

Arizona Commission on Access to Justice
MINUTES
Thursday, February 3, 2022
9:00 a.m. to 12:00 p.m.
Virtual Meeting

Virtual attendees: Judge Samuel Thumma (Chair), Judge Charles Adornetto, Kip Anderson, Alexander Ball, Pamela Bridge, Stacy Butler, Judge Dean Christoffel, Joel England, Anni Foster, Kevin Groman, Judge Anna Huberman, Joe Kanefield, William Knight, Judge Joseph C. Kreamer, Judge Maurice Portley (Ret.), Janet Regner, Marcus Reinkensmeyer, Dr. Kevin Ruegg, Dr. Rebecca Sandefur, Kathy Schaben, Valerie Wyatt, Anthony Young

Absent/Excused: Judge Bruce Cohen, Maria Morlacci, Rudolfo Sanchez

Presenters/Guests: Cayley Balsler, Maxine Becker, Cathleen Cole, Chris Groninger, Carol Mitchell, Mike Malone, Jacqueline Marzocco, Aaron Nash, MacKenzie Pish, Suzanne Porter, Alberto Rodriguez, Lara Slifko, David Svoboda

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 3, 2022 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Sam Thumma, chair at 9:03a.m.

Sam announced:

- New Commission members: Marcus Reinkensmeyer, Charles Adornetto, and Alexander Ball.
- Reappointed members: Kip Anderson, Pamela Bridge, Stacy Butler, Dean Christoffel, Bruce Cohen, Joel England, Anni Foster, Joseph Kanefield, William Knight, Janet Regner, Dr. Rebecca Sandefur, Kathleen Schaben and Anthony Young.
- Maria Morlacci is now serving at the Tucson Attorney General Office in the Child and Family Protection Division/Protective Section.
- The Plan B Whitepaper published by Southern Methodist University in January 2022 includes surveys of the Arizona State Bar members, judiciary, and public opinion survey of 500 people on how technology can expand the reach of the courts and help with the access and administration of justice.
- The new federal poverty guidelines are available.

Anni Foster, General Counsel for Arizona Governor Doug Ducey, provided an update for the Governor's Office.

- Anni stated the Governor's budget includes funding to courts to assist with virtual access, additional funding to adult protective services to address vulnerable adults and investigate allegations, increase the kinship care stipend for grandparents or extended family members who take custody of minor children who are removed from their parents' custody. The Governor's Office is giving thoughtful consideration of state funding requests for Emergency Rental Assistance Program (ERAP) funds to ensure the funds are distributed equitably statewide. Anni noted that the Governor's Office is waiting for a ruling on the lawsuit filed against the Treasury Office regarding the current ERAP rules.

B. Approval of Minutes

The draft minutes from the November 2, 2021 ACAJ meeting were presented for approval. Bruce Cohen and Charles Adornetto requested the minutes to reflect their attendance at the November meeting. The minutes were approved as amended to show the attendance of Bruce Cohen and Charles Adornetto.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Report on Eviction Judgment Set Aside Rule Change Petition

Maxine Becker, attorney, Wildfire Arizona, stated that Wildfire, along with Community Legal Services, Southern Arizona Legal Aid, DNA People's Legal Services, Southwest Fair Housing Council, and the Morris Institute for Justice, filed a Rule Petition with the Arizona Supreme Court to Amend Rules 4(d) and 9 of the Rules of Procedure for Eviction Actions, regarding procedures to satisfy and vacate eviction judgments. This Rule Petition requests the Court to amend Rules 4(d) and 9 to bring them into conformity with Arizona Revised Statutes, the Arizona Rules of Civil Procedure, and Arizona Rules of Small Claims Procedure. If approved this proposed rule change will also provide tenants who have paid their eviction debts in full, with the opportunity to rehabilitate their credit and tenant history, provide tenants with a path back to stable housing, and encourage the repayment of debt to landlords. Ms. Becker informed the Commission members that public comments may be submitted before May 1, 2022.

Motion: Janet Regner moved to approve the proposed rule change as presented and issue a public comment supporting the petition. **Seconded:** Maurice Portley. **Vote:** Unanimous.

