

Arizona Commission on Access to Justice (ACAJ)

MINUTES

Thursday, February 2, 2023

9:00 a.m. to 12:00 p.m.

Conference Room 119 A/B

In attendance: Judge Samuel A. Thumma (Chair), Judge Charles Adornetto, Kip Anderson, Pamela Bridge, Judge Bruce R. Cohen, Anni Foster, Kevin Groman, Joe Hengemuehler (proxy for Joel England), Anna Huberman, Joe Kanefield, Judge Joseph C. Kreamer, Judge Maurice Portley (Ret.), Marcus Reinkensmeyer, Tate Richardson (proxy for Stacy Butler), Dr. Kevin Ruegg, Rodolfo Sanchez, Kathleen Schaben, Judge Valerie Wyant, Anthony Young

Absent/Excused: Judge Alexander F. Ball, Judge Dean Christoffel, William Knight, Maria Morlacci, Janet Regner, Rebecca Sandefur

Presenters/Guests: Jennifer Albright, Wendy Ascher, Jennifer Bordeau, Cathleen Cole, Chris Groninger, Drew Schaffer, Sharon Sergent, Lara Slifko, Cindy Trimble

Administrative Office of the Courts Staff: Katie Fisher, Elise Kulik, Alberto Rodriguez, Michael Malone

ACAJ Staff: Veronica Gonzales, Sabrina Nash, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The February 2, 2023, meeting of the Arizona Commission on Access to Justice (Commission) was called to order by Sam Thumma, chair, at 9:06 a.m.

Sam highlighted the recent work of the Commission, including sending letters to Arizona Legislators about the Commission's work, initiatives, and the resources that are available to constituents, as well as a bench card containing similar information and giving a brief update on The Sandwich Campaign.

B. Approval of Minutes (taken out of order)

The draft minutes from the November 2, 2022, Commission meeting were approved as presented.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Community Legal Services – Focus and Future Vision

Sharon Sergent, Executive Director, Community Legal Services (CLS) explained the focus and future vision of CLS to the Commission. This included its current progress

in innovation, as well as increasing both staffing and available programs. The organization's future vision includes increasing outreach, providing more education for the community, creating partnerships with community organizations to ensure a physical presence in service areas, expanding the reach and addressing the needs of individuals through technology, and maintaining support for CLS staff and team members. Director Sergent indicated that CLS's most important focus is the continuation of listening and responding to client communities' legal needs.

B. Legislative Update

Elise Kulik, Legislative Liaison, Administrative Office of the Courts (AOC), summarized legislative bills that may be of interest to the Commission and provided a brief explanation. Bills that have been discussed so far in the 2023 legislative session include:

- **HB 2211: Supplemental nutrition assistance program; eligibility** – This amendment would allow a person convicted of a felony offense involving the use or possession of a controlled substance to be eligible for the Supplemental Nutrition Assistance Program (SNAP), given that they comply with all terms of probation. Passed in the House Health and Human Services Committee.
- **HB 2222: Driver license fees; homeless exemption** – This bill proposes that fees for driver licenses and nonoperating identification licenses should not apply to any person who does not have a residential address or whose residence is listed as a homeless shelter. Passed in the House Transportation and Infrastructure Committee.
- **HB 2252: Inmates; documentation; workforce reentry** – This bill requires the Arizona Department of Corrections (ADC) to provide an inmate who is discharged from a felony offense and who intends to reside in Arizona with relevant documentation to assist the inmate in obtaining post-release employment. Passed in the House Commerce Committee.
- **HB 2302: Misdemeanor expungement; requirements; procedure** – The proposed bill allows a person who is convicted of a misdemeanor to petition the convicting court for an expungement of the record of conviction. Not yet passed in committee. Elise said that this bill has not been heard in committee and may be stalled.
- **SB 1008: Court fees; costs; deferral; waiver** – This bill permits courts to grant an application for deferral of court fees and costs if the applicant can establish a gross monthly income that is either 225 percent or less of the current federal poverty level, increased from 150 percent or less, or if the applicant is receiving benefits from the Arizona Health Care Cost Containment System. Although this bill has been assigned to committee, it has not been placed on a committee agenda.
- **SB 1036: Setting aside conviction; certificate eligibility** – This proposed amendment clarifies language in previous legislation that a person who has previously received a certificate of second chance for a felony conviction is

not eligible for another certificate of second chance. This bill passed in the Senate Judiciary Committee.

- **SB 1160: Medical assistance; drugs; prohibited arrest** – This bill prevents the arrest for possession or use of a controlled substance of a person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose. The bill has not been heard in committee.
- **SCR 1001: Violent crime; evidence-based strategies** – This concurrent resolution supports evidence-based strategies that promote effective law enforcement and reduction of violent crime. This resolution has passed in the Military Affairs, Public Safety, and Border Security Committee.

C. 2024-2029 Judicial Branch Strategic Agenda (taken out of order)

Marcus Reinkensmeyer, AOC Deputy Director, and Cindy Trimble, AOC Officer, presented the development process for the 2024-2029 Judicial Branch Strategic Agenda for Vice Chief Justice Ann A. Scott Timmer’s term commencing next year. This will be the seventh strategic agenda for the Judicial Branch and will assist the incoming Chief Justice in creating a strategic agenda that aligns with the purposes and goals of the Judicial Branch, and aids in the prioritization of projects that further those goals. The goals noted are expanding and promoting access to justice, maintaining public trust and confidence, protecting children, families, and communities, advancing judicial branch excellence and innovation, and enhancing professionalism and leadership within our justice system.

Input is being solicited from the Supreme Court standing committees and system stakeholders to identify continuing and new initiatives that will be incorporated in the draft, which is planned for completion in July 2023.

