Arizona Commission on Access to Justice

Virtual Meeting Agenda

February 3, 2022 - 9:00 a.m. to 12:00 p.m.

Conference Call: **1-877-853-5247 (Toll Free)** Passcode: **060016**
Meeting ID: **936 0547 6837** Zoom link

ACAJ WEBPAGE

TIME	AGENDA ITEM	PRESENTER
9:00 a.m.	Welcome and opening remarks • Link to Plan B Whitepaper published by Southern Methodist University • Link to new poverty guidelines • Draft Minutes from November 2, 2021	*Judge Samuel Thumma, Chair*
9:15 a.m.	Report on potential rule change petition re: Eviction Judgment Set Aside ☐ ***Formal Action/Vote***	*Maxine Becker, Attorney, Wildfire AZ*
9:45 a.m.	Report on the Housing Stability Navigator Program	*Theresa Barrett, AOC*
10:00 a.m.	Report on the Housing Instability Legal Advocate program	*Stacy Butler, Director i4J* *Mackenzie Pish, Cayley Balser, Project Managers*
10:30 a.m.	Update on **AZCourtHelp.org** enhancements and use	*Dr. Kevin Ruegg and Cathleen Cole* *Arizona Bar Foundation for Legal Services & Education*
10:35 a.m.	Workgroup report: Public Information and Messaging	*Alberto Rodriguez, Public Information Officer, AOC*

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact ACAJ staff, Kathy Sekardi at (602) 452-3253 or Sabrina Nash, at (602) 452-3849 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

10:45 a.m.	Workgroup report: Justice in Government	*Chris Groninger*
10:50 a.m.	Workgroup report: Attorney and Judicial Engagement	*Judge Joe Kreamer*
11:00 a.m.	Workgroup report: Self-Represented Litigants in Limited Jurisdiction Courts Workgroup	*Charles Adornetto*
11:10 a.m.	**10-MINUTE RECESS** Members, please mute your microphones and return in 10 minutes	
11:20 a.m.	Call to the Public	*Judge Thumma*
11:25 a.m.	Report on Legal Needs Study	*Chris Groninger*
11:35 a.m.	Open discussion of the Commission's work	*Judge Thumma/All*
11:55 a.m.	Good of the Order Adjournment	*Judge Thumma*

ACAJ meeting dates
Thursday, May 5, 2022
Thursday, November 3, 2022

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Arizona Commission on Access to Justice
MINUTES
Tuesday, November 2, 2021
9:00 a.m. to 12:00 p.m.
Virtual Meeting

Virtual attendees: Judge Samuel Thumma (Chair), Kip Anderson, Stacy Butler, Judge Bruce Cohen, Anni Foster, Kevin Groman, Joe Hengemuehler (proxy for Joel England), Joe Kanefield, Judge Joseph C. Kreamer, Maria Morlacci, Judge Maurice Portley (Ret.), Janet Regner, Marcus Reinkensmeyer, Kevin Ruegg, Rodolfo Sanchez, Dr. Rebecca Sandefur, Kathy Schaben, Valerie Wyatt, Anthony Young

Absent/Excused: Judge Dean Christoffel, Judge Anna Huberman, William Knight

Presenters/Guests: Judge Lawrence F. Winthrop, Mrs. Winthrop, Judge Pamela Gates, Gretchen Hornberger, Chris Groninger, Alberto Rodriguez,

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

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I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the November 2, 2021 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Sam Thumma, chair at 9:03. a.m.

Sam stated that as chair he hoped to continue the terrific work that Judge Winthrop has started. He announced:

- The 2022 ACAJ meeting dates: February 3, 2022, May 5, 2022 and November 3, 2022 and asked members to mark the dates on their calendars.
- The Chief Justice is currently reviewing appointments and reappointments to the commission and he anticipates introducing the new members at the February 3, 2022 meeting.
- Preparation has begun on the annual report and asked members to send any pertinent information to Kathy Sekardi or Sabrina Nash for inclusion in the 2021 annual report.
- The US Attorney General announced the restoration of a standalone office for access to justice within the Department of Justice, which has also released a report to the President addressing the issue.

B. Approval of Minutes (taken out of order)

The draft minutes from the May 6, 2021 ACAJ meeting were presented for approval. Judge Thumma asked if members had any changes and hearing none, approved the minutes.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Tributes to Judge Lawrence F. Winthrop

Sam thanked Judge Winthrop for his leadership of the Commission during the past seven years, and virtually presented him with a recognition plaque and a booklet of pictures, thoughts and well wishes from numerous individuals who wished to thank him for his friendship and mentorship through the years. Anni Foster, general counsel for Governor Doug Ducey, congratulated Judge Winthrop on his long and dedicated service to the judicial branch, and on his well-deserved retirement and shared that Governor Ducey has issued Judge Winthrop a commendation for his service. Commission members Janet Regner, Chris Groninger, and Judge Joseph Kreamer also congratulated Judge Winthrop and spoke of his contributions.

Judge Winthrop thanked everyone for their kind words and their dedication to the promotion of access to justice, their work on the Commission and stated that he treasures the relationships that he's made. He stated he wrote an article for the ASU Law Journal that will be published next month on the Commission and the various projects the Commission has identified and completed during the past seven years.

B. Report from the Governor's Office

Anni Foster, Governor's' Office Legal Counsel, discussed the American Rescue funding from the federal government that will be sent to Arizona. The Governor's Office has been working on a plan to distribute the money when received and have received numerous requests for funding. She identified funding requests of interest to the Commission:

- Request from the Arizona Bar Foundation to fund counseling programs and legal aid for tenants in eviction cases.
- Requests from the courts to expand broadband access to assist with virtual court hearings, address backlog of eviction cases and to expand online dispute resolution.
- Access to justice funds for court navigator program.

The Governor's Office is still evaluating requests received and she anticipates that some level of funding for these requests will be forthcoming. The Governor's Office is also considering funding for law schools, ASU in particular, whose students helped staff the State Bar Hotline and answered questions regarding employment, landlord/tenant and eviction questions during the pandemic.

C. Family Court Improvement Committee – Incarceration, Re-Entry, and Child Support (IRCS) Pilot

Judge Bruce Cohen, presiding family court judge, Superior Court in Maricopa County, and chair of the Family Court Improvement Committee (FCIC) FCIC-Incarceration and Re-entry Child Support Workgroup stated that the IRCS workgroup's focus was creating a streamlined and easily secured system for seeking modification of child support when a parent is incarcerated in the Arizona Department of Corrections. Judge Cohen discussed the recent efforts of the workgroup to modify the Request for Title IV-D Child Support Services form to one page from six pages and worked on developing a pilot plan with Maricopa County Superior Court which will use the revised form in all criminal cases at the time of sentencing. The pilot will launch in early 2022 and will initially track the number of cases that go through the process. The next phase will track how long it takes Department of Child Support Services (DCSS) to file the petition, and how long it takes for the cases to reach determination.

D. Task Force on Jury Data Collection, Practices, and Procedures

Judge Pamela Gates, chair of the Task Force on Jury Data Collection, Practices and Procedures (Jury TF), provided an overview of the task force's charge and discussed the recommendations, presented to the Supreme Court on October 4, 2021:

- Recommendation to improve the public's understanding and perception of jury service.
- Maximizing the use of summoned jurors and ensuring courts collect and analyze data to verify that summoned jurors represent a fair cross section of the community.
- Overcoming barriers to jury service.
- Minimizing the potential for discrimination in the jury selection process.

In September 2021 the Arizona Supreme Court eliminated peremptory challenges in all civil and criminal cases, which necessitated the task force to ensure that the rules were amended to assist judges in the thorough examination of jurors before being seated and that challenges for cause are recorded and kept for future appellate review if needed. The Statewide Jury Selection Workgroup (SJS) was formed with task force members and subject matter experts to:

- Rewrite all rules of procedure related to jury selection for possible further amendments to safeguard voir dire in the absence of peremptory challenges ensures selection of a fair and impartial jury.

- Develop templates for statewide juror questionnaires and suggest amendment to voir dire scripts.
- Create policies for the use and retention of juror responses to case specific questionnaires are adequately protected and preservation of questionnaires and responses for appellate and post-conviction litigation.
- Review training programs for judicial officers and court staff and proposing enhancements.
- Updates to the statewide juror orientation video to further emphasize the importance of jury service and of a fair and impartial jury.

The SJS workgroup presented its recommendations to the Arizona Supreme Court on November 1, 2021 for consideration.

E. Law4AZ Library Pilot Update

Gretchen Hornberger shared that Law4AZ conducted a statewide justice gap survey last year using 32 access indicators, they surveyed 424 courts and libraries and looked at resources available such as access to the internet, computers, printers, copy machines, legal references, county-specific forms, free wi-fi availability, legal aid office and at least five attorneys in the county. They identified LaPaz, Mohave and Yuma counties to train public librarians/libraries based on demographics and need. The librarian training sessions will start in Yuma county in January 2021 and is anticipated to take nine weeks to complete. The online training is conducted in four parts. Each course is self-directed with facilitated sessions before, during and after the training. The trainings include legal information vs. legal advice, identifying common types of civil legal issues in the area and prepare a reference collection for the library, and collaboration with a legal service provider.