B. Report on the Housing Stability Navigator program

Theresa Barrett, Court Programs Manager, Administrative Office of the Courts (AOC) provided a report on the AOC's new Housing Stability Court Navigators program. These new positions are located in rural county courts in Arizona to provide front-end assistance and information to landlords and tenants. Ms. Barrett shared the background on how the program was established. in partnership with the Department of Economic Security (DES) to utilize Emergency Rental Assistance Program funding to support the program, modeled after the successful navigator program in Pima County. The role of the new court housing stability navigators is to help educate individuals facing eviction about their options and emergency rental assistance requirements. The navigators will also inform and interact with landlords regarding availability of emergency rental assistance. Ms. Barrett advised that since the navigators are court employees, they would have real-time access to the courts' case management system allowing them to access pending cases, make contact with parties earlier in the litigation process, as well as, to provide appropriate case status information regarding the litigants to other housing program partners. She reported that five counties were participating: Yavapai, Mohave, Coconino, Pinal, and Yuma. The AOC will train the housing stability navigators on the differences between providing legal information and legal advice and will conduct monthly roundtables to discuss progress, issues, and to develop best practices. The AOC will also provide a monthly status report reflecting performance measures of the program to DES.

C. Report on the Housing Instability Legal Advocate program

Stacy Butler, Director i4J, University of Arizona, introduced Mackenzie Pish and Cayley Balsler, Project Managers. Ms. Pish and Ms. Balsler outlined their research on the issue of evictions and housing insecurity and discussed the potential solution to provide additional assistance to tenants, community-based organizations, and legal aid entities by utilizing the Legal Paraprofessional Program to license Housing Stability Legal Advocates (HSLA). The HSLAs focus would be to work with community-based organizations to identify clients experiencing housing instability,

help tenants to problem-solve before housing problem becomes court-involved, provide legal advice on how to engage with the court, and assist tenants after eviction.

Discussion: Housing Instability Legal Advocate Program (HSLP) might consider tying the legal paraprofessional to community-based legal service agencies or non-profits to ensure the legal paraprofessional is monitored and supported by a licensed attorney. How would participating agencies be selected or join the program? How would interested parties become licensed and would advocacy at initial appearances be included in the future? Would HSLPs be affiliate members of the State Bar? Is there a process for filing a complaint or for disciplinary action? The State Bar offered their assistance with developing the licensing exam.

Next steps: Work with the Arizona State Bar and other stakeholders to develop regulatory structure, disciplinary measures, and develop the licensing exam. Refer proposed HSLP program to the Certification and Licensing Division of the Supreme Court for further development.

D. Update on AZCourtHelp.org Enhancements and Use

Cathleen Cole, Arizona Bar Foundation for Legal Services & Education, announced the Law Librarian Live Chat Program was awarded the 2021 Judicial Branch Strategic Agenda Award on October 20, 2021. AZCourtHelp had surpassed one million users.

Google Analytic results from January 2021 through December 2021 are:

- Website usage has increased 1,500% since the website launched in January 2017.
- 643,342 new AZCourtHelp users.
- 1,750,269 pageviews.
- Six percent of users use Spanish with Chinese and French being the other most used languages.
- Since the addition of the Yuma County forms portal to AZCourtHelp, 300 documents have become available to users.
- Live Chat sessions totaled 313 hours and assisted 1,997 users. Top Topic areas: Orders of Protection, Landlord/Tenant, and Form/Filing.

E. Update from the Public Information and Messaging Workgroup

Alberto Rodriguez, Public Information Officer, AOC, shared that AZCourtHelp was recognized at the Strategic Agenda Awards in Flagstaff for the Law Librarians Live Chat Operators program. Congratulations! He stated that work has begun on the 2021 annual report and advised that the format is changing from a multi-page document to a smaller document with links to substantive information on the Commission's work in the report. Alberto would like to work on a central directory for legal services and will ask Carol Rose, Manager of the Arizona State Bar Public Service Center, to host the legal aid directory on the Bar's website.

F. Update from the Justice in Government Workgroup

Chris Groninger, Director of Strategic Initiatives, Arizona Foundation for Legal Services and Education, shared that the workgroup did not meet in 2021 however, the work has continued. The workgroup has continued to focus on enhancing and expanding relationships with state agencies, and by looking for resources to support access to justice with legal services agencies. The Housing Stability Court Navigator program discussed earlier in this meeting by Theresa Barrett is a product of the collaborative efforts. The Foundation also applied for a grant from the U.S. Housing and Urban Development agency to assist with legal assistance in rural communities that are not supported by the county or other means. Unfortunately, they did not receive the award, however efforts continue to find funding opportunities to support

the need in rural communities.