Discussion: The Commission will find areas where more study and research are needed and opportunities to address more access to justice issues. One Commission member proposed inviting Justice Timmer to the next Commission meeting to discuss the Strategic Agenda.

D. Report on Rule Change Petitions

Drew Schaffer, Director of the William E. Morris Institute for Justice (MIJ), and Pamela Bridge, Director of Litigation and Advocacy, Community Legal Services (CLS), reported on two rules petitions that MIJ and CLS filed in January 2023 in collaboration with DNA-People’s Legal Services and Southern Arizona Legal Aid (SALA).

R-23-0027, Amend Rule 11(b)(1) Arizona Rules of Procedure for Eviction Actions – This change would amend Rule 11 of the Rules of Procedure Eviction Actions to provide for the recall of eviction actions in which either party fails to

answer “present” at the initial call of the case later in the calendar or one hour after the initial call to minimize default judgments and to conserve judicial resources.

Discussion: The Commission’s Rules Workgroup expressed concerns that this amendment may result in disparate treatment of litigants, delay already congested calendars, and could be potentially unfair. Although the Rules Workgroup members support the challenge this proposed rule change aims to alleviate, they believe there could be better practices to alert litigants about the potential hardships that are created by being late, such as a direction or advice to appear thirty minutes before the calendar start time to avoid these kinds of issues.

R-23-0028, Amend Rules 6(a)(1) and 6(a)(5) of the Superior Court Rules of Appellate Procedure-Civil – This petition would amend Rule 6 of the Superior Court Rules of Appellate Procedure-Civil to conform the rule’s supersedeas bonds requirement with federal and state case precedent, Arizona statutory law, and the Rules of Procedure for Eviction Actions.

Discussion: The Commission’s Rules Workgroup believes this rule change is well-taken and thought that the proposed amendments add clarity regarding the difference between appeals related to possession and appeals related to a monetary award.

E. Report on the new Arizona Supreme Court Center for Forensic Science & Psychology

Jennifer Albright, Director, Supreme Court Center for Forensic Science and Psychology, shared information about the mission, goals, and benefits of the newly established center, which operates in partnership with Arizona State University’s (ASU) Future for Forensic Science Initiative and the ASU New College of Interdisciplinary Arts and Sciences. The center is focused on fostering the application and integration of forensic science and forensic psychology within the Arizona judiciary and is committed to examining and disseminating the most up-to-date information and advancing the practical application in courts across Arizona.

F. Update on AZCourtHelp.org

Cathleen Cole, Arizona Bar Foundation for Legal Services and Education, reported on the 2022 analytics of AZCourtHelp. 92,640 users utilized the Find My Court feature, and Mesa Municipal Court was the highest searched court. 10,899 users were referred to AZPoint via AZCourtHelp, and 49 legal clinics were promoted through the website’s event calendar. The website’s YouTube channel garnered 5,039 views and a total of 262 viewing hours. Cathleen reported that the Foundation is also working on ensuring the website is more mobile-friendly for users visiting with their cell phones.

Google Analytics for 2022:

- Website usage: 628,104

- New users: 626,203
- Pageviews: 1,677,463
- Of the 628,104 users, 6% used Spanish as their browser language.
- 61% of users access content on a mobile device.
- 86,614 documents have been downloaded since January 2022.
- Top Pages: (1) Find My Court, (2) Electronic Court Records, (3) Court Forms, (4) Legal Aid Resources, (5) Marriage Licenses
- Live Chat: Eight Law Librarians have volunteered over 180 hours, assisting 1,280 users.

G. U.S. Department of Justice and American Bar Association (ABA) A2J Chairs discussion

Sabrina Nash, staff to the Commission, reported on a recent meeting between the Department of Justice and many of other states access to justice commission staff. Sabrina outlined several initiatives that she reported on, such as the Four-Corner’s collaboration that includes Arizona, Colorado, Utah, and New Mexico’s Access to Justice Commissions. Another area of interest was the partnering between the National Center for State Courts and access to justice commissions that has resulted in discussion regarding best practices and finally, leveraging the legal services agencies assistance in the AZCourtHelp.org recorded Legal Talks.

Call to the Public:

There were no members of the public present.

H. Update on Legal Service Provider efforts aka “The Sandwich Campaign”

Sam discussed The Sandwich Campaign, where the three LSC entities in Arizona submit an innovative or unique project that they are working on and present their ideas to the Commission. Sam highlighted the inaugural winner from the November ACAJ meeting, DNA-People’s Legal Services. All three legal service providers presented their submissions for this next round.

- **Rudolfo Sanchez, DNA-People’s Legal Services**, shared that they are expanding the use of technology, specifically by using Heat Maps. This will allow them to obtain data from their centralized intake unit and create a program to see which areas have the most participation in their services and the areas with little or no participation, allowing DNA-People’s Legal Services to plan more outreach in those areas.
- **Pamela Bridge, Community Legal Services (CLS)**, introduced their Set Aside Program, which continues using innovative approaches to remove barriers to employment and housing by assisting with setting aside convictions on criminal records and restoring civil rights. CLS is working with community partners and service areas, as well as potential funders.
- **Jennifer Bordeau, Southern Arizona Legal Aid, Inc. (SALA)**, discussed SALA’s direct referral partnerships with community organizations, whose

staff send referrals to SALA. SALA gives those referrals priority and reaches out directly to assist these individuals. The approach of training community partners has helped staff in those organizations better identify their vulnerable clients' legal issues. This allows SALA to better prioritize cases and support these often-underserved populations.

Commission members voted, and the winner was Southern Arizona Legal Aid, Inc.