F. AZEvictionHelp.org Website (taken out of order)

Chris Groninger, Director of Strategic Initiatives, Arizona Foundation for Legal Services and Education, shared that the Foundation in conjunction with Vitalyst Health Foundation and the Piper Charitable Trust repurposed the AZEvictionHelp.org website last year as a one-stop location for eviction assistance information for tenants on rental assistance and to learn about their rights as tenants. Most users are looking for available rental assistance and court rules, statutes about eviction. Since January 1, 2021 the site has been visited by 100,000 users. The AZEvictionHelp.org website is being promoted by the Rental Assistance Collaborative in partnership with Cox Media. The website is also being used to train and promote better understanding among service providers, probation officers and social workers.

G. COVID-19 Eviction Actions Update

Marcus Reinkensmeyer, Deputy Director, AOC, updated the commission on eviction actions in the state. He stated that Department of Economic Security (DES) is funding court navigators in Pima county to assist landlords and tenants with eviction issues, and that the AOC meets with eviction stakeholders every two weeks to discuss evictions and any administrative orders or directives. Education Services has conducted twelve training sessions regarding evictions to assist judicial staff on eviction issues. Marcus mentioned that three surveys were conducted regarding virtual hearings and the three demographics surveyed; judges and court administrators, attorneys and the general public all stated that they would like for virtual hearings to continue in the future.

H. Afghan Refugee Pro Bon Project

Kevin Groman presented an overview of the Afghan Evacuee Effort which assists refugees and evacuees assimilate into the United States and helping them file for asylum status within the two-year timeframe allotted them. Last week a clinic was held in collaboration with multiple legal assistance agencies, DES, the Arizona State Bar, processed 36 asylum applications and are planning another clinic next week. There are multiple pro bono opportunities to present limited scope representation in Arizona. He asked that Commission members to assist in helping to find

employment for qualified evacuees and refugees

I. Update on AZCourtHelp.org Enhancements and Use

Cathleen Cole, Arizona Bar Foundation for Legal Services & Education, discussed Google Analytic results from January 2021 through September 2021. Website usage has increased almost 2000% since the website launch in January 2017. There were 505,957 new AZCourtHelp users, up 80% from the same period in 2020. Of the 505,957 new users 6% used Spanish, with Chinese and French being the other most used languages. There were 1,362,247 pageviews. There has been an 112% increase in document downloads, and there were 14685 Live Chat sessions totaling 232 hours and 27 minutes. The average length of each chat was ten minutes. The Law Librarian Live Chat Program was awarded the 2021 Judicial Branch Strategic Agenda Award on October 20, 2021.

J. 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 also stated that planning has begun for the 2021 annual report. The submission deadline for content is December 17, 2021 and should be sent to Sabrina Nash.

K. Update from the Justice in Government Workgroup

Chris Groninger, Director of Strategic Initiatives, Arizona Foundation for Legal Services and Education, shared that the workgroup in partnership with rural attorneys have applied to the U.S. Department of Housing and Urban Development (HUD) requesting additional eviction help for rural communities and counties.

L. Update from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer outlined three things the workgroup would be focusing on:

- Supporting the Afghan Refugee Pro Bono Project.
- Coordinate with the U.S. Attorney's Office to engage pro bono attorney 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 allows retired attorneys to participate in pro bono activities.

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

Judge Charles Adornetto, introduced himself as the new workgroup chair and reported that the workgroup is working on scripting, reviewing, and translating into Spanish 11 videos and info sheets on Consumer Debt. He anticipates that videos and info sheets will be ready to post in early 2022. He stated that the workgroup is currently considering which new topic to consider.

N. Potential Future Agenda Items

Sam asked that Commission members consider next steps and provide ideas, information to AOC via email for discussion at November meeting. He suggested having the following discussions or updates as future agenda items:

- AZPoint-Arizona Protective Order Initiation & Notification Tool Update
- Digital Evidence Portal
- Surveys of the bench, lawyers and public
- Legislature to require justice courts to allow remote appearances

III. OTHER BUSINESS

A. Good of the Order

Sam asked Commission members to promptly submit any accomplishments, awards received or projects of interest to Sabrina Nash or Kathy Sekardi for inclusion in the annual report. He stated

that he hoped the February 3, 2022 meeting could be a hybrid meeting and wished everyone Happy Holidays.

B. Call to the Public

No members of the public requested to speak.

Next Meeting Date:
February 3, 2022

2022 Meeting Dates to add to your calendar:
May 5, 2022
November 3, 2022

Adjourned at 11:56 a.m.

Meeting Date: February 3, 2022

Subject: Wildfire: Igniting Community Action

Type of action requested:
☒ Formal action or request
☐ Information only
☐ Other

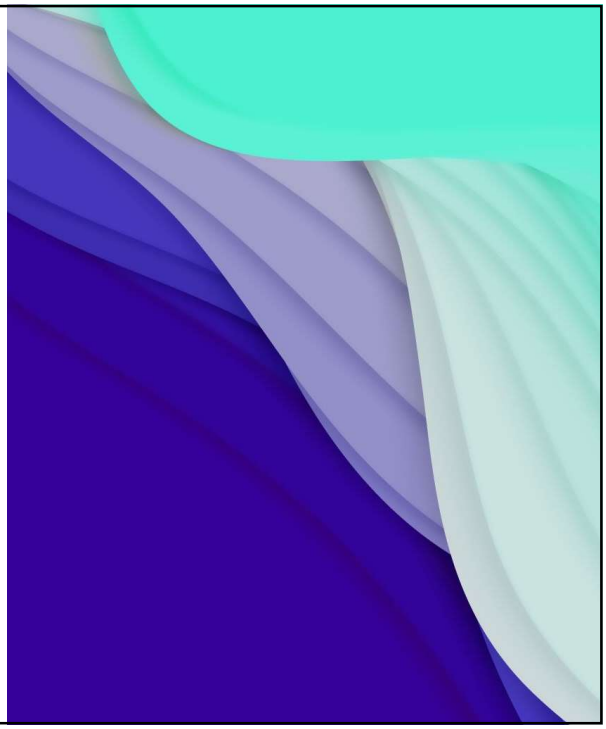
From: Maxine Becker, Wildfire: Igniting Community Action

Presenters: Maxine Becker

Discussion: Wildfire, along with CLS, SALA, 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. This proposed rule change, if approved, 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.

Recommended motion: Wildfire and the Petition Co-Sponsors request that the ACAJ consider the Petition and file a comment in support of the Petition with the Arizona Supreme Court.

AMENDING EVICTION RULES TO CREATE A PATH FORWARD FOR TENANTS POST-EVICTION



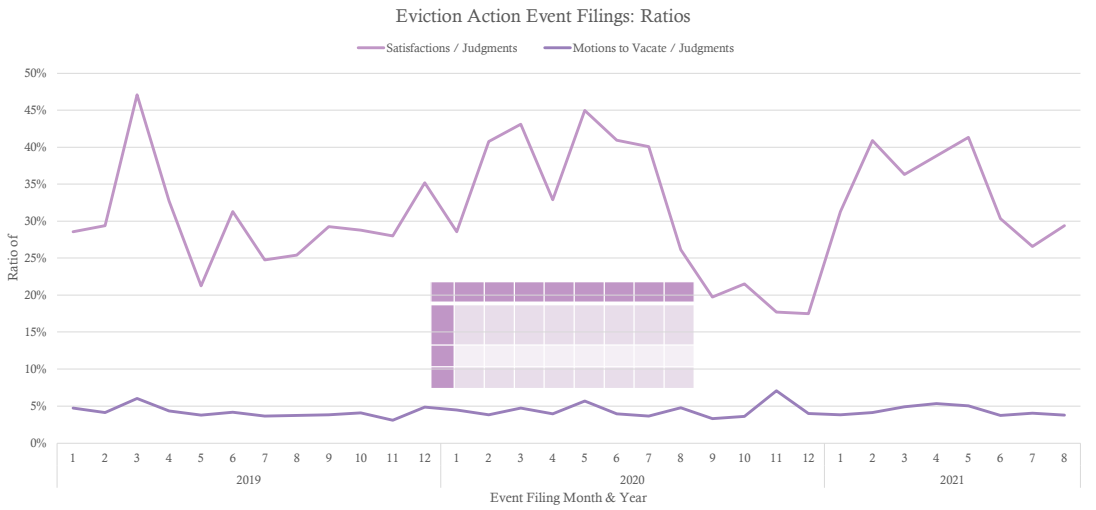
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START WITH THE STATS*

- **An average of 64,000 evictions filed each year in Maricopa County.**
- **25% to 30% of judgments are satisfied each year (16,000 to 19,200 cases).**
- **Average of 4% (approximately 2,560 cases) of judgments are vacated each year. Vacated Judgments render the judgment legally void- as if it never happened.**

*Pre-Pandemic statistics. Reflects data from 2015 through 2019.

2



3

GOALS OF THE RULE CHANGE PETITION

1. Rules for eviction judgments should be consistent with rules, statutes, and administrative orders that govern other Arizona civil judgments.

2. Provides a way for tenants who pay their eviction judgments to rehabilitate their credit and rental history, which benefits their housing opportunities.

3. Promotes the repayment of eviction debts, benefitting landlords.

4

PROPOSED RULE CHANGE (RULE 4(d))

[T]he party in whose favor the judgment was entered shall file a Satisfaction of Judgment with the court that entered it within 30 days after the judgment has been paid in full […]

Rule change is consistent with Arizona Statutes governing small claims judgments.

A.R.S. 22-525(A) requires that a Satisfaction of Judgment be filed within 30 days after the judgment has been paid in full.