G. Update from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer noted that the workgroup's next meeting is March 3, 2022 and the workgroup is continuing to work on:

- Coordinating with the U.S. Attorney's Office to engage public attorneys in pro bono participation in designated areas of legal need.
- Continue to assist and support the State Bar's efforts to simplify Supreme Court Rule 38(D) requirements that allow retired attorneys to participate in pro bono activities.
- Establishing a portal for pro bono opportunities. Meeting with Chris from the Foundation next week to finalize logistics and content for the portal.

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

Judge Charles Adornetto shared the workgroup met on December 6, 2021. The workgroup has been working on scripting, reviewing, editing, and translating into Spanish info sheets and videos on Eviction and Consumer Debt. At the December 6th meeting the workgroup prioritized the following topics for production of info sheets and videos:

1. Technology and best practices for conducting virtual hearings
2. Housing Stability Court Navigators
3. Warrants
4. Post-conviction relief to include restoration of rights, expungement, set asides, second chance certificates and the sealing of records.
5. Civil Traffic
6. Sources of Law
7. Specialty Courts

III. OTHER BUSINESS

A. Call to the Public (taken out of order)

No members of the public present.

B. Report on Legal Needs Study

Chris Groninger shared that the Foundation hosts an online and automated telephone pre-qualification process for the public to access free (legal aid), reduced cost (Modest Means), and paid legal help. In 2021 more than 236,00 pre-qualification interviews were initiated and more than 80% of the applicants were eligible for help from legal aid or Modest Means. This represents a 31% increase over 2020. Eligibility is determined using calculation of income, number of household members and area of law. Top areas of law for 2021; family law (44%), housing (26%) and consumer law (8%).

C. Open Discussion of the Commission's Work

Sam noted that he recently had an opportunity, through the American Bar Association, to participate in an Access to Justice education training session with other access to justice commission chairs. He stated that the chairs were asked what their top three priorities are for their commissions for 2022. This prompted him to think about what the Commission's priorities are for the next five years. Prior to today's meeting Sam asked members for their ideas regarding what the Commission's goals and mission are for the next few years. Their responses will be summarized and provided to members before the May meeting for discussion and prioritization.

He also asked members to think about an elevator speech that describes the work of this commission. Commission members discussed their ideas, and the discussion will be continued at a future meeting.

Next Meeting Date: May 12, 2022

Adjourned at 11:56 a.m.

Arizona Commission on Access to Justice
Member Open Discussion
February 3, 2022

Will Knight: Multidisciplinary Think Tank (elevator speech).

- Innovative Licensed Legal Paraprofessionals (LLP) in family law, housing, initial court appearances.
- Add more non-attorney professionals to the Commission.

Alberto Rodriguez stated that he could help the Commission promote the Licensed Legal Paraprofessional (LLP) program.

Anthony Young:

- Promote policies that promote access to justice.
- What are other Commissions doing in other states?
- Better connect with business communities to support employee's access to justice.
- Add business leaders/owners to the Commission.
- Meet with courts and legal service agencies to determine where need is greatest.

Kip Anderson:

- Create educational programs for judicial officers on what the Commission is doing to promote access to justice.
- Share information on the courts and legal system.

Kevin Ruegg: Collaborate, educate, advocate for the statewide promotion of access to justice. We are an entity that guides and empowers the experience of all stakeholders (elevator speech).

- Provide more support for legal service agencies.
- Work to expand court services.
- More Licensed Legal Paraprofessionals/advocates.

Joe Kreamer:

- How big should we go with goals to meet unmet needs with funding and outreach?

