

Arizona Commission on Access to Justice
SRL-LJC Workgroup
NOTES
April 4, 2019
2:00 p.m. to 4:00 p.m.

Present: Judge Anna Huberman (chair), Judge Charles Adornetto, Mike Baumstark, Pam Bridge, Denise Holliday, Judge David Widmaier, Judge Lawrence F. Winthrop

Telephonic: Will Knight, Anthony Young

AOC Staff: Theresa Barrett, Julie Graber, Kathy Sekardi

Matters considered:

1. Welcome and opening remarks

The April 4, 2019, meeting of the SRL-LJC Workgroup was called to order by Judge Anna Huberman, Chair, at 1:37 p.m. The meeting will only focus on the eviction rule petition that would require the plaintiff to provide a copy of the lease and the accounting ledger when serving the complaint.

2. Review R-19-0018 regarding evictions

Members identified three major issues regarding attaching the lease agreements and the ledger to the complaint:

1. Privacy concerns when service of process takes place because 80 percent of these cases are “post-and-mail”, which exposes sensitive personal information and documents to public scrutiny; signatures would have to be included, which could lead to identity theft; and there are federal regulations involved.
2. The volume of the documentation raises practical considerations and court storage concerns.
3. The accounting ledger includes sensitive personal information and federal regulations are involved.

Members discussed only including the pertinent parts of the lease that are being violated instead of including the entire lease agreement and addendums. However, landlords will not take on the liability of being responsible for not including a portion of a document that should have been included. Additionally, landlords believed redacting documents would result into costs that would be passed on to tenants because the courts are not able to redact the volume of documentation.

Members also discussed additional options:

- Landlords could file an affidavit after the lease agreement and ledger documents have been provided to the tenants.
- Language could be placed on the complaint advising the tenant that upon request, the landlord will provide full and complete documents, or the landlord’s contact information. If the landlord does not comply with tenant’s request for documents, a mandatory continuance would be granted if requested prior to the hearing.
- Landlords could attach documents through an email or through a tenant portal.
- The REIS could be modified to include language that says a tenant has a right to the copy of the lease.

- Since the majority of cases of non-payment of rent are simplified cases, could there be a separate rule for simplified non-payment of rent cases, or one rule for all non-payment of rent cases?

ACTION: Judge Winthrop will summarize the members' respective concerns in a comment, which will be submitted on the Rules Forum on behalf of the Arizona Commission on Access to Justice.

Next SRL-LJC Meeting: to be determined