I. Rules Workgroup Report

Judge Bruce Cohen shared that the workgroup discussed recent rule change petitions, including the two presented earlier. The members will divide and conquer when it comes to looking at the rest of the petitions that have been filed this year. There was a concern about the ability to provide timely comments for the petitions since the comment period will have ended before the next Commission meeting in May. Sam proposed that the Commission could meet virtually if there is a need for review or comment on specific petitions. In addition, in future years, the Commission meeting traditionally held in May could be moved to April to give the Rules Workgroup more time to respond to Commission input and action before comments may be required for rule change petitions, typically in May.

J. Public Information and Messaging Workgroup (PIM) Report

Alberto Rodriguez informed the Commission that a draft of the 2022 Access to Justice Annual report is 95% completed. Information from Commission members and workgroups is missing and can be sent to him by the end of next week. Information can include tasks that the workgroups have been focusing on, individual presentations on behalf of the Commission, or organization information that are related to access to justice initiatives.

The workgroup is amplifying the Access to Justice webpage, including a juror orientation video that addresses the pay increase for jurors. PIM is planning an outreach campaign for Juror Appreciation Week in April.

K. Intergovernmental Collaboration Workgroup (IGC) Report

Chris Groninger announced that a total of 90 letters were sent to the newly elected members of the Arizona House of Representatives and the Arizona Senate. The letters were customized for the members districts and included information about legal aid services available in their districts, and the types of services constituents could expect if they applied for legal aid, providing websites and contact information. The IGC Workgroup has also engaged with national experts on marketing and access to justice issues.

L. Self-Represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup Report

Judge Charles Adornetto showcased the newly completed Remote Court Appearances and Sources of Law landing pages set to go live soon, and the “Understanding Legal Research in Five Minutes” video was shown to the Commission. He also shared that two informative videos about remote appearances are in the post-production stage, and the script for a third video is in development.

M. Attorney and Judicial Engagement Workgroup (A & E) Report (taken out of order)

Judge Joseph Kreamer reported that the workgroup is focused on three areas: (1) creating a portal or website for both judicial officers and attorneys to explore *pro bono* opportunities, (2) engagement of public lawyers and related efforts, and (3) unique opportunities and challenges for senior lawyers to be involved in *pro bono* work. Judge Kreamer shared a survey created in collaboration with Elizabeth Bingert and sent out to judges, which received responses from 89 judicial officers. Results of the survey indicate that judicial officers would like to participate in *pro bono* opportunities, and the workgroup is now focusing on encouraging that participation and vetting those opportunities.

- The portal dedicated to *pro bono* opportunities is built and needs to be populated with links and information about various opportunities and activities.
- Exploring the recrafting of Supreme Court Rule 38 to create opportunities for senior lawyers to be involved in *pro bono* activity.

III. OTHER BUSINESS

A. Good of the Order

Sam thanked the Commission members, participants, and staff for their service.

B. Next Meeting Date: May 11, 2023, 9:00 a.m.

Adjourned at 11:56 a.m.

Arizona Commission on Access to Justice (ACAJ)

MINUTES

Thursday, May 11, 2023

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

Conference Room 119 A/B

In attendance: Judge Samuel A. Thumma (Chair), Judge Charles Adornetto, Kip Anderson, Judge Alexander F. Ball, Pamela Bridge, Judge Bruce R. Cohen, Sambo Dul, Joel Frank England, Judge Anni L. Foster, Kevin Groman, Chris Groninger, Joe Kanefield, Judge Joseph C. Kreamer, Sarah Mauet (proxy for Stacy Butler), Maria Morlacci, Judge Maurice Portley (Ret.), Janet Regner, Marcus Reinkensmeyer, Dr. Kevin Ruegg, Rodolfo Sanchez, Kathy Schaben, Judge Valerie Wyant, Anthony Young

Absent/Excused: Judge Dean Christoffel, Judge Anna Huberman, William H. Knight, Rebecca Sandefur

Presenters/Guests: Cathleen Cole, Joe Hengemuehler, Gretchen Hornberger, Judge Paul McMurdie, Chelsey Kinney, Susan Pickard, Drew Schaffer, Lara Slifko, Lila Sol

Administrative Office of the Courts Staff: Theresa Barrett, Liana Garcia, Julie Graber, Alberto Rodriguez, Michael Malone

ACAJ Staff: Veronica Gonzales, Sabrina Nash, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the May 11, 2023, meeting of the Arizona Commission on Access to Justice (Commission) was called to order by Judge Sam Thumma, chair, at 10:05 a.m.

Sam welcomed Bo Dul, General Counsel at the Arizona Governor's Office, as a newly appointed member of the Commission.

Other information Sam reported included:

- The Sandwich Campaign winner from February's meeting, Southern Arizona Legal Aid, had lunch with Sam in Tucson, and while there, he also met with Stacy Butler, Director of Innovation for Justice, to discuss the work she has been doing to enhance access to justice initiatives.
- The Commission's annual report and the bench cards created from the efforts of Chris Groninger, Director of Strategic Initiatives, and the Arizona Foundation for Legal Services and Education were presented at both the

Presiding Judges' meeting and the Arizona Judicial Council (AJC) Conference. The bench cards were well-received.

- Sam also provided highlights from the most recent Four Corners Commission meeting, specifically Utah's summit of legal and non-legal service providers, who discuss the work they are doing for access to justice. Sam is looking into repeating that event, as well as potentially collaborating with the Arizona Town Hall to do so. Sam also shared that the Colorado Commission on Access to Justice now has a statutory basis and funding line item.
- A proposal about how technology can be used to enhance access to justice for the national Court Technology Conference to be held in Phoenix in September was made and accepted. Sam also discussed how technology can be expanded, providing an example of how allowing remote appearances has decreased failure-to-appear rates.
- Sam has been involved in a proposal submitted to the Access to Justice Chairs Conference to be held in Columbus, Ohio, in November that focuses on bridging digital divides to use technology to increase access to justice.
- Recent statistics from *Litigation News* show that trust in the court system has diminished, with only 43% of citizens believing that the court is doing well in serving justice.
- The International Access to Justice Forum, hosted by the University of California, Irvine School of Law in October, is soliciting presentations, papers, and discussions about a variety of access to justice issues and Sam is planning to submit a proposal on how post-pandemic technology enhances access to justice.
- Sam is also looking into doing a renewed survey of the bench, much like the one done in 2020, that looks into remote hearings and related areas, such as offering parent education programs online. Discussion ensued about the importance of this survey and how it might be conducted.