Dean Christoffel:

- Increase collaboration with Step Up to Justice and other legal aid providers

Arizona Commission on Access to Justice
MINUTES
Thursday, May 12, 2022
9:00 a.m. to 12:00 p.m.
Virtual Meeting

Virtual attendees: Judge Samuel Thumma (Chair), Judge Charles Adornetto, Kip Anderson, Judge Alexander Ball, Pamela Bridge, Judge Dean Christoffel, Joel England, Anni Foster, Kevin Groman, Judge Anna Huberman, Joe Kanefield, William Knight, Judge Joseph C. Kreamer, Judge Maurice Portley (Ret.), Janet Regner, Dr. Kevin Ruegg, Rudolfo Sanchez, Dr. Rebecca Sandefur, Kathy Schaben, Valerie Wyatt, Anthony Young

Absent/Excused: Stacy Butler, Judge Bruce Cohen, Maria Morlacci, Marcus Reinkensmeyer

Presenters/Guests: Bastien Andraut, Cathleen Cole, Gabriela Elizondo-Craig, Chris Groninger, Gretchen Hornberger, Amy Love, Aaron Nash, Alberto Rodriguez, Drew Schaffer of the William E. Morrison Institute

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the May 12, 2022, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Sam Thumma, chair, at 9:02 a.m.

Sam announced:

- The retirements of Janet Fisher, Administrator of the Arizona Talking Book Library, and Ellen Katz, who is now working part-time with the William E. Morris Institute.
- Drew Schaffer as the new Executive Director of the William E. Morris Institute for Justice.
- The ACAJ 2021 Annual Report was presented to the Arizona Judicial Council and Presiding Judges in March 2022. It was also circulated to other access to justice commissions nationwide. Sam also stated that he has been introduced to access to justice commission chairs in the other Four-Corners states and is interested in scheduling a future brainstorming session with them.
- Wildfire Arizona filed Rule Change Petition R-22-0004 seeking to change rules of procedure for eviction actions when a judgment is satisfied or set-aside which was open for comment until May 2, 2022. The Commission filed a supporting comment to the petition on February 24, 2022, as approved by the Commission at its February 3, 2022, meeting.

B. Approval of Minutes

The draft minutes from February 3, 2022, ACAJ meeting were presented for approval and, with no changes offered, were approved as circulated.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Report on the “Pizza and Pro Bono” Free Legal Answers Undertaking

Chris Groninger provided a brief history of the Free Legal Answers virtual program, which is a project of the American Bar Association’s Standing Committee on Pro Bono and Public Service and is supported by corporate and private donations. Each state’s program has an administrator which for Arizona is the State Bar. Chris outlined the program’s eligibility requirements for users

and described how users could create an account and submit questions for response by an attorney online. Only civil legal questions are answered, criminal questions being referred elsewhere. Volunteer attorney hours are tracked and credited as pro bono hours through the Volunteer Lawyers Program. Approximately 100 attorneys have donated over 300 hours of pro bono service and answered 1,500 questions. Judge Kreamer added that, after Chris Groninger's presentation to the United States Attorney's Office, the attorneys were so energized by the program that they decided to make it a monthly event.

B. Proposed Arizona Code of Judicial Administration (ACJA) § 7-201

Aaron Nash, Director, Certification and Licensing Division, stated currently ACJA § 7-201 prohibits applicants from being certified or licensed until they clear the background and fingerprint review. The proposed code change adds language stating that Certification and Licensing "may" prepare and forward a recommendation giving the Division the discretion to place an applicant on a Board agenda before fingerprint results have been received. For example, applicants who have been regulated for some other purpose and who have no apparent history of discipline could be placed on the Board agenda for consideration pending receipt of fingerprint certification.

Motion: Kevin Ruegg moved to support the proposed ACJA Code Section 7-201. **Seconded:** Kip Anderson. **Vote:** Approved by unanimous vote.

C. Legislative Update

Liana Garcia, Government Affairs Director, Administrative Office of the Courts, stated the Legislature has been in session for 123 days and noted the Legislature is focusing on the state budget this week. She announced that legislative proposals for the 2023 legislative session need to be submitted by July 15, 2022. Bills discussed for the 2022 legislative session include:

- **H2033: Juvenile Offenders; Monetary Sanctions; Repeals** - The bill number for this legislation may change to H2746 and is expected to pass.
- **H2116: Probation Credits; Work Time Credit** –This legislation is moving forward.
- **H2119: Civil Rights Restoration; Requirements; Process** - Signed by the Governor.
- **H2231: Universities; Water Rights Adjudication** –Signed by the Governor.
- **H2484: Forcible Entry; Detainer; Filing Fee** –Signed by the Governor.
- **H2485: Eviction Dismissal; Sealed Records** –Passed the House.
- **H2592: Juror Compensation; Superior Court; Appropriation** – Expected to pass.
- **H2673: Vehicle Operation; Licenses; Points** –This legislation is moving forward.
- **H2674: Housing Supply Study Committee** –Signed by the Governor.
- **S1073: Juveniles; Adjudication; Disposition; Probation** Signed by the Governor.
- **S1334: DUI; License Suspensions; Restrictions** –Passed the House.

