	47,211	151,247
8/1/19 – 10/31/19	60,710	49,104	47,853	179,236
Difference	5.34%	.25%	1.36%	18.51%

Devices Used

Timeframe	Desktop	Cell Phone	Tablet
8/1/18 – 10/31/18	25,328 (51.98%)	21,221 (43.55%)	2,182 (4.48%)
8/1/19 – 10/31/19	25,031 (50.89%)	22,293 (45.32%)	1,861 (3.78%)
Difference	.25%	5.50%	-14.71%

Acquisition of Users

Timeframe	Organic Search	Referral	Direct	Google Ad	Social Media
8/1/18 – 10/31/18	29,958	10,880	6,081	2,382	48
8/1/19 – 10/31/19	25,146	10,448	6,990	8,081	122
Difference	-16.06%	-3.97%	14.95%	239.25%	154.17%

Top 10 Referrals

8/1/18 – 10/31/18	8/1/19 – 10/31/19
AZCourts.gov – 5,772	AZCourts.gov – 6,845
AZLawHelp.org – 2,295	Phoenix.gov – 1,018
courts.Yavapai.us – 549	courts.Yavapai.us – 581
sc.Pima.gov – 193	AZLawHelp.org – 236
jp.Pima.gov – 166	jp.Pima.gov – 196
Mohavecourts.com – 156	sc.Pima.gov – 165
co.apache.az.us – 155	Navajocountyaz.gov – 130
Navajocountyaz.gov – 147	Goodyearaz.gov – 119
Flagstaff.az.gov – 130	Housing.az.gov – 98
Maranaaz.gov – 108	Maranaaz.gov – 94

Top 10 Cities

8/1/18 – 10/31/18	8/1/19 – 10/31/19
Phoenix – 12,728	Phoenix – 15,237
Tucson – 2,959	Tucson – 2,836
Los Angeles – 1,808	Mesa – 1,838
Mesa – 1,625	Los Angeles – 1,690
Scottsdale – 1,125	Scottsdale – 1,269
Tempe – 1,055	Tempe – 1,148
Chandler – 806	Chandler – 962
Gilbert – 751	Glendale – 910
Glendale – 745	Gilbert – 803
La Victoria – 675	Peoria – 552

To contribute content or provide feedback - Cathleen.Cole@azflse.org



Top 10 Pages Viewed on the Site

#Views	Page Name/Link
8,600	Electronic Court Records
8,012	Forms
6,480	Find My Court
4,236	Self-Help Resources
3,647	Qué significa días calendario?
3,606	Court Calendars
2,756	Child Support Calculator
2,718	Child Support Information
2,501	Live Chat
2,466	Legal Aid Resources

Top 10 Forms Downloaded

#DL	#Form	Form Name
4,430	AZTCC5F	Uniform Contract Interrogatories
2,929	AOCDVPO	Protective Order Packet
2,764	COADiv1	Division One Appellate Forms
2,635	---	Court of Appeals ProSe Guide
2,105	---	Things to Know About Legal Decision Making & Parenting Time
1,867	CVNC11F	Adult Name Change Application
1,595	AOCEAGN1F	Notice for Failure to Pay Rent
1,575	MHJCEA1I	Complaint & Summons Instructions
1,500	DRS12i	Parent Worksheet for Child Support
1,473	DRDA1	Dissolution of Marriage Packet

Top 10 Google Searches in #1 spot

Search Term
Immediate eviction Arizona
Child support calculator az
Azcourthelp
Arizona guardianship forms
Arizona divorce papers
Types of warrants
Child support calculator Arizona
Writ of restitution Arizona
How to get unsupervised probation
Long distance parenting plan arizona

Top 10 Searched Terms on ACH

Search Term
Divorce
Name change
Child Support
Eviction
Probate
Guardianship
Power of Attorney
Order of protection
Forms
Small claims

To contribute content or provide feedback - Cathleen.Cole@azflse.org



Meeting Date: November 13, 2019

Subject: Update on the Public Information and Messaging Workgroup

Type of action requested:

- Formal action or request
- Information only
- Other

From: Alberto Rodriguez, Co-chair

Presenters: Same

Discussion: The workgroup met on October 7, 2019.