B. Approval of Minutes

The draft minutes from the February 2, 2023, Commission meeting were approved as corrected. The correction added Joe Kanefield as in attendance rather than absent.

II. BUSINESS ITEMS AND ACTION ITEMS

A. 2024–2029 Judicial Branch Strategic Agenda (taken out of order)

Marcus Reinkensmeyer, Administrative Office of the Courts Deputy Director, presented the process for the 2024-2029 Judicial Branch Strategic Agenda for Vice Chief Justice Ann A. Scott Timmer's Term that will begin next year. This will be the seventh strategic agenda for the Judicial Branch, and Marcus also provided an update on what Chief Justice Robert Brutinel's strategic agenda has accomplished. Specifically, 81.5% of the tasks that were set out at the beginning of Chief Justice Brutinel's term have been completed, and 97.2% of the tasks are anticipated to be

completed by June 2024. These past accomplishments include statewide standards for in-person and remote hearings, data standards and data quality assurance, victim rules, criminal case management, expansion of access to justice, and the establishment of the Center for Forensic Science and Psychology.

The goals for Vice Chief Justice Timmer's strategic agenda include expanding and promoting access to justice; maintaining public trust and confidence; protecting children, families, and communities; advancing judicial branch excellence and innovation; and enhancing professionalism and leadership within the justice system.

Discussion: In a roundtable discussion, the Commission members brought up various ideas that might be included in specific projects or tasks for the next strategic agenda. This included research into what is causing the decline in public trust, identifying ways that access to justice can be expanded for self-represented litigants, utilizing technology to address certain issues, AI technology, workforce development, and retainment efforts, funding, evaluation of the legal paraprofessional's program, changes in judicial performance rules, and increase diversity, equity, and inclusion.

B. Update on the Spousal Maintenance Guidelines (taken out of order)

Judge Paul McMurdie presented the Spousal Maintenance Guidelines and Calculator. He provided a history of the guidelines, which were created by the Spousal Maintenance Guidelines Subcommittee (SMGS), a subcommittee of the Family Court Improvement Committee (FCIC). The guidelines aid in determining and awarding spousal maintenance, and they are anticipated to be adopted in June 2023. Moreover, the guidelines allow the requesting spouse to become self-sufficient and allows for consistency in awards. Judge McMurdie's presentation included definitions and explanations for duration, amount, as well as modifications, temporary orders, deviations, and how to determine duration.

Judge McMurdie also demonstrated how to use the Spousal Maintenance Calculator, and discussion ensued about both the guidelines and calculator.

Motion: To support the approval of the Spousal Maintenance Guidelines for adoption by the Arizona Supreme Court. **Moved:** Joe Kanefield. **Seconded:** Judge Joseph Kreamer. **Vote:** This motion passed unanimously.

C. State Bar of Arizona Access to Justice Update (taken out of order)

Joe Hengemuehler provided an update on the State Bar of Arizona's efforts related to access to justice. He shared 2023 first quarter statistics and data on outreach to the public, specifically that 577 Arizonans were supported and helped through monthly legal phone banks and that 32 volunteer attorneys participated, totaling in 66 volunteer hours.

Joe also showed the Commission videos of the phone bank and other efforts from the State Bar being highlighted in local news clips, as well as a video created by the State Bar itself that thanks and appreciates the volunteer attorneys.

D. Legislative Update (taken out of order)

Liana Garcia, Legislative Liaison, Administrative Office of the Courts (AOC), summarized the latest news from the state legislature, specifically the recent passing of a bipartisan budget. The budget is about 18 billion dollars, and it invests heavily in K-12 education and in addressing the housing shortage in the state.

The budget also addresses automation projects, digital evidence projects, and salary increases. Liana also shared that the legislative session might be ending soon; there are some bills left that need amendments. There weren't any specific bills this session related to access to justice, other than those focused on affordable housing.

E. Law4AZ Update (taken out of order)

Gretchen Hornberger from the Coconino County Law Library presented on how Arizona Public Libraries are being utilized as allies for access to justice. This is done by providing legal reference training to public library staff over a nine-week period. So far, both Yuma and Coconino counties have been trained by a statewide team of subject matter experts. Through this training, librarians gain a network of colleagues and knowledge on how to guide patrons looking for legal resources and services, as well as an opportunity to gather a list of legal resources that are both general and county specific.

The next step for this program is to recruit the next learning group. However, there are challenges to overcome, including the time commitment for part-time and retired librarians, library leadership buy-in, and maintaining learning through staff turnovers over time. For the latter, this can be done by creating an annual course for new librarians statewide after the current staff is trained.

Call to the Public:

There were no members of the public present.

F. Update on AZCourtHelp.org

Cathleen Cole, Arizona Bar Foundation for Legal Services and Education, reported on the analytics of AZCourtHelp for the first quarter of 2023. 14,601 users accessed legal aid information and resources. Five new legal talks have been uploaded on AZCourtHelp's YouTube Channel, and the most viewed video is "Foreclosing on a Tax Lien." Also, due to a schema markup that was added to the homepage to improve search engine optimization, there has been a 47% increase in traffic from Google for the site.