D. Update on Law4AZ

Gretchen Hornberger, Coconino County Law Librarian, shared that Law4AZ conducted a statewide justice gap survey last year and is currently bringing legal reference training to public libraries to increase access to justice. They recently concluded a nine-week law librarian training session with Yuma County. Noted benefits received from the training are the development of a network of local colleagues to turn to for assistance, the development of community resources, and partnerships. Next steps are to train another county library district and recruit additional facilitators to help with the training of other county library districts.

E. Update on AZCourtHelp.org

Cathleen Cole, Arizona Bar Foundation for Legal Services & Education, shared that AZCourtHelp was selected to participate in the Search Engine Optimization cohort offered by Stanford University's Legal Design Lab. AZCourtHelp has been used in more than 6,000 cities worldwide, and of the 2,403 users who left feedback 1,828 found the content helpful.

Google Analytics for January 1, 2022 – March 31, 2022:

- Website usage: 139,765
- New users: 137,6821
- Pageviews: 390,355
- Top Cities: Phoenix, Tucson, Mesa, Los Angeles, and Las Vegas
- Live Chat: 8 operators have volunteered more than 67 hours, assisting 498 users

F. Update on Legal Service Provider efforts (aka “The Sandwich Campaign”)

Sam discussed his concept to have each of the three Legal Service Corporation entities in Arizona submit an innovative or unique project that they are working on and present them to the Commission for a vote. Sam would then buy the winning entry lunch and meet with the entity staff. A legal service entity would only be able to win once a year. The first Sandwich Campaign presentation and vote will be at the November 2022 ACAJ meeting.

G. Discuss Establishment of Rules Workgroup

Sam noted that a primary task of the ACAJ, included in Administrative Order No. 2014-83, is to identify possible changes in court rules or practices and identify and recommend ways to simplify court processes and procedures to reduce barriers to justice. A Rules Workgroup made up of ACAJ members and others has been created to bring ideas forward for rule changes and to monitor rule petitions of interest to the ACAJ’s work. Judge Bruce Cohen will chair the Rules Workgroup and it is anticipated that the Workgroup will meet a few times during the year as needed.

Responsibilities Include:

- Review pending rule change petitions to determine if the ACAJ wishes to submit a comment.
- Identify potential rules that would be appropriate to bring to the attention of the ACAJ for revision and to initiate rule change petitions if the ACAJ chooses to do so.
- Recommend updates or revisions to court staff training and judicial education, such as developing bench cards for judicial and court staff use on access to justice topics.
- Other rule-based action as determined by the Rules Workgroup.

Members: Stacey Butler, Judge Anna Hubermann, David Horowitz, Drew Schaffer, Judge John Peck, Judge Laney McDonald, Judge Don Taylor, and Judge Steve Moss.

Potential Rules/Rule Issues to Review as the Workgroup Begins its Work:

- Look at simplifying Arizona Rule of Supreme Court Rule 38(d) to facilitate service as pro bono counsel.
- Discuss the need for, and draft a rule-change petition to assist, self-represented litigants in justice courts to replace “John Doe” with the name of an actual person and ensure that that named person now understands they may have a judgment entered against them.

Call to the Public:

Sam made a call to the public, although there were members of the public present who answered that call.

H. Update from the Public Information and Messaging Workgroup

Alberto Rodriguez, Communication Director, Arizona Supreme Court, thanked the ACAJ members for the information to be included in the 2021 ACJA Annual Report, which has a very different format, and also for the positive feedback. Alberto asked members to continue to submit information. He reported that the Public Information and Messaging Workgroup is working on launching the “Fair Because I Was There” juror appreciation campaign to increase awareness of the importance of jury service. His office is working on an A2J webpage on AZCourts.gov in partnership with the Arizona State Bar Foundation for Legal Services &

Education to showcase the work of the Commission and recognize others who are promoting access to justice.