5

Proposed Rule Change

In the event that a prevailing party fails to satisfy a judgment rendered ~~and cannot be located with a showing of reasonable diligence~~, the judgment debtor may file a motion to compel satisfaction of judgment […]

Amendment comports with:

- **A.R.S. 22-525(b)**

"If the prevailing party fails to file a satisfaction of judgment **or** cannot be located after the opposing party has exercised due diligence in attempting to located the prevailing party the opposing party may file a motion to compel satisfaction of the judgment.

and

Arizona Supreme Court Administrative Order 2021-120, which deleted the same requirement in RPEA.

6

PROPOSED NEW RULE (RULE 9(g))

Motions to Vacate Judgment

Any party can file a motion with the court asking to be relieved from judgment. The motion does not affect the finality of the judgment or suspend operation of the judgment. The court may vacate the judgment for the following reasons:

1) **The judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable.**
2) **Any other reason justifying relief.**

- Amendment is identical to Rule 16(a)(4) of the Arizona Small Claims Rules of Procedure
- The requested amendment also comports with Rule 60(b)(5) of the Arizona Rules of Civil Procedure, which allows for motions for relief from judgment when it has been satisfied.

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IN THE SUPREME COURT

STATE OF ARIZONA

In the matter of: PETITION TO AMEND RULE 4(d) and RULE 9, ARIZONA RULES OF PROCEDURE FOR EVICTION ACTIONS	Supreme Court No. R- **PETITION TO AMEND RULES 4 and 9 OF THE RULES OF PROCEDURE FOR EVICTION ACTIONS**

Pursuant to Rule 28 of the Rules of the Supreme Court, Wildfire: Igniting Community Action to End Poverty in Arizona, Community Legal Services, Southern Arizona Legal Aid, DNA People's Legal Services, Southwest Fair Housing Council, and the William E. Morris Institute for Justice, hereby petition this Court to amend Rule 4(d) (in two respects) and Rule 9 of the Rules of Procedure for Eviction Actions. The proposed amendments, regarding procedures to satisfy and vacate eviction judgments after tenants have paid judgment debts, will bring the Rules into conformity with Arizona Revised Statutes, as well as harmonize them with the Arizona Rules of Civil Procedure and the Arizona Rules of Small Claims Procedure. The proposed amendments also provide tenants, who have paid off their eviction judgments in full, an opportunity to rehabilitate their credit and tenant history so that they have a path to obtain decent, stable housing.

This Petition describes the requested amendments; briefly explains the critical need for the requested amendments; and provides additional information about the Petitioners, which include entities with significant experience in representing individuals in eviction actions and studying evictions in Arizona. A full text of the requested revisions to Rules 4 and 9 are included in the attached Appendix.

I. The Court Should Amend Rule 4(d) in Two Respects to Conform with Other Arizona Rules, Statutes, and Supreme Court Administrative Orders.

A. The Amendments Requested

This petition seeks to amend Rule 4(d) by making the following addition and deletion so that the amended rule would read as follows[1]:

> **Satisfaction of Judgments.** Once a judgment has been satisfied by the payment of the monetary award, or the parties have entered into a new rental agreement or created a novation of the prior rental agreement, the party in whose favor the judgment was entered shall file a Satisfaction of Judgment with the court that entered it **within thirty days after the judgment has been paid in full** and serve a copy on the judgment debtor. The duty to file the satisfaction of judgment is on the prevailing party and not on the attorney who represented the party. In the event that a prevailing party fails to satisfy a judgment rendered ~~and cannot be located with a showing of reasonable diligence~~, the judgment debtor may file a motion to compel satisfaction of judgment and the court may, after an opportunity for a hearing, order that the judgment shall be deemed satisfied.

B. Rule 4(d) Should Be Amended to Include a 30-Day Time Period for the Landlord to File a Satisfaction of Judgment.

Setting forth a 30-day deadline from the time the tenant pays the debt to the time when the landlord must file a satisfaction of judgment would bring Rule 4(d) into compliance with A.R.S. §22-525(A). The lack of a deadline in the current rule for the landlord to file a Satisfaction of Judgment leaves open the question as to when or whether a landlord will comply with the Rule and resulting uncertainty. Eviction records are prohibitive for tenants trying to find new housing, and often result in homelessness and living in unstable housing. So, the absence of a deadline for filing a Satisfaction of Judgment hampers a tenant's ability to file a motion to compel promptly, often at a critical time in the tenant's search for new housing, and when improving their credit or

[1] A full text revision of Rule 4 is included in the attached Appendix.

tenant record is most important. A 30-day deadline for landlords to comply with the rule is fair and reasonable, as evidenced by Arizona law and procedure currently in place.

A.R.S. §22-525(A), a parallel law that controls satisfaction of judgments in Small Claims Court, states "[t]he prevailing party [in a small claims action] must file a satisfaction of judgment in the small claims division of the justice court *within 30 days* after a judgment has been paid in full." (emphasis added). This statutory mandate promotes a reasonable and timely filing of a Satisfaction of Judgment. Amending Rule 4(d) to conform with A.R.S. §22-525 allows for eviction judgments to be resolved in the same way as other Arizona judgments. Moreover, such a timeframe then instructs whether the tenant needs to file a motion to compel satisfaction of judgment, subject to the second revision of this rule.

C. <u>The Court Should Amend Rule 4(d) to Remove the Requirement that a Landlord Cannot be Located in Order to Compel Satisfaction of the Judgment and Bring Rule 4(d) into Compliance with A.R.S § 22-252(b) and Arizona Supreme Court Administrative Order 2021-120.</u>

As currently written, Rule (4)(d) provides that

> In the event that a prevailing party fails to satisfy a judgment rendered, **<u>and</u>** cannot be located with a showing of reasonable diligence, the judgment debtor may file a motion to compel satisfaction of judgment and the court may, after an opportunity for a hearing, order that the judgment shall be deemed satisfied. (emphasis added).

Removing the requirement that a tenant must show that landlord cannot be located without a showing of reasonable diligence would bring Rule 4(d) into alignment with A.R.S. § 22-525(b), governing the satisfaction of judgments in small claims proceedings, which states, in pertinent part,

> If the prevailing party fails to file a satisfaction of judgment **<u>or</u>** cannot be located after the opposing party has exercised due diligence in attempting to locate the prevailing party, the opposing party may file a motion to compel satisfaction of the judgment. If the motion is granted, the judgment is deemed satisfied. (emphasis added).

If a landlord refuses to file a Satisfaction of Judgment, as is required by Rule 4, whether the landlord's location is known to the tenant is irrelevant. The tenant should not be prevented from filing a motion to compel the satisfaction of judgment if the tenant paid off the debt and the landlord fails to comply with the rule. Not only will this revision bring Rule 4(d) into conformity with an existing and analogous Arizona law, but it will allow tenants to compel satisfaction of a judgment when the landlord does not abide by the Rule.

Amending Rule 4(d) by removing this requirement also comports with this Court's Administrative Order 2021-120, Section VI(4), which specifically eliminated the requirement for the landlord to be unlocatable, as follows:

> For cases where a judgment was entered for rent owed during a moratorium, the amount owed was fully paid through a rental assistance agreement, and that judgment has not already been amended or vacated as permitted by this order, a defendant may file a motion to compel satisfaction of judgment. **The defendant may file the motion to compel without showing the plaintiff cannot be located, as described in Rule 4(d), Rules of Procedure for Eviction Procedures.** The motion shall be served on the plaintiff. The court may, after an opportunity for a hearing, order that the judgment shall be deemed satisfied. (emphasis added).

Accordingly, Petitioners request deleting this requirement so that Rule 4(d) comports with A.R.S. 22-525(b), and Administrative Order 2021-120.

II. The Court Should Amend RPEA Rule 9 to Include a Specific Provision to Allow Both Tenants and Landlords to File a Motion to Vacate the if the Judgment is Satisfied, Reversed, or Discharged.

A. Specific Authority for a Motion to Vacate Judgment Should be Included in Rule 9 of RPEA.

This petition proposes to amend Rule 9[2] by adding a new subsection as follows:

[2] Petitioners request that this new subsection be included as 9(g), and that the remaining subsections of Rule 9 be re-ordered as (h)-(k). The proposed Rule 9 is included in the attached Appendix.

Motions to Vacate Judgment

Any party can file a motion with the court asking to be relieved from judgment. The motion does not affect the finality of the judgment or suspend operation of the judgment. The court may vacate the judgment for the following reasons:

1) The judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

2) Any other reason justifying relief.

Rule 9 of RPEA provides for the general authority to file motions and provides a list of specific motions authorized under the Rule. Rule 9 does not specify, nor does any other rule under RPEA, that either party can file a motion to vacate a judgment for any reason. The proposed amendment to Rule 9 conforms to existing Rule of Small Claims Procedure 16(a)(4) and Rule of Civil Procedure 60(b)(5), both of which allow for either party to file a motion to vacate a judgment when the judgment is satisfied, reversed, or discharged.

The proposed amendment to include a new subsection in Rule 9 is identical to the pertinent sections of Rule 16(a)(4) and (5), of the Arizona Small Claims Rules of Procedure, which state:

(a) Filing a Motion to Vacate Judgment. Any party can file a motion with the court asking to be relieved from judgment. The motion does not affect the finality of the judgment or suspend operation of the judgment. The court may relieve a party from a judgment for the following reasons:

(4) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

5) any other reason justifying relief

In addition, Rule 60(b)(5) and (6) of the Arizona Rules of Civil Procedure states:

Relief from Final Judgment, Order or Proceeding:

(b) On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason justifying relief.