Google Analytics for First Quarter of 2023:

- Website usage: 187,202
- New users: 182,800
- Pageviews: 459,870
- Of the 187,202 users, 7% used Spanish as their browser language.
- 64% of users access content on a mobile device.
- 24,389 documents have been downloaded since January 2022.
- Top Pages: (1) Electronic Court Records, (2) Find My Court, (3) Court Forms, (4) Desalojar a Visitas (Evicting Visitors), (5) Legal Aid Resources
- Live Chat: Five Law Librarians have volunteered over 52 hours, assisting 380 users. The top areas for the live chat included Landlord/Tenant, Orders of Protection, and Traffic.

Current projects are working on probate training videos, redesigning internal landing pages, and creating a jurisdictional boundary map. Discussion ensued, including using a QR code on flyers promoting tax credits.

G. Report on the ABA A2J Staff/Department of Justice Discussion

Sabrina Nash, staff to the Commission, provided a summary of the past three meetings between the United States Department of Justice and Access to Justice staff from around the country. Sabrina outlined that the Department of Justice will be sending out a survey to various commission chairs and staff about data collection needs, such as what data is available on civil court matters, what data is missing, what data is collected, what are the challenges or unintended consequences of data collection, how is the information collected used, and how often is it collected. Other topics discussed during these meetings include introductions to various staff working on access to justice and updates on the Legal Aid Interagency Roundtable.

H. Update on Legal Service Provider efforts aka “The Sandwich Campaign”

Sam discussed The Sandwich Campaign, where the three LSC entities in Arizona submit an innovative or unique project that they are working on and present their ideas to the Commission. All three legal service providers presented their submissions for this next round.

- **Rudolfo Sanchez, DNA-People’s Legal Services**, shared that they are beginning to standardize forms and materials used by staff, such as the litigation manual. This update will allow the organization to have access and administrative permission to make edits as necessary and have sufficient accessibility to needed materials.
- **Lila Sol, Southern Arizona Legal Aid, Inc. (SALA)**, discussed SALA’s collaboration with the University of Arizona’s law school, in which SALA will be managing the domestic violence law school clinic. The clinic will be based on a civil version of defense and prosecution clinics. Law students will obtain comprehensive clinical and externship experience. This program will also increase SALA’s ability to represent clients and strengthen the importance of

legal aid and pro bono aid in law students, who will be full representatives of the client. Lastly, this clinic will focus on trauma-informed representation, and it will begin in the fall of 2023.

- **Pamela Bridge, Community Legal Services (CLS)**, discussed the approach that is being taken to address how communities, especially people who are in rural areas, reach the CLS offices, attorneys, and paralegals. This will be done by establishing kiosks in locations that clients already go to, such as different agencies or health clinics. These kiosks will allow clients to access legal resources and reach out to volunteer lawyers and CLS staff. This project has been pre-approved for a grant.

Given these submissions, and given that DNA-People’s Legal Services and Southern Arizona Legal Aid, Inc. won previously this Commission “year,” the winner of The Sandwich Campaign, by acclamation, was Community Legal Services.

I. Rules Workgroup Report

Judge Bruce Cohen shared that procedurally, there has been progress within the Rules workgroup. The foundation that is in place allows members of various committees associated with the Arizona Supreme Court and Arizona Bar Foundation to spotlight and discuss rule changes and petitions, as well as comments to those changes and petitions. The workgroup is excited for what the future will bring as it allows the Commission to further access to justice on a practical level. Sam also reminded the Commission that the second meeting of 2024 will be held in mid-April to accommodate the comment deadline for rule changes and petitions.

J. Public Information and Messaging Workgroup (PIM) Report (taken out of order)

Alberto Rodriguez informed the Commission that the PIM workgroup has not yet met this year, but an upcoming meeting has been scheduled. Sam also highlighted the work Alberto has done on the annual report. Alberto also shared with the Commission that Sam was recognized with the James A. Walsh Outstanding Jurist Award at the State Bar Annual Awards.

K. Intergovernmental Collaboration Workgroup (IGC) Report

Chris Groninger announced that the letters sent to state legislators about legal aid in Arizona have received good reception. The workgroup has also decided to draft a similar letter to state agency leadership to disseminate the information further, which they are hoping to get out by the end of May or at the beginning of June. On the note of the letters, it was discussed that one be sent to legislators in Congress as well.

The workgroup has also planned on hosting a forum in October 2023 for various state agencies, such as the Department of Economic Security and the Department of Veterans’ Services. At this forum, there will be opportunity to discuss promoting access

to justice, as well as giving space for the legal service providers to present on their organizations.

Chris mentioned that previously, the workgroup was working on collaborating with Voices for Civil Justice, however, that organization is no longer operating, but the workgroup is looking for other resources that they might be able to team up with.

L. Self-Represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup Report

Judge Charles Adornetto showcased a new video on how to prepare for a virtual hearing that the SRL-LJC workgroup has completed, as well as a master list of what has been finished and what is still pending. The list included videos and webpages. Out of their six priorities that the group had focused on, three are completed, one is almost done, and two, which are the specialty courts and post-conviction relief areas, are in the preliminary stages. Two of the three videos for the technology priority have been finished, and the landing page is almost ready to be launched.

M. Attorney and Judicial Engagement Workgroup (A&E) Report

Judge Joseph Kreamer reported that the workgroup has proposed changes to Rule 38, which will help senior and retired lawyers to provide pro bono services without any roadblocks. He also mentioned that Chris Groninger will be teaming up again with the United States Attorney's Office in Tucson to collaborate on the Pizza and Pro Bono effort. Also, on the Foundation's pro bono website, there is now a portal for judges and public attorneys to find resources on providing pro bono opportunities in Maricopa County.