I. Update from the Intergovernmental Collaboration Workgroup

Chris Groninger shared the Workgroup is meeting monthly and is currently evaluating what are the needs of self-represented litigants in administrative hearings. Anni Foster, General Counsel of, the Governor’s Office, invited representatives from the Arizona Department of Economic Security and the Industrial Commission of Arizona to discuss their process. The workgroup is also considering issue-oriented advocacy such as aging. She shared that the U.S. Department of Justice has shared funding opportunities for legal assistance needs.

J. Update from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer noted that the Workgroup is continuing to work on:

- Coordinating with the U.S. Attorney’s Office to engage public attorneys in pro bono participation.
- Continue to assist and support the State Bar’s efforts to simplify Supreme Court Rule 38(d) requirements that allow retired attorneys to participate in pro bono activities. One idea is to allow senior lawyers to apply for a reciprocal certificate of good standing, easing the way for them to perform pro bono work.
- Collaborating with the Arizona State Bar Foundation for Legal Services & Education to get a portal of pro bono opportunities operational for attorneys to view and sign up.

K. Update from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Judge Charles Adornetto shared that the Workgroup’s next meeting is May 24, 2022. The Workgroup has broken into subgroups to address seven identified topics for landing pages and videos. The topics the Workgroup is addressing include technology and best practices for remote hearings, evictions and housing stability, warrants, and post-conviction relief to include restoration of rights.

L. Open Discussion of the Commission’s Plan of Excellence

Sam explained that the ACAJ’s draft Plan of Excellence (Plan) is a working document and asked members to review the draft, including the audacious goals, and send suggestions to Kathy Sekardi and Sabrina Nash by the end of August 2022. He added that a revised Plan will be on the November 2022 meeting agenda for discussion and, hopefully, action.

III. OTHER BUSINESS

Good of the Order

Sam thanked the ACAJ members, participants, and staff for their service and a good and productive meeting.

Next Meeting Date: November 3, 2022

Adjourned at 12:04 p.m.

Arizona Commission on Access to Justice
MINUTES
Thursday, November 3, 2022
9:00 a.m. to 12:00 p.m.
Virtual Meeting

Virtual: Judge Samuel Thumma (Chair), Judge Charles Adornetto, Kip Anderson, Judge Alexander Ball, Pamela Bridge, Stacy Butler, Judge Bruce Cohen, Joel England, Anni Foster, Kevin Groman, Judge Anna Huberman, Jeff Katz (proxy for Pam Bridge), Joe Kanefield, Judge Joseph C. Creamer, Judge Maurice Portley (Ret.), Janet Regner, Marcus Reinkensmeyer, Carol Rose (proxy for Joel F. England), Dr. Kevin Ruegg, Rudolfo Sanchez, Kathy Schaben, Valerie Wyatt, Anthony Young

Absent/Excused: Judge Dean Christoffel, William Knight, Maria Morlacci, Dr. Rebecca Sandefur

Presenters/Guests: Wendy Ascher, Cathleen Cole, Liana Garcia, Chris Groninger, Chris Peck, Lara Slifko, Erin Weaver, Susie Widner

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the November 3, 2022, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Sam Thumma, chair, at 9:03 a.m.

Sam congratulated Judge Cohen for his contribution to the Domestic Relations Workgroup of the National Task Force on Mental Health and the Courts .

Other information Sam reported included:

- The White House Summit held on August 2, 2022; highlighted examples of eviction prevention reforms needed to avoid a return to the pre-pandemic levels.
- Plan B Workgroup recommendations for remote and in-person proceedings were approved and adopted by the fifteen superior courts in October 2022. The Administrative Office of the Courts is soliciting information and feedback to share with the Arizona Judicial Council (AJC) in December 2022.
- House Bill 2484: Time of Payment Fees – removes \$18 filing fee for forcible entry and detainer actions.
- House Bill 2485: Eviction Action; dismissal; sealed records – in an eviction action, upon the court entering an order that dismisses the action prior to the entry of a judgment or that enters judgment in favor of the tenant, the court shall issue an order sealing all records related to the case. The bill also allows an order sealing the eviction case on the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file.
- R-22-0004 - Filed by Wildfire Igniting Community Action to End Poverty in Arizona. At the August Rules Agenda meeting in August 2022, the Arizona Supreme Court deferred action and will revisit it at the December 2022 Rules Agenda meeting.
- R-22-0027 – Filed by Dave Byers, Administrative Office of the Courts. Would amend rules of procedure for eviction actions and add a new Rule 20 to conform with statutory changes. This petition will be considered at the December 2022 Rules Agenda meeting.
- In December there will be an ABA/A2J Leadership Session meeting where the Department Of Justice Director Rachel Rossi and her leadership team will listen and

respond to what the A2J staff regard as the top priorities in which the Department's advocacy would provide value added to individual state's work.