The inclusion of a rule in the RPEA that allows any party to file a motion to vacate a judgment is both fair and necessary. Tenants who pay off the entirety of their debt should be afforded the same rule allowing them to move the court to vacate the judgment just as any other judgment debtor in Arizona. Landlords should also have the same clarity of a rule. This rule amendment also encourages the repayment of the debt, which is beneficial to landlords. Moreover, an eviction judgment, just like any civil judgment, remains a part of the public record for 10 years (*see* A.R.S. § 12-1551) impacting a tenant's ability to find good housing, and often, results in a denial of housing and homelessness, even if the judgment is dismissed or satisfied. *See Prejudged, The Stigma of Eviction Records*, Housing Action Committee Illinois, Lawyer's Committee for Better Housing, March 2018.

Significantly, Maricopa County data shows that thousands of tenants could benefit from this rule amendment. Since 2019, approximately 30% of tenants in Maricopa County satisfied their eviction judgments.[3] See *MCJC Eviction Data 2019-Present*, attached hereto as Exhibit A. In contrast, however, approximately only 4% of judgments in Maricopa County were vacated. *Id.* So, even though thousands of tenants

[3] Data from Maricopa County provides as follows: In 2019,38,536 eviction judgments were entered, 13,685 Satisfaction of Judgments were filed and 1,921 Motions to Vacate were filed. In 2020, 26,446 eviction judgments were entered, 7,364 Satisfaction of Judgments were filed and 1,149 Motions to Vacate were filed. Through August 2021, 17,612 eviction judgments were entered, 5,977 Satisfaction of Judgments were filed and 757 Motions to Vacate were filed. Maricopa County will be updating this information sometime in early 2022 with the remainder of 2021 data. Wildfire will supplement this brief at that time this updated data becomes available.

paid off their judgments, the RPEA do not provide the same rules to vacate their judgment as civil judgment debtors whose cases were adjudicated under the Rules of Civil or Small Claims Procedure.

Finally, while Rule 9(g) includes a catch-all category for "other motions," a rule specifically allowing for a Motion to Vacate is important and necessary in eviction actions. While theoretically, a tenant could bring a Motion to Vacate under Rule 9(g), because the motion is not articulated as an option, unrepresented tenants will not know what a Motion to Vacate is or its significance to their future housing and economic opportunities. Once a rule is established, an appropriate form can be created for landlords and tenants to use, and judges can inform the parties of this option.

III. Sponsors and Co-Sponsors of this Brief

A. Wildfire

Wildfire is an Arizona nonprofit committed to ending poverty before it starts by advocating for fair practices, promoting access to financial security for all Arizonans, and partnering with over 75 statewide nonprofits to ensure that individuals and families have access to supportive services they need now, and into the future. In response to the Coronavirus pandemic in 2020, Wildfire contracted with the City of Phoenix to assist in the distribution of rent assistance to those impacted by the pandemic. As Wildfire became more deeply involved in landlord/tenant issues, Wildfire learned first-hand about the difficulties tenants have post-eviction, even if their rent debt is paid, in obtaining new housing. Because eviction is a cause of poverty, Wildfire is committed to lessening the durable negative consequences of eviction on tenants.

B. Community Legal Services

Founded in 1952, Community Legal Services ("CLS") is a nonprofit law firm dedicated to providing equal justice for civil legal issues, for low-income Arizonans. CLS provides civil law support, including self-help assistance, brief advice and counsel, direct legal representation, education, and outreach for the community. CLS practice areas

include housing, consumer protection, health, and economic stability, families and children, employment, tax, and farmworker-related law. CLS expanded its housing practice in 2020 to create the Tenant Eviction Assistance Project, which provided legal representation to City of Phoenix residents facing eviction. That program was recently expanded again and includes tenant legal assistance and representation throughout Maricopa County.

C. Southern Arizona Legal Aid

Southern Arizona Legal Aid ("SALA"), founded in 1951, provides free civil legal aid services to low-income individuals and families in southern and southeastern Arizona, including 11 of Arizona's Native American tribes. SALA has a housing practice and routinely represents tenants facing eviction. SALA expanded its outreach to tenants and contracted with the Pima County's Emergency Eviction Legal Services Program to provide legal services and representation for tenants in the eviction process.

D. DNA People's Legal Services

Since 1967, DNA People's Legal Services ("DNA") has provided free legal aid in remote portions of the three states and seven Native American nations, helping thousands of low-income people annually to achieve long-lasting economic stability by providing access to tribal, state, and federal justice systems. DNA provides legal assistance and offers community education programs that promote a greater understanding of the law, including landlord/tenant law. DNA routinely represents tenants facing eviction throughout northern Arizona.

E. Southwest Fair Housing Council

The Southwest Fair Housing Council (SWFHC) is dedicated to eliminating housing discrimination and assisting victims of housing discrimination in exercising their rights. SWFHC also maintains a Landlord and Tenant Resource Center, a self-help resource center that aids those who may have specific Arizona landlord and tenant issues and questions. Removing barriers to housing for tenants is central to the mission of SWFHC.

F. William E. Morris Institute for Justice

The William E. Morris Institute for Justice is a non-profit organization dedicated to protecting the rights of low-income Arizonans. The Institute works on systemic issues that impact low-income people, including issues affecting tenants facing eviction. The Institute has a history of advocating on behalf of tenants and seeking fairness in the eviction court process. The Institute published two comprehensive studies, in 2006 and 2020, on eviction court practices in Maricopa County. The Institute's first study led to the enactment of Arizona's Rules of Procedure for Eviction Actions.

IV. Conclusion

Wildfire and the Petition co-sponsors respectfully request that the Court approve this Petition. The proposed changes will ensure that the rules regarding eviction judgments conform with the Arizona rules and laws that govern small claims and civil judgments, provide a path back to stable housing for tenants after an eviction, and encourage the repayment of eviction debt.

By Maxine M. Becker
Maxine M. Becker
Cynthia Zwick
Wildfire: Igniting Community Action to End Poverty in Arizona

Co-Sponsors

By /s/ Pam Bridge
Pam Bridge
Community Legal Services

By /s/ Anthony Young
Anthony Young
Southern Arizona Legal Aid

By /s/ Charles Doughty
Charles Doughty
DNA People's Legal

By /s/ Jay Young
Jay Young
Southwest Fair Housing Council

By /s/ Ellen S. Katz
Ellen S. Katz
William E. Morris Institute for Justice

Original electronically filed with the
Clerk of the Supreme Court of Arizona
this 4th day of January 2021.

By: Marjorie M Becker

Exhibit A

Maricopa County Justice Court Statistics 2019 through August 2021- Ratio of Judgments, Satisfaction of Judgments and Motions to Vacate

Year	Month	Judgments	Satisfaction of J	SoJ : J	Motion to Vacate	MtV : J
2019	1	4388	1253	29%	208	5%
2019	2	3269	961	29%	135	4%
2019	3	2838	1337	47%	171	6%
2019	4	3314	1085	33%	144	4%
2019	5	3997	849	21%	150	4%
2019	6	3645	1140	31%	151	4%
2019	7	4376	1084	25%	160	4%
2019	8	4158	1056	25%	155	4%
2019	9	3864	1130	29%	148	4%
2019	10	4632	1334	29%	188	4%
2019	11	3458	969	28%	107	3%
2019	12	4224	1487	35%	204	5%
2020	1	3682	1052	29%	164	4%
2020	2	3553	1449	41%	135	4%
2020	3	2240	966	43%	106	5%
2020	4	1882	619	33%	74	4%
2020	5	1145	515	45%	65	6%
2020	6	1265	518	41%	50	4%
2020	7	1368	548	40%	50	4%
2020	8	1382	361	26%	66	5%
2020	9	2105	415	20%	69	3%
2020	10	2382	512	21%	86	4%
2020	11	2167	384	18%	153	7%
2020	12	3275	573	17%	131	4%
2021	1	2169	679	31%	83	4%
2021	2	2101	859	41%	86	4%
2021	3	2557	928	36%	125	5%

Maricopa County Justice Court Statistics 2019 through August 2021- Ratio of Judgments, Satisfaction of Judgments and Motions to Vacate

2021	4	1956	759	39%	104	5%
2021	5	1734	717	41%	87	5%
2021	6	2262	686	30%	84	4%
2021	7	2540	675	27%	102	4%
2021	8	2293	674	29%	86	4%

APPENDIX

APPENDIX

(Please note: deletions are reflected by ~~strikethrough~~ and additions are reflected by underline.)

Rule 4. Duties of Parties and Attorneys

a. Due Diligence. [No change in text]

b. Good Faith [No change in text]

c. Sanctions. [No change in text]

d. Satisfaction of Judgments. Once a judgment has been satisfied by the payment of the monetary award, or the parties have entered into a new rental agreement or created a novation of the prior rental agreement, the party in whose favor the judgment was entered shall file a Satisfaction of Judgment with the court that entered it **within thirty days after the judgment has been paid in full** and serve a copy on the judgment debtor. The duty to file the satisfaction of judgment is on the prevailing party and not on the attorney who represented the party. In the event that a prevailing party fails to satisfy a judgment rendered ~~and cannot be located with a showing of reasonable diligence~~, the judgment debtor may file a motion to compel satisfaction of judgment and the court may, after an opportunity for a hearing, order that the judgment shall be deemed satisfied.

e. Entry of Appearance [No change in text].

f. Compliance with Laws and Regulations Governing Subsidized Rent. [No change in text].