III. OTHER BUSINESS

A. Good of the Order & Roundtable Discussion

Sam opened the floor up for a roundtable discussion, where Commission members were welcomed to address any topics that have not been discussed, accomplishments, achievements, goals, or complaints that they might have. Topics included:

- Working with the Attorney General's office on videos about victims' rights and post-conviction relief.
- Funding for legal services in Arizona.
- Obtaining more funding for legal aid.
- Viewing funding as a funnel rather than a black hole.
- Calculating the value of the services that are provided.
- Creating a legal aids assessment on unmet needs in various areas.
- Establishing a fellowship that focuses on gathering data related to access to justice, and
- Including law students in the Commission's discussions.

Sam thanked the members, participants, and staff for their service to the Commission.

B. Next Meeting Date: Thursday, November 9, 2023, 9:00 a.m.

Adjourned at 2:06 p.m.

Arizona Commission on Access to Justice (ACAJ)

MINUTES

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Absent/Excused: Joel Frank England, Judge Anni L. Foster, Judge Anna Huberman, Judge Joseph C. Kreamer, Maria Morlacci, Dr. Kevin Ruegg

Presenters/Guests: Cathleen Cole, Chris Groninger, Drew Schaffer, Sharon Sergent, Lara Slifko Gaetano Testini

Administrative Office of the Courts Staff: Theresa Barrett, Dave Byers, Julie Graber, Elise Kulik, Michael Malone

ACAJ Staff: Veronica Gonzales, Sabrina Nash, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the November 9, 2023, meeting of the Arizona Commission on Access to Justice (Commission) was called to order by Sam Thumma, Chair, at 9:01 a.m.

Sam welcomed the Commission members, proxies, and guests. Sam announced that both Dean Christoffel and Judge Bruce Cohen did not seek reappointment to the Commission, and he thanked them for their service and work dedicated to access to justice.

Other information Sam reported included:

- A draft petition to amend a comment to the Arizona Code of Judicial Conduct, mirroring efforts that have been done in Colorado, has been drafted and likely will be circulated for Commission action before the January 10, 2024 deadline to file rule change petitions.
- Possibly moving the Commission from an Administrative Order to the Arizona Code of Judicial Administration.

- An article for the *Arizona Attorney* authored by Marcus Reinkensmeyer and Sam regarding how technology can be used to enhance access to justice will be published soon.
- Sam commended Drew Schaffer, from the William E. Morris Institute for Justice, for his work and coordination for the two-day legal services conference held in October.
- On behalf of the Plan B Workgroup, Sam submitted a proposal for the International Access to Justice Symposium that was accepted and presented in October at the University of California, Irvine, College of Law focused on technology and access to justice.
- Data related to e-filing, specifically in regard to family courts in Maricopa County found that only 3% of self-represented litigants use e-filing, while the overwhelming majority file in-person, which presents an obstacle that should be addressed.
- The Access to Justice Chairs meeting in Columbus, Ohio in October featured a program by the Four Corners Commissions on bridging digital divides in legal deserts.
- Analysis of data on appearance rates in Pima County eviction cases showed that Tuesdays have the highest initial appearance rates, particularly when compared to Monday.
- In December, a symposium on artificial intelligence (AI) will be held as a collaboration between Arizona State University (ASU) and the Administrative Office of the Courts (AOC) that will feature generative AI and access to justice.

B. Approval of Minutes

The draft minutes from the May 11, 2023, Commission meeting were approved as circulated.

II. BUSINESS ITEMS AND ACTION ITEMS

A. Update on the 2024–2029 Judicial Branch Strategic Agenda

Marcus Reinkensmeyer, Administrative Office of the Courts Deputy Director, presented an update on the 2024-2029 Judicial Branch Strategic Agenda for Vice Chief Justice Ann A. Scott Timmer.

The goals for Vice Chief Justice Timmer’s strategic agenda include expanding and promoting access to justice; maintaining public trust and confidence; protecting children, families, and communities; advancing judicial branch excellence and innovation; and enhancing professionalism and leadership within the justice system. Following the feedback that was given for the strategic agenda, the working draft has faithfully incorporated those recommendations, and it will be presented at the December meeting of the Arizona Judicial Council for their approval.

There is a total of 123 initiatives, with 19 of those related to promoting access to justice. Specifics were shared with the Commission, and for general access to justice, initiatives include examining language used on court websites and in court forms, creating training resources for self-represented parties, and eliminating technology obstacles for self-represented litigants. For self-represented litigants in particular, the strategic agenda puts forth the initiative to explore expansion of services to these individuals, including a court-directed program providing limited legal representation by attorneys and legal paraprofessionals.

Commission members were encouraged to share their ideas and thoughts about the strategic agenda, and discussion ensued.

B. Legislative Update

Elise Kulik, Legislative Liaison, Administrative Office of the Courts (AOC), summarized the latest news from the state legislature, which has wrapped up this year's legislative session. The general effective date for the bills that were passed was October 30, though some bills have a delayed effective date. For the next legislative session, bills that were introduced last year, but did not get passed, can be expected to reappear.

C. Cy Pres Petition Report

Chris Groninger, State Bar Foundation, presented on a cy pres rule change petition, which centers around residual funds from class actions being distributed to legal service organizations and programs, as well as for support of related access to justice activities. These funds are those that remain after disbursements of claims and payments of expenses, and it also includes fees that are impossible or impractical for the court to distribute. Discussion ensued about the petition, including the history of past proposals of this petition, who has previously opposed the petition, and further clarification of the funds. There may be a small amendment regarding the language used in the petition itself, but the overall concept will remain.

Motion: To support the filing of the petition to amend Rule 23 of the Arizona Rules of Civil Procedure. **Moved and seconded. Vote:** This motion passed unanimously.

