

Arizona Commission on Access to Justice
SRL-LJC Workgroup
NOTES
July 23, 2020
2:00 p.m. to 4:00 p.m.

Telephonic: Judge Anna Huberman (chair), Judge Charles Adornetto, Shelly Bacon, Pam Bridge, Scott Davis, Veronika Fabian, Stan Hammerman, Denise Holliday, Paul Julien, John Skiba

AOC Staff: Theresa Barrett, Julie Graber, Sabrina Nash, Kathy Sekardi

Matters considered:

1. Welcome and opening remarks

The July 23, 2020, meeting of the SRL-LJC Workgroup was called to order by Judge Anna Huberman, chair, at 2:05 p.m.

2. Update on eviction action issues

Julie Graber reported

Outstanding videos:

COVID-19 work completed:

- Plaintiff's Assertion document
- Conditional dismissal
- AZPOINT Legal Info Sheet

3. Review storyboards

A Creditor Filed a Lawsuit Against Me

Members reviewed the storyboard and suggested the following edits:

- Slide 9 – delete.
- Slide 11 – strike “30 days if you are out of state.”
- Slide 12 – change to “What is an Answer?”
- Slide 13 – change to “An answer is your written response that you file with the court admitting or denying the creditor’s claims and the reasons why.”

Slides added/renumbered:

- Slide 14 – “Your answer should respond to each element of the complaint“
- Slide 15 – “If you agree that you owe these amounts...”
- Slide 16 – “...you can settle this lawsuit by making an agreement with the creditor.”
- Slide 17 – “What if you don’t agree with the statements contained in the complaint?”
- Slide 18 - “If you don’t agree that you owe this creditor money or if you disagree with the amount, you will need to explain why in the answer that you file.”
- Slide 19 – add siren FX Warning: “Remember that when you file any paperwork you must send a copy to the Plaintiff and their attorney.”
- Slide 20 – “After an answer is filed, the parties need to provide a written Disclosure Statement to the other party.”
- Slide 24 - add siren FX Warning: “Not providing a disclosure statement may have

serious consequences including not being allowed to present your evidence at trial.”

- Slide 26 – add *“You must attend.”*
- Slide 27 – change to *“This is not the trial but is an opportunity for the parties to meet and discuss whether to settle, or to set the case for a trial before a judge or jury.”*
- Slide 28 – *“A judge will decide the case unless a party requests a jury.”*
- Slide 34 – *“A default judgement is an order for you to pay the amount requested by the creditor.”*
- Slide 35 – *“The default judgement is signed, in your absence, without you being able to defend yourself.”*
- Slide 37 – *“If you do not reach an agreement, the court will set a trial date where each party will present their side.”*

The workgroup agreed with the edits and approved the video.

Auto Repossession, Deficiency, and Debt Buyers

Veronika Fabien asked to make additional edits to her script/video.

How to File an Answer

Members reviewed the storyboard and suggested the following edits:

- It was suggested that the wording from slides 1-5 in the *“A Creditor Filed a Lawsuit Against Me”* be used in the beginning of this script.
- Slide 2 – *“It is important that you read all the documents.”*
- Slide 8 – *“The complaint will explain why the creditor believes you owe the money.”*
- Slide 11 – *“Locate the Answer form at www.azcourts.gov under the Self-Service Center.”*
- Slide 12 – change to *“right-hand”*.
- Slide 14 – delete
- Slide 17- delete *“one”*.
- Slide 20 – change to read *“If you do not have enough information to decide whether you agree with the paragraph, you should state that “Defendant is without information and belief and therefore denies Paragraph 1.”*
- Slide 21 – delete
- Slide 30 – delete
- Slide 31 – change wording to *“Your Counterclaim should also be included in your Answer in separate paragraphs that form the basis of your claim against the Plaintiff.”*
- Slide 32 – [on-screen] *“What is prayer for relief?”*
- Slide 33 – change to *“You must include a statement as to what you want the Court to do, such as, asking the Court to dismiss the case.”*
- Slide 34 – change to *“This is called a prayer for relief.”*
- Slide 35 – change to *“You must sign the Answer and file it with the Clerk of the Court’s office.”*
- Slide 36 – [on-screen] *What is a certificate of service”*
- Slide 37 – change to *“You must send a copy of your paperwork to the other side and include a statement below your signature that you have done so. This is called a certificate of service.”*

4. Review, select and prioritize next consumer debt issues/products

- Summary judgement
- What is Evidence?
- Married couple being sued; filing an answer or create a legal info sheet – Married Couple

5. Next steps:

- Kathy Sekardi to complete video for Storyboard C – *A Creditor Filed a Lawsuit Against Me* and clean up video for Storyboard H - *How to File an Answer* and send to members for review and approval at next meeting.
- Kathy to create storyboard for the *How to Settle a Debt* script.

Next SRL-LJC Meeting: October 1, 2020