Rule 9. Motions

a. [No change in text]

b. Responses and Replies. [No change in text].

c. Motion for Change of Judge. [No change in text].

d. Motions to Amend. [No change in text].

e. Motions for Judgment on the Pleadings. [No change in text]

f. Motions to Dismiss. [No change in text]

g. Motions for Reconsideration. [No change in text]

h. Motions to Vacate Judgment

1. Any party can file a motion with the court asking to be relieved from judgment. The motion does not affect the finality of the judgment or suspend operation of the judgment. The court may vacate the judgment for the following reasons:

2. The judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

3. Any other reason justifying relief.

~~**h.**~~**i. Other Motions.** [No change in text]

~~**i.**~~**j.** [No change in text]

~~**j.**~~**k.** [No change in text]

Meeting Date: February 3, 2022

Subject: Housing Stability Navigator Program

Type of action requested:
☐ Formal action or request
☒ Information only
☐ Other

From: Theresa Barrett, Court Programs Unit Manager, AOC

Presenters: Same

Discussion: Ms. Barrett will report on the efforts made to establish Housing Stability Court Navigators in rural county courts in Arizona to provide front-end assistance and information to landlords and tenants. Ms. Barrett will provide background on how the program was established, the vision for the role of the navigator and AOC staff oversight, as well as, sharing the status of onboarding new hires and other activities currently underway.

Recommended motion: None.

Meeting Date: February 3, 2022

Subject: Report on the Housing Instability Legal Advocate Program

Type of action requested:
☐ Formal action or request
☒ Information only
☐ Other

From: Innovation for Justice, James E. Rogers College of Law, University of Arizona and University of Utah Eccles School of Business

Presenters: Stacy Butler, Director – Innovation for Justice; Mackenzie Pish & Cayley Balser, Project Managers

Discussion: Innovation for Justice will introduce a Housing Instability Legal Advocate proposed pilot program.

Recommended motion: None at this time.

Innovation for Justice

January 2022

Expanding Arizona's LP and Utah's LLP Program to Advance Housing Stability

Innovation for Justice

1

Roadmap: today we will:

1. i4J and the research behind our proposal to add an additional Housing Stability Legal Advocate track to AZ's existing LP program
2. Arizona's housing and eviction crisis, and the consequences of eviction
3. The civil legal system is NOT an effective intervention point
4. Advocacy is key, but legal aid and pro bono cannot meet the need
5. UPL and fractured services
6. The A2J potential of Arizona's emerging LP program
7. The current pathways to licensure and how those pathways are not accessible to the non-profit sector
8. If barriers were reduced, community-based organizations are eager to train staff
9. Adding HLSA Initiative to AZ's LP program, including proposed scope of service, curriculum, path to licensure, and evaluation
10. Next steps, including i4J's role in advancing the Initiative

2

Introduction: About Innovation for Justice (i4J)

- Housed at the University of Arizona James E. Rogers College of Law and the University of Utah David Eccles School of Business.
- Social-justice-focused legal innovation lab that designs, builds, and tests disruptive solutions to the justice gap.
- First and only cross-discipline, cross-institution, cross-jurisdiction legal innovation lab in the nation.
- Proven track record for leveraging regulatory reform of the legal profession to equip non-lawyer community advocates in the non-profit sector to provide limited scope legal advice to low-income community members.

3

Introduction: i4J's proven track record

- In 2019, i4J designed and launched the **Licensed Legal Advocate (LLA) pilot**–the first project in the U.S. to adapt unauthorized practice of law (UPL) restrictions to permit nonlawyer community-based advocates to give legal advice regarding family law issues.
- In 2020, i4J received approval from the Utah State Court's Office of Legal Innovation to pilot **two Medical Debt Legal Advocate (MLDA) initiatives** that will connect Utahns experiencing medical debt with non-lawyer advocates in the non-profit, social service sector.

4

Introduction: Expanding i4J's work

- This Fall, 2021, i4J initiated a project designed to expand i4J's work at the intersection of regulatory reform and access to justice. Focusing on Arizona and Utah, the project explores how to leverage regulatory reform to legally empower lower-income community members experiencing housing instability.

5


Abigail- community


Alesia- the environment


Andy- ice cream


Doug- family


Esther- the mountains


Gabriel- urban planning


Jess- safe spaces


John- social justice


Julia- equality


Kevin- dogs


Kristin- accessible technology


Lauren- loved ones


Rachel- cats


Vinny- coffee




Jacob- education


Nate- empathy

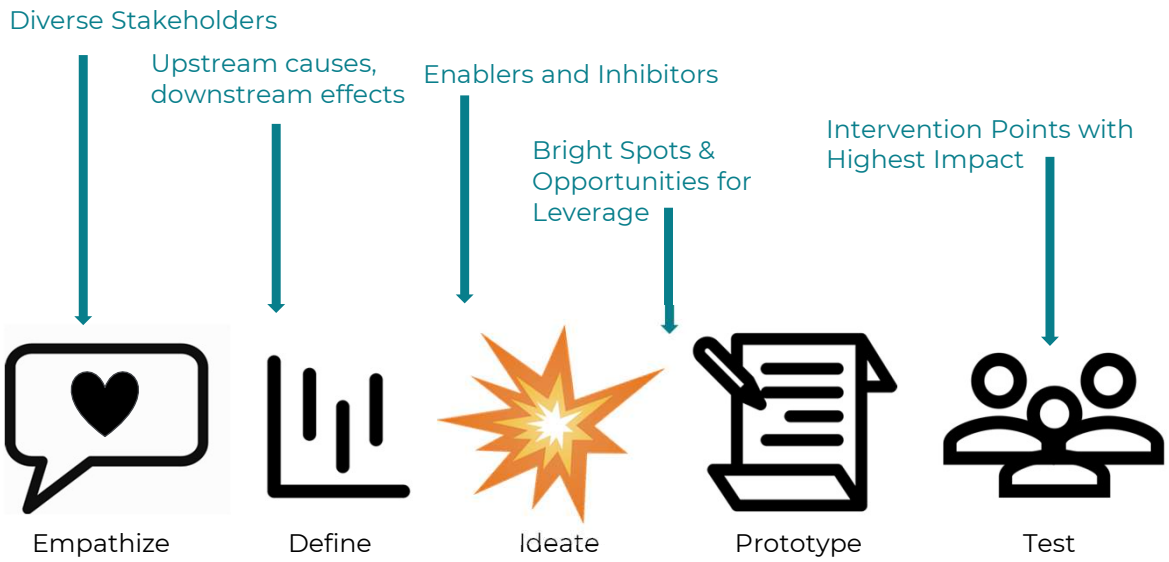

Cayley- people


Mackenzie-i4J


Stacy- community

6

The i4J Approach: Design + Systems Thinking



7

Introduction: Work this Fall

- Interviews with over 160 community organizations and individuals.
- 50 interviews with diverse stakeholders.
- Landscape research on housing instability, access to justice, and regulatory reform opportunities.
- Mapping stakeholder connections and exploring opportunities for intervention.
- Brainstorming creative ways to legally empower low-income tenants, considering AZ's reg reform potential.
- Prioritizing interventions based on feasibility and impact.
- Engaging community in providing feedback on proposed intervention.

8

Executive Summary: Co-Created Proposal

Leveraging Arizona's LP program and Utah's LLP Program and an incredible network of existing CBOs to create a training certificate for Housing Stability Legal Advocates (HSLAs).

Community members non-profit social service sector would obtain HSLA certification in the course and scope of their social service work, and embed limited-scope legal advice related to housing issues in the delivery of their social services.

9

Executive Summary: Goals of Piloting HSLAs in Arizona

- Providing legal advice upstream, at the first sign of a housing-related issue, and thereby reducing the number of court-involved eviction proceedings;
- Expanding the roster of community-based advocates empowered to provide free legal assistance to low-income community members at risk of eviction; and
- Leveraging AZ and UT's leadership as the first two states to re-regulate the legal profession to demonstrate for other states exploring regulatory reform how non–market driven innovations can be embedded in re-regulation models to advance access to justice.

10

The Affordable Housing Crisis

- 26 affordable housing units for every 100 extremely low income renters in Arizona.
- 75% of extremely low renters in Arizona and 79% of those in the Phoenix metropolitan area are paying more than 50% of their income on rent.
- For the minimum-wage worker, a rental home would have to cost $632 per month or less to be affordable.
- In Phoenix, the average rent for a one-bedroom apartment is nearly double that, at $1032 per month, which would require an hourly wage of $19.85 or 65 hours per week at minimum wage.

11

Evictions

- Between 2017 and 2019, average of 84,782 eviction filings in justice courts across the state.
- 77% of all cases– or 65,659 cases– are filed in Maricopa County.
- 6.2% of all Maricopa County renter households experience an eviction. However, in eviction hot spots within Maricopa County, 20-30% of renter households experience eviction.
- As of December 2021, 1 in 3 Arizona renter households could be at risk for eviction.
- As of December 2021, 1 in 4 Arizona renters reported missing last month's rental payment and had little confidence in the ability to pay the following month.

12

The Impact of Evictions

Evictions harm individuals, families, and communities, but they hit people of color, women, and families with children the hardest.

Evictions lead to:

- "Large and persistent increases in risks of homelessness."
- Difficulty securing new rentals, locating to lower quality housing, and subsequent housing instability.
- Job loss.
- Various long-lasting mental and physical health problems.
- Increased costs across social systems.