D. State Bar Events Update

In Joe Hengemuehler's absence, Sam shared an update on the State Bar of Arizona's efforts related to access to justice. The State Bar Communications staff recently recorded a video in Tucson that focused on the work done by Southern Arizona Legal Aid, Inc. (SALA). The State Bar Convention Planning Committee is also open for proposals and presentations to put on their agenda.

E. Update on Legal Service Provider efforts aka "The Sandwich Campaign"

Sam discussed The Sandwich Campaign, where the three Legal Services Corporation (LSC) entities in Arizona submit an innovative or unique project that they are working

on and present their ideas to the Commission. All three legal service providers presented their submissions for this next round.

- **Charles Doughty, DNA-People’s Legal Services**, shared that the DNA-Flagstaff office has begun a collaboration with the Community Assistance Teams of Flagstaff (CATs), a new unsheltered person’s outreach organization, allowing them to provide legal assistance to Arizona’s most vulnerable populations.
- **Kristin Fitzharris, Southern Arizona Legal Aid, Inc. (SALA)**, discussed the rise in domestic violence and how SALA is addressing the increase in lethality and difficulty of these cases and how housing and landlord/tenant issues have affected these individuals.
- **Amanda Caldwell, Community Legal Services (CLS)**, stated that CLS received an award from the Legal Services Corporation, which has allowed them to serve agricultural workers in Arizona. The Farmworker Program at CLS represents migrant agricultural workers in legal issues relating to their employment.

By informal Commission vote, the winner of the Sandwich Campaign was DNA-People’s Legal Services.

F. Licensed Legal Advocate Expansion and Launching of the Housing Stability Legal Advocate

Stacy Rupprecht Jane, Director of Innovation for Justice at the University of Arizona, presented on the Innovation for Justice’s initiative for community-based legal advocates. Specifically in Arizona, licensed legal advocates (LLAs) and housing stability legal advocates (HSLAs) are currently out in the field, and the work that is being done explores how unauthorized practices of law (UPL) can reform opportunities that can increase legal help. UPL reform is specifically addressed because it is believed that “only lawyer” services lead to a gap in justice. Data on this gap, specifically for domestic violence survivors and tenants, were provided.

The LLAs that are trained through this program can provide limited scope legal advice, such as providing general legal information, assistance during the completion of court forms, and guidance when preparing for hearings and mediations. The HSLAs also provide limited scope legal advice that is specific to housing matters, resolving issues tenants commonly experience, the eviction process, completion of forms, and post-eviction issues. Both can sit at the counsel table to advise clients during court hearings, and both do not charge for their services.

The work that is being done by the LLAs and HSLAs provides a creative way to give legal aid to low-income communities. Discussion ensued on the pros and cons of such an initiative.

G. State Agency Forum and Intergovernmental Collaboration Workgroup (IGC) Report

Chris Groninger reported on the State Agency Forum that was held in October was an effort done by the Intergovernmental Collaboration Workgroup in collaboration with the State Bar Foundation and the Administrative Office of the Courts. Governor Katie Hobbs, Chief Justice Robert Brutinel, Vice Chief Justice Ann Timmer and Judge Thumma provided opening and introductory remarks. Of note, Governor Hobbs announced a five-million-dollar one-year appropriation dedicated to state agency legal aid organizations. The State Agency Forum was modeled after the U.S. Department of Justice's Legal Interagency Aid Roundtable, and efforts for an event like this were tried in the past but did not succeed. In this recent event though, agencies were brought together to discuss access to justice in an open and safe environment. Participants focused on what their agencies were currently doing, what changes can be made, and what access to justice means in general. Casey Chiappetta from the Pew Charitable Trusts, served as a moderator for the discussion, and it was found that common themes in the discussion including determining what resources the agencies needed in order to improve access to justice and having more conversations similar to this more frequently in the future.

The three legal service corporations of Arizona were also in attendance, and each of them describe the efforts that they are currently working on. Following this forum, a five-question survey was disseminated, and more information will follow. Discussion ensued, including highlights from Dave Byers, AOC Administrative Director, about initiatives from different organizations related to housing issues, representation at administrative hearings, mandatory fees, as well as ideas for projects that agencies can collaborate on.

Call to the Public:

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

H. Update on Statewide Legal Aid Conference and AZCourtHelp.org

Chris Groninger and Drew Schaffer shared a few highlights from the Statewide Legal Aid Conference that was discussed in the beginning of the meeting. The conference was motivated by conversations that the Commission had, and attorneys and staff were brought together to discuss civil legal aid.

Cathleen Cole, Arizona Bar Foundation for Legal Services and Education, reported on the analytics of AZCourtHelp from January to September 2023. It is expected that the numbers from this year will surpass last year's analytics, as well as 2020's analytics, which have been the highest to date. The webpage has redesigned landing pages that allow for an increase in site speed and mobile responsiveness. Other updates to the site include the ability to enlarge videos, adding information regarding SB 1197, and a

jurisdictional boundary map. These updates are extremely helpful, and Community Legal Services will be using it for their kiosk program. AZCourtHelp's YouTube page recently added 21 new legal talks, and it has 132 videos in total. Over 990 hours have been spent watching those videos, and the most viewed video is *Foreclosing on a Tax Lien*.

Google Analytics for January – September 2023:

- Website usage: 590,778
- New users: 561,602
- Pageviews: 1,461,913
- Of the 590,778 users, 7% used Spanish as their browser language.
- 60% of users access content on a mobile device.
- 18,770 users were directed to a legal aid intake system or program overview webpage.
- 59,459 documents have been downloaded since January 2023.
- Top Pages Viewed: (1) Electronic Court Records, (2) Find My Court, (3) Desalojar a Visitas (Evicting Visitors), (4) County Divorce Forms, (5) Marriage Licenses in Arizona
- Live Chat: Five Law Librarians have volunteered over 128 hours, assisting 950 users. The top areas for the live chat included Landlord/Tenant, Orders of Protection, and Traffic.

