

Arizona Commission on Access to Justice
SRL-LJC Workgroup
NOTES
June 29, 2017
2:00 p.m. to 3:30 p.m.

Present: Judge Anna Huberman (chair), Mike Baumstark, Judge Lawrence Winthrop
Telephonic: Judge Thomas Berning
AOC Staff: Theresa Barrett, Julie Graber, Kathy Sekardi

Matters considered:

1. Welcome and opening remarks

The June 29, 2017, meeting of the SRL-LJC Workgroup was called to order by Judge Anna Huberman, Chair, at 2:05 p.m.

2. R-17-0020 – Rule Petition regarding Stipulated Judgments in Eviction Actions

The workgroup reviewed the comments received and considered whether the workgroup should submit a reply. Discussion ensued and the workgroup addressed commenters' objections and suggested changes as follows:

- The modified proposal does not go far enough to ensure self-represented litigants understand the terms and effects of stipulated judgments.
 - The workgroup believes its proposed language goes further than the current language and practice and strikes a balance between the landlord attorneys and the tenant advocates.
 - Members do not believe the commenters' suggestions would solve the issue.
 - Alternative methods should be employed ensuring self-represented litigants understand the terms and effects of stipulated judgments, such as judicial education, a "navigator" program, housing clinics, and short educational videos about the eviction process.
- Language should be included that provides that courts call cases with stipulated judgments first.
 - The workgroup agrees with the intent but instead of instructing judges to run their calendars in a certain way, courts should be encouraged to consider best practices and develop their own internal protocols.
 - The workgroup recommends working with courts and addressing the issue in judicial training rather than in the proposed rule.
- Inconsistencies were identified:
 - Since all listed factors are mutually exclusive, the language in Rule 13(b)(4) was revised so "the court may accept a stipulated judgment, only when the court finds one of the following:"
 - Paragraph (D) was removed to avoid creating a conflict when a party does not personally appear.
 - Additionally, "tenant" has been replaced with "defendant," "landlord" has been replaced with "plaintiff," "rental property" has been replaced with "property," and "form" has been replaced with "judgment form."
 - Next, "contains the following warning" has been replaced with "that reads as follows."

- “Prior to accepting the stipulated judgment” has been added to the beginning of the paragraph in (b)(4):
 - Prior to accepting the stipulated judgment, the court determines that the conditions of Rule 13(a)(1)-(2) and (b)(4) have been satisfied.

Next steps:

- Staff will prepare and circulate to workgroup members a draft reply by July 3, 2017, for review.

3. Discuss Strategic Planning for Workgroup Projects

The workgroup discussed several workgroup projects:

Community Legal Services Justice Court Project’s informational documents:

- The workgroup agreed that the informational documents from CLS were good forms and neutral enough.
- Staff suggested using images to represent the different sections to further enhance the documents.

Ellen Katz’s informational documents regarding evictions

- The workgroup agreed that the informational documents could be repurposed and could complement potential eviction videos.

Eviction scripts for videos

- The workgroup discussed educating the public on court processes driven by court cases rather than focusing on landlord and tenant obligations.
- Judge Huberman will prepare a script to include in the meeting materials for the next meeting.
- Staff will provide the PowToon’s video from AZCourtHelp.org so efforts are not duplicated.
- Any videos produced should be translated into Spanish. Judge Huberman volunteered to proofread and do the voice over.

4. Discuss next Access to Justice meeting report

Next steps:

- Judge Huberman noted that she will be out of town at the next Commission meeting.
- A tentative workgroup meeting date was set for August 10, 2017, at 2:00 p.m. A Doodle request will be sent to workgroup members.

Meeting adjourned at 3:30 p.m.

Next SRL-LJC Meeting: TBD