13

The Civil Legal System Is Not an Effective Intervention Point for Stabilizing Housing

- Many renters experience housing instability or displacement before an eviction is even filed. 30% of renters move at the first sign of eviction.
- Informal evictions occur too (sometimes 2x the rate of formal)
- 4% of tenants sued for eviction have legal representation, compared to 71% of property owners.
- 35% of tenants sued for eviction in Maricopa do not show up to court and receive a default judgment against them.
- 69% of cases end in judgment against the tenant.
- The 31% of cases that do not end in judgment will still have lasting, negative effects on tenants.
- When confronted with an inability to pay rent & strict timelines, tenants struggle to locate timely assistance.

14

Advocacy is a Key Stabilization Strategy: but current legal aid and pro bono services cannot meet the need

- Housing-related legal problems are one of the top three legal problems..
- 29% of Arizona renters–265,208 households–experience a housing-related legal problem.
- 63% of renters say the problem substantially impacted their lives.
- Legal aid efforts are catastrophically under-resourced.
- In Arizona, 25% of people qualify for free legal help, but only 1/3 people who realize they have a legal problem and seek legal aid receive services.
- It would take 18 hours from each licensed, active attorney in the state to provide each households 1 hour of legal assistance.
- Housing-related legal problems account for 4% of pro bono legal assistance.
- 98% of renter households experiencing a legal problem related to their rental do NOT receive pro bono assistance.

15

Re-framing Unauthorized Practice of Law Restrictions Can Drive Legal Help to Tenants Upstream and Reduce Siloing of Legal and Social Services

- Maintaining housing stability requires upstream, cross-sector problem-solving and assistance.
- By the time housing-instability is court involved, tenants are juggling social service needs with legal needs.
- Social services and legal services are siloed.
- Tenants facing multiple life stressors have limited time and reduced cognitive capacity to navigate siloed legal and social services.

16

UPL and Fractured Services

- UPL restrictions prevent the nonprofit sector from providing holistic care to tenants.
- Community-based organizations (CBOs) providing social services are worried about providing assistance that could be misconstrued as legal advice.
- Yet, CBOs are reluctant to send tenants to legal services knowing tenants have limited time and resources to find replacement housing and that legal aid can serve only a fraction of those who need and qualify for their services.
- Legal aid may recommend resources to tenants, but does not have time to ensure tenants are connected to those resources.

17

The Access to Justice Potential of Emerging Paraprofessional Programs in Arizona and Utah

- Arizona and Utah are leading the nation in reforming unauthorized practice of law restrictions to permit new types of legal service models.
- Both states already have a legal paraprofessional certification process to license professionals without a Juris Doctorate (J.D.) to provide limited-scope legal advice.
- AZ's program serves two important goals: (1) creating a market for persons with legal training but not a J.D. to charge for legal services and (2) expanding access to justice by reducing the cost of legal services for those who can afford to pay for some level of assistance.

18

Current AZ LP Paths to Licensure

Education:

- AS in paralegal studies OR any associate's degree PLUS certificate in paralegal studies that requires a minimum of 24 semester units PLUS 1 year of substantive law-related experience under attorney supervision.
- BA, MLS, LLM Degrees including 12-18 credit hours of law-related coursework and 120 hours of experiential learning; OR
- J.D.

Experience: Education requirements may be waived if the applicant can show:

- 7 years of full-time substantive law-related experience within 10 years.
- For landlord-tenant law, 2 years of substantive landlord-tenant-law-related experience is required.

19

Time and Cost Associated with AZ's Current Paths

Time

- Currently, no certification programs have been brought to the Arizona Judicial Council for review, but programs are anticipated.
- i4J anticipates that these programs will require at least a semester of full-time study (in line with other paraprofessional programs).

Cost

- Core exam costs $100 and each of the subject matter tests cost $150.
- Applicants may incur additional costs of study materials.
- Cost to enroll in forthcoming educational programs offered by state universities is unknown.

20

Current AZ LPs and Services they Provide

- 17/25 applications have been submitted.
  - 15 applications for **Family Law**
  - 1 application for Criminal Law
  - 1 application for Civil Law
- Of the 17 applications submitted, all approved and licensed are for **Family Law**:
  - 10 LPs have been approved
  - 4 LPs are licensed

21

Current LP and LLP Offerings are Not Accessible to the Non-Profit Sector. Barriers to Entry include:

- **Education**: CBO providing social services to renters have a range of education, but most education experiences do not involve law-related credit hours.
- **Experience**: No CBO we spoke to had substantial law-related experience.
- **Time**: CBO staff say they cannot manage a full-semester on top of their full-time social service positions.
- **Cost**: CBO staff are also concerned with the cost of the program. About a quarter of social service providers earn an income below 200% of the federal poverty guidelines.

22

Community-Based Organizations are Eager to Train Staff as HSLAs

- CBOs are already assisting clients who experience housing instability and want to provide more holistic services.
- CBOs think knowledge and training would seamlessly fit into the services they provide.

"Covid has increased the sensitivity to the necessity to provide a legal component to the services we provide."

23

Community-Based Organizations are Eager to Train Staff as HSLAs

- CBOs want to ensure that tenants have an advocate and that the advocate can provide legally sound information and assistance.

Tenants getting legal information and feeling empowered to make decisions, even if it doesn't work out, is better than trying to figure it out on their own. It is important to have the conversations– they need someone who can counsel them–not necessarily a lawyer– on what to do, or support them and give them their options. . . . Anyone dealing with tenants needs to be able to have those conversations, and talk about implications of what happens after an eviction."

24

Community-Based Organizations are Eager to Train Staff as HSLAs

- CBOs report many tenants "drop out" of problem solving their legal problem when they are referred to legal aid or self help resources.

"It would be a great added resource for agency staff that are faced with these situations all the time who are not comfortable with providing that advice or have to refer them out to legal aid."

25

Adding HSLAs to the Arizona LP and Utah LLP Programs

- Scope of service tailored
- Curriculum tailored
- Barriers to entry reduced
- Evaluation embedded

26

The Proposed Scope of HSLA Services

Tailored to deliver upstream advice, and assist with downstream consequences.

- Issue spotting for housing instability upon CBO's intake interviews.
- Helping tenants problem-solve BEFORE a housing problem becomes court-involved.
- Giving legal advice regarding how to engage with the court and problem solve once problems becomes court-involved.
- Assisting tenants after an eviction.

27

The Proposed Co-Created HSLA Curriculum

- Prototype curriculum designed based on legal research and community-based research.
- Informed by interviews with people experiencing housing stability as well as stakeholders who interface with them.
- Learning and testing formats were tested and revised based on community feedback, including prospective HSLAs.
- Curriculum will be tested with legal-subject-matter experts in Spring 2022.
- Current proposed curriculum is available at **Appendix A** of the report.

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Barriers to Entry Reduced

How the HSLA initiative responds to CBO capacity and need

- Who is eligible?
- Time commitment?
- What does it cost?
- Who graduates and what services they deliver?

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The Proposed HSLA Curriculum: Who is eligible?

Arizona LP	What i4J Heard from CBOs	How the HSLA Initiative responds to CBO capacity and need
Who is eligible:		
Education pathway: • AS in paralegal studies OR any associate's degree PLUS certificate in paralegal studies that requires a minimum of 24 semester units PLUS 1 year of substantive law-related experience under attorney supervision. • BA, MLS, LLM Degrees including 12-18 credit hours of law-related coursework and 120 hours of experiential learning; **Experience:** 7 years of full-time substantive law-related experience within 10 years.	Education and experience requirements were the greatest concern for Community based organizations (CBO)s. Of the CBOs we spoke with, no CBOs had substantive legal experience.	Education requirements would be reduced to align with qualifications of staff at CBOs, most of which require an **associate's degree**. Requirements that CBOs have substantive legal experience could be replaced with requirements of **real-world exposure to civil legal issues through a minimum amount of work experience at the CBO, and/or simulations during HSLA training**.

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The Proposed HSLA Curriculum: Time commitment?

Arizona LP	What i4J Heard from CBOs	How the HSLA Initiative responds to CBO capacity and need
What is the time commitment?		
Currently, no certification programs have been brought to the Arizona Judicial Council for review, but programs are anticipated. i4J anticipates that these programs will require at least a semester of full-time study (in line with other paraprofessional programs).	Time was the next greatest concern: CBO staff could not dedicate a full-semester of work while working a full-time job in the public sector.	Time commitment could be reduced and the curriculum could be offered in a **flexible, asynchronous online format**. For example, the LLA pilot training is approx. **60 hours** and the MDLA pilot training is expected to be **80 hours**.

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The Proposed HSLA Curriculum: What does it Cost?

Arizona LP	What i4J Heard from CBOs	How the HSLA Initiative responds to CBO capacity and need
What does it cost?		
Core exam costs $100 and each of the subject matter tests cost $150. Applicants may incur additional costs of study materials. Cost to enroll in forthcoming educational programs offered by state universities is unknown.	CBO staff working in the public sector found cost as the third biggest factor discouraging them from existing programs. A quarter of social service providers live at or below 200% of FPL.	The training and examination would be offered for free to HSLAs who would provide free services.

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The Proposed HSLA Curriculum: Who graduates and what services do they offer?

Arizona LP	What i4J Heard from CBOs	How the HSLA Initiative responds to CBO capacity and need
Who graduates and what services do they deliver?		
17/25 applications have been submitted. • 15 applications for Family Law • 1 application for Criminal Law • 1 application for Civil Law Of the 17 applications submitted, all approved and licensed are for Family Law: • 10 LPs have been approved • 4 LPs are licensed	CBO staff have not even heard about the LP program. CBOs are eager to receive training to provide legal advice to tenants but would not participate in the program given current barriers to entry.	The HSLA Initiative is designed to enable CBO staff members to graduate from the existing LP/LPP programs. HSLAs will provide free, holistic, trauma-informed, limited-scope legal advice to tenants experiencing housing instability, to supplement the various social services they already provide.