I. Update on U.S. Depart of Justice and ABA A2J Discussion (taken out of order)

Sabrina Nash, staff to the Commission, provided a summary of the past meetings between the U.S. Department of Justice (DOJ) and Access to Justice staff from around the country. Sabrina outlined that the DOJ is currently working on two reports on access to justice, federal prisons, and pretrial services. The DOJ is also planning on a tour of law schools in the fall of next year, as well as observing the work done by public defense and in tribal communities, rural and urban communities, and legal deserts. The DOJ is also looking at data concerning criminal and civil matters, as well as those that impact veterans.

A “Dear Colleague” letter is in the works, and this will be sent out to commission chairs and will be focused on fines, fees, and best practices and innovative approaches for fines and fees. During the meetings, it was also shared that Kentucky has implemented legal help centers that are staffed by law students once a week, and these centers help guide those who have family law cases. Lastly, data collection needs were also discussed, specifically standardizing the practice, best practices, the quality and consistency of data, and the capacity to even collect data.

J. Rules Workgroup Report (taken out of order)

Judge Anni Foster will be the new chair of this workgroup. Sam shared that if any of the Commission members see any rule change petitions that the Commission might be

interested in, they should share it with him and Judge Foster so that the Rules Workgroup can review it. Simplifying a rule set might also be of interest to the workgroup, and this could be a potential project.

K. Public Information and Messaging Workgroup (PIM) Report (taken out of order)

Kathy Sekardi, staff to the Commission, shared that an e-newsletter is in the works, and once it is created, it will be sent to the Commission, its workgroups, and any and all system stakeholders, such as the legislature and the Department of Economic Security. The e-newsletter will be sent out on a quarterly basis, and it will include links to resources, what the Commission is working on, what the Bar Foundation is working on, features of Commission members and the work they are doing, special events, and project initiatives. The first edition is tentatively scheduled to go out in January 2024. Commission members were encouraged to share their insights and ideas about what can be included in the e-newsletter.

L. Self-Represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup Report (taken out of order)

Charles Adornetto highlighted the four sub-workgroups that have come out of the SRL-LJC workgroup. First, the group focused on virtual hearings, producing videos and landing pages to help guide self-represented litigants through the virtual hearing process. Second, a sub-workgroup on post-conviction relief is currently focusing on landing pages. Third, a sub-workgroup on specialty courts recently released a survey to collect information and data about the different specialty courts around the state. This group is also planning on creating a video and landing page dedicated to specialty courts. Lastly, a sub-workgroup on garnishments was also formed and is interested in creating an introductory video that will walk self-represented litigants through resources.

M. Attorney and Judicial Engagement Workgroup (A&E) Report

Lara Slifko presented on the website that is dedicated to attorney and judicial engagement opportunities. The website is broken up into three categories: attorneys, who have more opportunities to volunteer; public attorneys, who have less opportunities; and judges, who experience even more limits to volunteering.

For the “Judges” section on the website, there is now a link to the Arizona Code of Judicial Conduct, and information about law related education that is available to them, as well as various opportunities and programs and their respective descriptions. Judge Joe Kremer and Commissioner Elizabeth Bingert surveyed judges to determine what they would like to see on the website, and many responded that they were looking for opportunities that were not legally focused. There is a current plan to unveil the website at the New Judge Orientation next year.

The workgroup is also currently working on updating Rule 38, which concerns senior attorneys and volunteers, and simplifying the process that the rule puts forth.

III. OTHER BUSINESS

A. Good of the Order & Roundtable Discussion

Sam opened the floor up for a roundtable discussion, where Commission members were welcomed to address any topics that have not been discussed, accomplishments, achievements, goals, or complaints that they might have. Topics included:

- Rebecca Sandefur will be the kickoff speaker at the February 2024 Commission meeting, sharing updates on access to justice on a global scale and innovative ideas about how to address access.
- The April 2024 Commission meeting is scheduled to be an in-person meeting, tentatively scheduled for 10:00 a.m. to 2:00 p.m.
- Dave Byers has been in contact with a legal service corporation based in Alaska, who shared how they approach access to justice when considering the geography of Alaska. These approaches combine classic legal services with new innovation, which might be of interest for Arizona.
- A potential project could be addressing the lack of e-filing by self-represented litigants, especially if Maricopa County uses a different website for fees and deferrals.
- Valerie Wyant, Clerk of the Superior Court in Coconino County, provided additional comments on e-filing, specifically online fee deferrals.
- William Knight shared that there could be an interest in expanding the legal paraprofessional rules to allow for initial appearance representation in felony cases.
- Community Legal Service's kiosks, as discussed in the last Sandwich Campaign, will go live in August 2024. The four kiosks will be located across Mohave and La Paz Counties.
- Sam shared that he was recently appointed to the Advisory Committee to the American Bar Association's Commission on Artificial Intelligence. He plans on sharing ideas related to access to justice that come out of this work to the Commission. Sam was also appointed to the American Bar Association's Commission on Lawyer Referral Services and encouraged the Commission to share their ideas as it relates to lawyer referral services with him.
- For the Judicial Conference, a request for a program on generative AI and access to justice was submitted, and potentially two professors and a judge will participate as a panel to share their thoughts.
- Sam encouraged the Commission to continue sharing their accomplishments with him as their work and efforts can be highlighted in the Commission's annual report.

B. Next Meeting Date: Thursday, February 1, 2024, Time: Tentatively 9:00 a.m. to 12:30 p.m.

Adjourned at 12:09 p.m.