B. Approval of Minutes (taken out of order)

The draft minutes from May 12, 2022, ACAJ meeting were presented for approval. There being no changes, corrections or additions, the minutes stand approved as presented.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. New Mexico – Report on the Foreclosure Settlement Program (FSP) (taken out of order)

Christopher Peck, Foreclosure Settlement Program Director, and Susie Widner, Managing Attorney, Civil Division, Second Judicial District Court, Albuquerque, New Mexico provided the Commission information on New Mexico's Foreclosure Settlement Program. Chris outlined the foreclosure process and how a case is referred to the FSP. Once the case is referred to the FSP the homeowner attends an FSP information workshop, the lender sends the homeowner an application for mitigation which the homeowner completes and returns to the lender's attorney, parties begin settlement facilitation. Settlement facilitation seeks to resolve foreclosure and helps parties to identify possible solutions the parties can agree on. The decision to settle and settlement terms are determined by the involved parties, if the parties cannot agree on a settlement the case is removed from the program, and foreclosure proceedings commence.

Discussion: Was there positive feedback from lenders about FSP? Initially, the lenders were against the program because they didn't really understand it but as the program progressed lenders were favorably impressed as they were able to reach a resolution faster than if they'd gone through the lengthy court process. Typically, eighty percent of FSP cases are resolved within six months.

B. Legislative Update (taken out of order)

Liana Garcia, Government Affairs Director, Administrative Office of the Courts, stated that the legislative session wrapped up in June 2022. She discussed two proposals for the Commission's consideration and comment that were approved by the Arizona Judicial Council (AJC) for the upcoming legislative session.

Proposal 1: ARS §13-905, Setting aside judgment of convicted person on discharge; application; release from disabilities; certificate of second chance; firearm possession; exceptions. This proposal would benefit courts by clarifying when a certificate of second chance can be issued.

Proposal 2: ARS §12-302. Extension of time for payment of fees and costs; relief from default for nonpayment; deferral or waiver of court fees and costs; definitions. Would increase the threshold for a fee waiver to 225 percent of the poverty level and automatically defer fees to the end of the case. It would also add the Women, Infants, and Children (WIC) and Arizona Health Care Cost Containment System (AHCCCS) nutrition programs to the list of government assistance programs that may qualify applicants for a fee waiver and allow applicants to establish government assistance is received by affidavit or with supporting documentation.

Liana stated there may be another proposal regarding Rule 11 in limited jurisdiction courts. A task force is working on the language for the proposal. Another proposal being considered in the upcoming legislative session is to increase funding for the state's underfunded probation departments.

C. Update on the Four Corners A2J Commission (taken out of order)

Sam shared that the Four Corners A2J Commission met for a second time in October 2022, and each Commission brought one idea and one question for discussion with the group. The conversation was incredible and centered around common and novel ways to help those in

need and issues each Commission was addressing in their respective states.

D. Discussion of the Commission’s Plan of Excellence and Five-Year Audacious Goals

Sam explained his thoughts on the Commission’s accomplishments and how the Plan for Excellence and Audacious Goals came about as a means of focusing on the Commission’s work on promoting access to justice for underserved individuals throughout Arizona. The document submitted for consideration had been drafted based on broad input from Commission members and others.

Motion: Anni Foster moved to approve the Plan of Excellence and Five-Year Audacious Goals.

Seconded: Marcus Reinkensmeyer. **Vote:** Approved by unanimous vote.

E. Update on AZCourtHelp.org

Cathleen Cole, Arizona Bar Foundation for Legal Services & Education, reported that 315 forms were published to the site this reporting period and 24,355 forms have been downloaded. Additionally, 86,277 people used the Find My Court feature with Pima County being the most frequently searched court. The Foundation is also working on developing a jurisdictional boundary map with the State Cartographer’s Office that will be embedded in the traffic citation webpage to help users find the court of their citation.