33

Piloting and Evaluating the HSLA Initiative: Qualitative approaches

- Allow direct contact with the people engaged with the pilot to gather in-depth data about their experiences and perceptions about the pilot.
- Focus groups with users, interviews with stakeholders, and direct observations of participants and HSLAs.

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Piloting and Evaluating the HSLA Initiative: Quantitative approaches

- Allow for aggregating participant data to analyze participation and service outcomes for the HSLA Initiative.
- Survey and placement data will be helpful to determine who is participating in the program, how they plan to utilize their certification, what types of legal issues they are assisting with, and what outcomes are produced as a result of HSLA assistance.

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Next Steps: Partnering for change

To launch the HSLA Initiative, i4J anticipates AZ (and UT) State Supreme Court would work with i4J to:

- Further develop curriculum;
- Create licensing requirements; and
- Align needs of court with needs of participating CBOs.

i4J is committed to:

- building and hosting the HSLA curriculum;
- securing funding to pilot and evaluate the HSLA Initiative; and
- supporting the participating CBOs and their staff.

36

Conclusion: The HSLA Initiative

- Builds on i4J's previous work in partnership with AZ and UT State Supreme Courts to expand a2J by leveraging regulatory reform to train CBOs to provide legal advice to people experiencing DV and medical debt;
- Expands the roster of community-based advocates empowered to provide free legal assistance to low-income community members at risk of eviction;
- Enables CBOs to provide legal advice to tenants at the first sign of a housing-related issue, thereby reducing the number of court-involved eviction proceedings; and
- Leverages AZ and UT's leadership as the first two states to re-regulate the legal profession to demonstrate for other states exploring regulatory reform how non–market driven innovations can be embedded in re-regulation models to advance access to justice.

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Conclusion

Request for Arizona A2J Commission endorsement of this proposal and membership assistance in advancing this effort.

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Stacy Butler, stacy@innovation4justice.org
Questions?
Innovation for Justice

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Report to Arizona and Utah Supreme Courts:

Expanding Arizona's LP and Utah's LLP Program to Advance Housing Stability

Innovation for Justice

January 2022

This report proposes expanding Arizona's LP program and Utah's LLP Program to include a training certificate for Housing Stability Legal Advocates (HSLAs): community members from the non-profit social service sector who would obtain HSLA certification in the course and scope of their social service work, and embed limited-scope legal advice related to housing issues in the delivery of their social services.

This report may be periodically updated.
Please visit https://rebrand.ly/hsla-proposal for the most up-to-date version.

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THE UNIVERSITY OF ARIZONA
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Thank you to our Co-Creators

The work of i4J would not be possible without the support of the community, including our research team, community collaborators and contributors. Thank you for your many contributions to this work.

Our community-co-creators helped us understand the issue of housing instability in Arizona and Utah, and worked with us to identify, co-design, and test potential solutions. We look forward to continued collaboration with the shared goal of identifying innovative ways to maintain housing stability in our communities.

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Introduction

Innovation for Justice (i4J), housed at the University of Arizona James E. Rogers College of Law and the University of Utah David Eccles School of Business, is a social-justice-focused legal innovation lab that designs, builds, and tests disruptive solutions to the justice gap. As the first and only cross-discipline, cross-institution, cross-jurisdiction legal innovation lab in the nation. i4J is intentionally and uniquely positioned to lead the identification, design, and launch of disruptive legal innovation across three impact areas: service, system and policy. i4J's action-driven research in its service impact area leverages regulatory reform of the legal profession to equip non-lawyer community advocates in the non-profit sector to provide limited scope legal advice to low-income community members.

In 2019, i4J designed and launched the **Licensed Legal Advocate (LLA) pilot**–the first project in the U.S. to adapt unauthorized practice of law (UPL) restrictions to permit nonlawyer community-based advocates to give legal advice regarding family law issues. As of April 2021, the LLA pilot has funded and launched: LLAs are delivering trauma-informed, limited scope legal advice and assistance to meet the legal needs of DV survivors, including child support, spousal maintenance, and fair and equitable property and debt divisions .

In 2020, i4J received approval from the Utah State Court's Office of Legal Innovation to pilot two **Medical Debt Legal Advocate (MLDA) initiatives** that will connect Utahns experiencing medical debt with non-lawyer advocates in the non-profit, social service sector. The MDLA pilots are the first projects in the U.S. to adapt UPL restrictions to permit non-lawyer community-based advocates to provide limited-scope legal advice regarding medical debt. As of December, 2021 the MDLA pilots are funded and MDLA services will begin in 2022.

Building on the momentum of the LLA and MDLA pilots, in the Fall of 2021, i4J initiated a project designed to expand i4J's work at the intersection of regulatory reform and access to justice. Focusing on Arizona and Utah, the project explores how to leverage regulatory reform to legally empower lower-income community members experiencing housing instability.

Like all i4J projects, the housing instability project applied i4J's design- and systems-thinking framework to engage in problem-identification and problem-solving through a human-centered, highly visual, iterative process. The research team:

- Sought to understand the housing instability landscape through observation and robust, cross-sector engagement, focusing primarily on Maricopa County, Arizona, and Salt Lake County, Utah.
- Engaged over 160 community members and organizations, including people experiencing housing instability, judges, lawyers, property investors/managers/owners, housing advocates, policy experts, and community-based organizations (CBOs) interfacing with people experiencing housing instability.
- Met with housing and regulatory reform experts including: housing policy experts Dan Threet, former Research Analyst from the National Low Income Housing Coalition and current Housing Program Specialist with the U.S. Department of Housing and Urban Development (HUD); Joanna Carr, Research and Policy Director of Arizona Housing Coalition; the Hon. Maria Elena Cruz, Arizona Court of Appeals; and Professor Anna Carpenter University of Utah.
- Conducted semi-structured interviews with over 50 diverse stakeholders, including 14 people experiencing housing instability, to understand housing instability from multiple perspectives, emphasizing the perspective of the persons experiencing housing instability.
- Combined existing research on the housing landscapes in Arizona and Utah with information gathered from community-based research.
- Mapped connections between stakeholders in the system, and explored: possible opportunity spaces for intervention, forces at play in the system that undercut the capacity for change, and where current bright spots in Arizona and Utah can be leveraged to intervene upstream and reduce the downstream consequences of housing instability.
- Brainstormed creative ways to legally empower those experiencing housing instability, focusing on identified bright spots in the system and considering Arizona and Utah's regulatory reform efforts as a way to democratize access to the civil legal system.
- Prioritized interventions based on feasibility and impact, identified assumptions underlying the most promising interventions, and tested those assumptions within Arizona and Utah.
- Created a low-fidelity, tangible model of the proposed initiative, engaged the community in providing input and feedback, and revised the initiative to better meet community needs.

This design- and systems-thinking methodology led the i4J team to one disruptive idea: **leveraging Arizona's LP program and Utah's LLP Program and an incredible**

network of existing CBOs to create a training certificate for Housing Stability Legal Advocates (HSLAs). The proposal that follows was designed with and within Arizona and Utah communities with the shared goal of reducing housing instability and increasing access to justice.

For more information about i4J, visit https://www.innovation4justice.org.

Executive Summary

This report proposes expanding Arizona's LP program and Utah's LLP Program to include a training certificate for Housing Stability Legal Advocates (HSLAs): community members from the non-profit social service sector who would obtain HSLA certification in the course and scope of their social service work, and embed limited-scope legal advice related to housing issues in the delivery of their social services. Piloting HSLAs in Arizona and Utah serves several important access to justice goals: (1) providing legal advice to low-income community members upstream, at the first sign of a housing-related issue, and thereby reducing the number of housing issues that become court-involved eviction proceedings; (2) expanding the roster of community-based advocates empowered to provide free legal assistance to low-income community members at risk of eviction; and (3) leveraging Arizona and Utah's leadership as the first two states to re-regulate the legal profession to demonstrate for other states exploring regulatory reform how non–market driven innovations can be embedded in re-regulation models to advance access to justice.

The Need for Innovation: Housing Instability Has Reached Crisis Levels in Arizona and Utah

The COVID-19 pandemic is amplifying the connection between poverty and housing instability for many low-income Americans. Housing instability can affect homeowners and renters alike, and includes people who are severely rent or mortgage burdened, face eviction and foreclosure, live in poor housing conditions or in over-crowded, doubled-up, or temporary housing such as motels/hotels; and experience homelessness.

While housing instability can affect anyone, housing instability disproportionately impacts lower-income community members,[1] the vast majority of whom are renters. For most lower-income community members, "decent rental housing is unaffordable."[2] Many low-income renters struggled to pay rent and maintain long term housing stability before the COVID-19 crisis, and "are now in an even more perilous position."[3] Nationwide, median asking rent more than doubled over the last two decades."[4] As a result, there are only 37 affordable and available homes exist for every 100 extremely low-income renter households in the United States,[5] and in Arizona and Utah, there are fewer. "Cost-burdens are a direct result of the shortage of affordable and available rental homes and low wages."[6] Nationally, 70% of extremely low-income renters "spend more than half of their incomes on rent even in good economic times."[7] Severely rent-burdened households have no financial

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[1] National Low Income Housing Coalition, The Gap: A Shortage of Affordable Homes 1–2 (March 2021) [hereinafter "NLIHC 2021 Gap Report"]; Corianne Payton Scally & Dulce Gonzalez, *Renters are more likely than homeowners to struggle with paying for basic needs*, Urban Institute (Oct. 31, 2018). *See also* Robert Collinson & Davin Reed, The Effects of Evictions on Low-Income Households (2018), ("Many more renters report being at risk of losing their home through eviction than homeowners report being at risk of foreclosure.").