- Presenters will discuss the workgroup's efforts regarding:
 - ACAJ annual report
 - Eviction action promotion and statewide library distribution of azcourts.gov/eviction business cards
 - Warrants promotion update
 - AZPOINT promotion update
 - LSTF unbundled services (limited scope representation) resources
 - SEO discussion
 - Law libraries and clerks' videos

Recommended motion: None at this time.

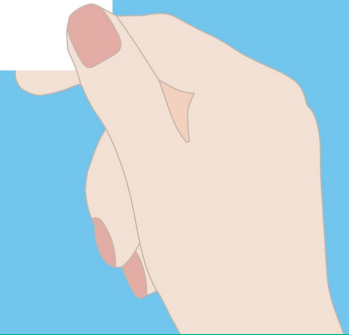


**UNITS
DELIVERED**

**2018 - 11,325
2019 - 5,698**



AzCourtHelp.org
Arizona Courts Helping You



**2018 - 92
2019 - 147**

AZCourtHelp.org
Virtual Legal Resource Center
Real Help in Real Time
FREE Resources

- Court forms
- Legal talk clinics
- Court location information
- Answers to frequently asked questions
- And More!

**2018 - 69
2019 - 96**

AZCourtHelp.org
Centro Virtual de Recursos Legales
Ayuda Real En Tiempo Real
Recursos GRATUITOS

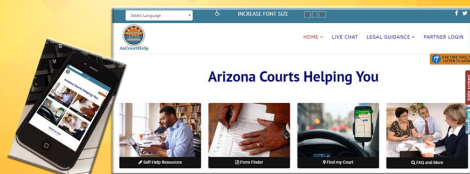
- Formularios
- Talleres de ayuda legal pertinente
- Cómo llegar a los tribunales
- Respuestas a preguntas frecuentes
- ¡Y más!

Eviction?
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azcourts.gov/eviction

Desalojo?
¿Necesitas ayuda?
azcourts.gov/desalojo

14,330

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Features

- Court Forms
- FAQ
- Legal Clinics
- Live Chat
- Court Locations
- Legal Glossary



2018 - 8,050 / 2019 - 6,630





Meeting Date: November 13, 2019

Subject: Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Type of action requested:

- Formal action or request
- Information only
- Other

From: Judge Anna Huberman, Chair – SRL-LJC Workgroup

Presenters: (Same)

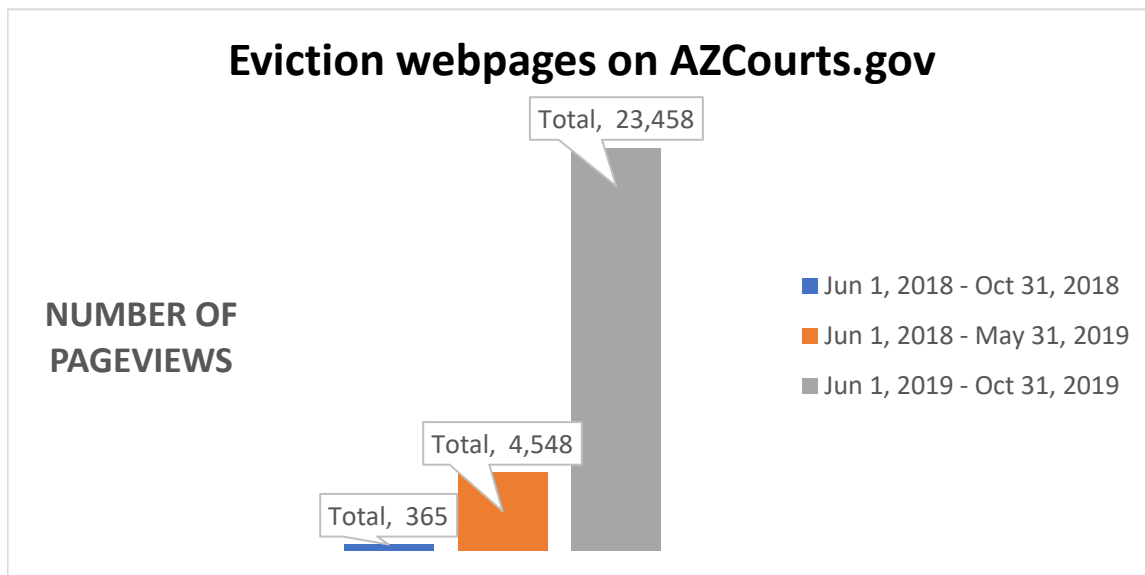
Discussion: The SRL-LJC workgroup met on October 31, 2019. Judge Huberman will discuss ongoing work of the workgroup regarding eviction since the last commission meeting:

- Rule Petition [R-19-0018](#) was adopted at the August Rules Agenda. Effective January 1, 2020, the plaintiff must serve the lease and accounting ledger (for non-payment of rent cases) with the eviction complaint and summons. Eviction forms, Legal Info Sheets, videos, and process sheet are being updated.
- Forms and Legal Info Sheets were updated on August 27, 2019, to implement legislative changes regarding subsidized housing.
- A brand-new subsidized housing video has been completed and will be posted shortly. The Spanish version is being finalized.
- New Rule Petition [R-19-0042](#) was filed on November 7, 2019, on an expedited basis to update the web addresses on the Residential Eviction Procedures Information Sheet (REIS) in the Rules of Procedure for Eviction Actions.
- New web work completed:
 - New Air Conditioning Issues hub pages are now live in English and in Spanish, which will be promoted in the Spring.
 - The eviction Legal Info Sheets have been transformed into searchable webpages.
 - Legal Process Sheets (Eviction; Juvenile Set Aside) have been added as a new Legal Info Hub format.
- The workgroup is wrapping up the eviction topic and its next phase is Consumer Debt with new and existing subject-matter experts. At the meeting, members brainstormed the important topics and will be setting priorities and assigning tasks. The same model that was used when developing the eviction content will be used for consumer debt.

Recommended motion: None

EVICTION WEBPAGES ON AZCOURTS.GOV GOOGLE ANALYTICS

Eviction Pages	Pageviews Jun 1, 2018 - Oct 31, 2018	Pageviews Jun 1, 2018 - May 31, 2019	Pageviews Jun 1, 2019 - Oct 31, 2019
Landing Page	365	3,022	12,961
Air Conditioning Hub		N/A	366
Eviction Exception		105	261
Forms and Notices		630	3,994
Legal Info FAQs		196	911
Legal Info Sheets		152	2,361
Legal Info Videos		292	1,709
Resources and Authorities		151	895
Total	365	4,548	23,458



SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-19-0018
RULES 5(d) and 10(a), RULES OF)	
PROCEDURE FOR EVICTION ACTIONS)	
)	
)	FILED 08/27/2019
)	
_____)	

ORDER
AMENDING RULES 5(d) AND 10(a) AND (c) OF THE RULES OF PROCEDURE FOR
EVICTION ACTIONS

A petition having been filed proposing to amend Rules 5(d) and 10(a), Rules of Procedure for Eviction Actions, and comments having been received, upon consideration,

IT IS ORDERED that Rules 5(d) and 10(a) and (c), Rules of Procedure for Eviction Actions, be amended in accordance with the attachment hereto, effective January 1, 2020.

DATED this 27th day of August, 2019.

_____/s/_____
 ROBERT BRUTINEL
 Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

Keith E Russell

Terri McKenney

Chad Kamp

Scott E Williams

Mark B Zinman

Melissa Parham

Scott Andrew Baluha

Ellen S Katz

Scott M Clark

Judy Drickey-Prohow

Colin L Clark

Christopher R Walker

Denise Holiday

ATTACHMENT¹

Rules of Procedure for Eviction Actions

Rule 5. Summons and Complaint; Issuance, Content and Service of Process.

a. Summons. [No change in text]

b. Complaint. [No change in text]

c. Complaint for Monetary Damages. [No change in text]

d. Additional Requirements for Complaint.

(1) [No change in text]

(2) [No change in text]

(3) A copy of the provisions of any lease agreement and any addendums related to the underlying basis of the eviction action must be served with the complaint.

(4) If the action is based on non-payment of rent, a copy of the accounting of charges and payments for the preceding six months must be served with the complaint.

e. Service of Process. [No change in text]

f. Failure to Obtain Service. [No change in text]

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.