Google Analytics for January 1, 2022 – October 23, 2022:

- Website usage: 518,25
- Pageviews: 1,389,772
- Arizonans account for 64% of all users.
- Of the 518,205 users, 6% used Spanish as their browser language.
- Top Pages Viewed: Find My Court, Court Forms, Legal Aid Resources, and Marriage Licenses.
- Live Chat: 8 operators have volunteered 150 hours, assisting 1,109 users.

Call to the Public:

There were no members of the public present who wished to speak.

F. Update on Legal Service Provider efforts (aka “The Sandwich Campaign”)

Sam discussed The Sandwich Campaign, where each of the three Legal Service Corporation entities in Arizona would submit an innovative or unique project that they are working on and present those projects to the Commission for consideration. The Commission would then vote and Sam would then buy the winning entry recipients’ lunch and meet with the entity staff. Each of the entities can win one time a year. The three Legal Service Providers then had three minutes to present their submissions.

- **Wendy Ascher, Southern Arizona Legal Aid, Inc.**, shared how they are using technology to conduct classes for self-represented litigants to give them an overview of the family law system to gain a better understanding of the court process and challenges to expect to make an informed decision as to if or when they want to file court paperwork.
- **Rudolfo Sanchez, DNA-People’s Legal Services**, shared that due to the remoteness of their service area a travel trailer and various vehicles were purchased that have been equipped with electronic upgrades suitable for running office equipment in rural and remote tribal communities to enable real-time information for intake, including conflicts.
- **Jeff Katz, Community Legal Services**, discussed their contract with the City of Phoenix to create the Tenant Eviction Assistance Project (TEAP) pilot which assists Maricopa County tenants who are at risk of eviction for nonpayment of rent or who already have a judgment against them for eviction.

Commission members then voted, and the winner was DNA-People's Legal Services.

G. Medical Debt Policy Scorecard

Erin Weaver, Innovation for Justice, University of Arizona, explained that the Medical Debt Policy Scorecard is used to compare policies across the country, and outlined how states are scored on their policies. She then stated that interviews were conducted with medical debt experts and people experiencing medical debt. The information was weighted and scored, then policies were ranked by subject matter experts on helpfulness and impact on promoting change in medical debt policy development.

H. Rules Workgroup Report

Judge Bruce Cohen provided a brief recap of the formation of the Rules Workgroup. He noted that the workgroup has met three times and developed an internal form developed an internal form for stakeholders to identify an issue or area for change that the Commission should consider addressing via a rule change. This form will aid members in their work by explaining in more detail why a procedural change is needed to improve access to justice for those involved in the court system. Additionally, the Workgroup agreed upon the following process for reviewing proposed rule changes:

- First, they will review pending petitions for access to justice components to address or promote in a comment.
- Next, bring the identified rule changes to the Commission for a formal review and provide the Workgroup's recommendation on whether to support the proposed change or make suggested changes.
- Review emergency petitions that arise during the year on an ad-hoc basis and present those with access to justice components to the Commission to consider whether to file a formal comment.

I. Update from the Intergovernmental Collaboration Workgroup

Chris Groninger shared that the Workgroup is meeting monthly and is currently tasked with increasing knowledge of civil legal issues and services among Arizona legislators, judiciary, and state agency directors. Presently, workgroup members are 1) drafting an introductory letter to legislators from the Commission detailing how to help constituents access legal information and help, and 2) developing 11 topical civil legal aid factsheets for use in meetings or presentations with state agencies or elected officials.

J. Update from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Judge Charles Adornetto shared that the Workgroup has been working on a master list of projects that include videos, webpages, and other resources regarding virtual hearings for self-represented litigants, legal authorities' resources, and warrants.

K. Update from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer noted that the workgroup is continuing to work on:

- Coordinating with the U.S. Attorney's Office to engage public attorneys in pro bono participation.
- Continuing to assist and support the State Bar's efforts to simplify Supreme Court Rule 38(d) requirements that allow retired attorneys to participate in pro bono activities.
- Collaborating with the Arizona State Bar Foundation for Legal Services & Education to launch a portal of pro bono opportunities operational for attorneys to view and sign on to provide services to those in need.

III. OTHER BUSINESS

Good of the Order

Sam stated that, given an emphasis to have an outside speaker at each Commission meetings,if members are aware of a potential speaker to let him know.

Next Meeting Date: February 2, 2023, 9:00 a.m.

Adjourned at 12:04 p.m.