Rule 10. Disclosure.

a. Upon request, a party ~~shall~~ must provide to the other party prior to the hearing or trial: 1) a complete copy of any lease agreement and any addendums; 2) a list of witnesses and exhibits; and 3) ~~if nonpayment of rent is an issue, an accounting of charges and payments for the preceding six months; and~~ 4) copies of any documents the party intends to introduce as an exhibit at trial.

b. [No change in text]

c. If a party fails to comply with this rule or Rule 5(d)(3) or (4) without good cause, the court may take appropriate action, including granting a continuance, excluding evidence not disclosed, and sanctioning the offending party or parties, up to and including dismissing the complaint or counterclaim.

d. [No change in text]



Meeting Date: November 13, 2019

Subject:

Update on Report and Recommendations of Task Force on Delivery of Legal Services

Type of action requested:

- Formal action or request
- Information only
- Other

From: Jennifer Albright

Presenters: Vice Chief Justice, Ann A. Scott Timmer

Discussion: Justice Timmer will give a summary of the task force's recommendations and the decision of the Arizona Judicial Council to the task force's request to adopt the report and recommendations.

Recommended motion: None.



Task Force on the Delivery of Legal Services

October 4, 2019

Report and Recommendations

Abbreviated Recommendations

1. Eliminate Arizona’s Rules of Professional Conduct (ER) 5.4 and 5.7 and amend ERs 1.0 through 5.3 to remove the explicit barrier to lawyers and nonlawyers co-owning businesses that engage in the practice of law while preserving the dual goals of ensuring the professional independence of lawyers and protecting the public. In anticipation of these rule changes, the Supreme Court should immediately convene a group to explore regulation of legal entities in which nonlawyers have a financial interest.
2. Modify ERs 7.1 through 7.5 (the “Advertising Rules”) to incorporate many of the 2018 ABA Advertising Rule amendments and to align the rules with the recommendation to amend ERs 1.0 through 5.3 and eliminate ERs 5.4 and 5.7.
3. Promote education and information on what unbundled legal services are to the bench, bar, and public to encourage expanded understanding and utilization of unbundled legal services.
4. Revise Rule 38(d), Arizona Rules of Supreme Court, to clarify when a law student at an accredited law school or recent law school graduate may practice law under the supervision of a lawyer admitted to practice in Arizona, what legal services the law student or law graduate may provide, and the duties and obligations of the supervising lawyer.
5. Revise Rule 31(d), Arizona Rules of Supreme Court, by re-styling the rule into four separate rules, making the rule easier to navigate and understand.
6. Develop, via a future steering committee, a tier of nonlawyer legal service providers, qualified by education, training, and examination, to provide limited legal services to clients, including representation in court and at administrative proceedings.
7. Initiate, by administrative order, the Licensed Legal Advocate Pilot program developed by the Innovation for Justice Program at the University of Arizona James E. Rogers College

of Law, to expand delivery of legal services to domestic violence survivors through the creation of a new tier of legal service provider.

8. Initiate, by administrative order, the DVLAP Document Preparer Pilot program as proposed by the Arizona Foundation for Legal Services and Education (the “Bar Foundation”) to create exceptions to the requirements of the Legal Document Preparer program and allow domestic violence lay advocates to prepare legal documents for victims of domestic violence receiving services through the Bar Foundation’s Domestic Violence Legal Assistance Program (DVLAP).
9. Make the following changes to improve access to and the quality of legal services provided by certified Legal Document Preparers:
 - a. Amend ACJA § 7-208 to allow LDPs to speak in court when addressed by a judge.
 - b. Amend ACJA § 7-208 to further define permissible and prohibited activities of LDPs.
 - c. The Arizona Supreme Court should pursue a campaign of educating the bench, members of the bar, and the public regarding what a legal document preparer is, what they can do, and what they are prohibited from doing.
 - d. Amend ACJA § 7-208 to remove the restrictions prohibiting legal document preparers from assisting clients who are represented by counsel.
 - e. Recommend increased access to LDP training, especially online, particularly for LDPs in rural areas.
 - f. Amend the ACJA and any other rules governing the investigation of and seeking of legal sanctions for engaging in unauthorized practice of law when the actions in

question involve a person acting in a manner that a legal document preparer would act if certified.

10. Advance and encourage local courts to establish positions and programs where nonlawyers located within the court are available to provide direct person-to-person legal information to self-represented litigants about court processes and available self-help services.