[2] National Low Income Housing Coalition, Out of Reach 4 (2021) [hereinafter "Out of Reach Report"].

[3] National Low Income Housing Coalition, The Gap: A Shortage of Affordable Homes 1 (Mar. 2021), ("The persistent shortage of affordable and available homes for the lowest income renters means approximately 70% of these households routinely spend more than half of their incomes on rent even in good economic times. Such households have little ability to save, and one emergency or unexpected expense could result in eviction and in worst cases, homelessness.").

[4] Statement by Matthew Desmond, On the Brink of Homelessness: How the Affordable Housing Crisis and the Gentrification of America Is Leaving Families Vulnerable 2 (Jan. 14, 2020) (hereinafter "Matthew Desmond Congressional Statement"].

[5] NLIHC Gap Report, *supra* note 1, at 2.

[6] *The Gap: A Shortage of Affordable Homes: About the Gap*, NLIHC (last visited Jan. 9, 2021).

[7] *Id.*

capacity to save, and "one emergency or unexpected expense could result in eviction and in worst cases, homelessness."[8]

Affordable Housing Gap in Arizona and Utah:

Arizona	Utah
There are 26 affordable housing units for every 100 extremely low income renters in Arizona,[9] and only 21 units for those in the Phoenix metropolitan area (the fourth lowest of the nation's largest metropolitan areas).[10] 75% of extremely low renters in Arizona and 79% of those in the Phoenix metropolitan area are paying more than 50% of their income on rent.[11] For the minimum-wage worker making 12.15/hour in Arizona, a rental home would have to cost $632 per month or less to be affordable.[12] In Phoenix, the average rent for a one-bedroom apartment is nearly double that, at $1032 per month, which would require an hourly wage of $19.85 or 65 hours per week at minimum wage.[13]	There are 32 affordable housing units for every 100 extremely low income renters in Utah.[14] 71% of extremely low renters in Utah are paying more than 50% of their income on rent.[15] For the minimum-wage worker making $7.25/hour in Utah, a rental home would have to cost $377 per month or less to be affordable.[16] In Salt Lake City, the average rent for a one-bedroom apartment is nearly triple that, at $1001 per month, which would require an hourly wage of $19.25 or 106 hours per week at minimum wage.[17]

With less affordable housing than the rest of the county, both Arizona and Utah have high rates of rental housing loss compared to other states in the nation.

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[8] *Id.*
[9] NLIHC 2021 Gap Report, *supra* note 1, at App. A.
[10] NLIHC 2021 Gap Report, *supra* note 1, at 10.
[11] NLIHC 2021 Gap Report, *supra* note 1, at App. A & B.
[12] *Out of Reach 2021: Arizona*, NLIHC (2021).
[13] *Id.* (choose Phoenix-Mesa-Scottsdale in drop down); *see also* *Phoenix, AZ: Rent Prices*, Zumper ($1,271 per month) (last visited Dec. 20 2021).
[14] NLIHC 2021 Gap Report, *supra* note 1, at App. A.
[15] NLIHC 2021 Gap Report, *supra* note 1, at App. A.
[16] *Out of Reach 2021: Utah*, NLIHC (2021).
[17] *Id.* (choose Salt Lake City in drop down); *see also* Taylor Stevens & Bethany Rodgers, *'Nobody has my back': Utah's housing crisis pushes many renters to a financial breaking point*, Salt Lake Tribune (June 10, 2021, 10:32am) (reporting $1,199 per month); *Salt Lake City, UT: Rental Prices*, Zumper (reporting $1,195 per month) (last visited Dec. 20, 2021).

Rental Housing Loss in AZ and Utah:

Arizona	Utah
In Arizona, 60% of the state's population resides in Maricopa County, the 4th most populous county in the United States.[18] Maricopa County renters account for 40% of all households, and evictions account for over 90% of all housing loss.[19] Between 2017 and 2019, there was an average of 84,782 eviction filings in justice courts across the state.[20] Between the same years, an average of 65,659 evictions per year were filed in Maricopa County. All told, 6.2% of all Maricopa County renter households experience an eviction.[21] However, in eviction hot spots within Maricopa County, 20-30% of renter households experience eviction.[22]	In Utah, 1,185,238 people, 36% of the state's population reside in Salt Lake County.[23] Renters account for 30% of all households, for a total of 123,265 renter households.[24] From 2017-2019, there were an average of 7,364 evictions filed per year in Utah.[25] Fifty six percent of all eviction cases–4,123 cases–are filed in Salt Lake County.[26] Three percent of all Salt Lake City renters experience eviction, and in some hot spots where people of color make up a larger portion of the population, eviction affects 20-70% of households.[27]

According to the U.S. Census Housing Pulse Survey, as of December 2021, 34.3% of Utah renters households and 33.8% of Arizona renter households could be at risk for eviction,[28] and an estimated 25.1% of Arizona renters and 14.4% Utah renters reported

[18] Tim Robustelli et al., *New America, Housing Loss in Maricopa County, Arizona* (Sept. 9, 2020).
[19] *Id.*
[20] Arizona Supreme Court, Justice Court Evictions Interactive Dashboard (last visited Jan. 9, 2022).
[21] *Id. See also Eviction Lab Interactive Map: Arizona and Utah*, Eviction Lab (last visited Jan. 10, 2022) (noting that 5.71% is an underestimate).
[22] *Id.*
[23] *QuickFacts, Utah; Salt Laky County, Utah*, United States Census Bureau (April 1, 2020).
[24]National Low Income Housing Coalition, Out of Reach 2021: Utah (2021); QuickFacts, Utah; Salt Laky County, Utah, United States Census Bureau (Apr. 1, 2020).
[25] Data on Utah Evictions from 2013-2021 (on file with author) (filtered for data between 2017 -2019).
[26] Governor's Office of Planningn & Budget, FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #10 Eviction Court Facilitators (2021) (on file with author).
[27]Richard M. Medina et al., Housing inequalities: Eviction patterns in Salt Lake County, Utah, at Fig. 1 & Fig 2 (May 17, 2020).
[28] U.S. Census Household Pulse Survey Interactive Dashboard: Likelihood of Eviction or Forclosure for Arizona and Utah Week 40, U.S. Census Bureau (last visited Jan. 10, 2022).

missing last month's rental payment and had little confidence in the ability to pay the following month. [29]

The Downstream Effects of Housing Instability are Long-Lasting

Evictions are tragic for families and for communities. Evictions cause "large and persistent increases in risk of homelessness."[30] In one New York City study, evictions increased the likelihood that a family would apply for emergency shelter by 14% and increased the length of stay in shelter by 36 days.[31] Other research suggests that as many as 25% of evicted households require emergency shelter.[32] A 2018 report from the National Law Center on Homelessness and Poverty aggregates research finding that between 14-47% of surveyed unsheltered populations in various cities cited eviction as the cause of their homelessness.[33] Research demonstrates that households "that manage to avoid eviction, (. . .) are considerably less likely to use homeless shelters, even several years after the initial non-payment filing."[34]

Once evictions happen, stable housing becomes further out of reach. In addition to facing a shortage of affordable housing units and the need to pay application fees, first-month's rent, and security for a new rental, evicted households may still owe property owners damages for unpaid rent. In Utah, evicted renters "typically pay triple damages to their property owner, along with a long list of compounding fines and fees."[35] One legal aid attorney in Utah explained "[tenants] have to pay attorneys fees and costs under Utah law and [their] leases. That's what it says. And then not

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[29] U.S. Census, Household Pulse Survey Interactive Dashboard: Housing Insecurity for Arizona and Utah Week 40, U.S. Census Bureau (last visited Jan. 10, 2022).
[30] Collinson & Reed, *supra* note 1, at 1.
[31] *Id.* at 3.
[32] Josh Cohen, *What Happens if 23 Million Renters Are Evicted?*, Shelter Force (July 24, 2020) ("A 2018 report by the Seattle Women's Commission and the King County Bar Association found that of the evicted renters surveyed: 37.5 percent ended up living on the streets, 25 percent moved into shelter or transitional housing, and 25 percent moved in with family or friends."); Innovation for Justice and the National Low Income Housing Coalition, The Cost of COVID-19 Evictions 5 (Nov 2020) ("Robin Hood, a NYC-based non-profit, estimates that in non-pandemic times 25% of people who are evicted enter homeless shelters.") [hereinafter "Cost of COVID-19 Evictions"].
[33] National Law Center on Homelessness & Poverty, Protect Tenants, Prevent Homelessness 7 (2018); *see also* Josh Cohen, What Happens if 23 Million Renters Are Evicted?, Shelter Force (July 24, 2020) ("A 2018 report by the Seattle Women's Commission and the King County Bar Association found that of the evicted renters surveyed: 37.5 percent ended up living on the streets").
[34] Collinson & Reed, *supra* note 1, at 4.
[35] Univ. of Utah, Justice Lab, On the Same Page: Reinforcing RIghts and Protections for Utah Renters 5 (Nov. 2020).

only that, but I can also get you for treble damages. And you'll be paying for this probably for the rest of your life."

Even if renters can afford a new rental unit, property owners may reject them for having record of an eviction: in fact, many property owners have policies to automatically reject based on a prior eviction. An eviction judgment stays on a credit report for seven years, which makes it difficult for tenants who experience eviction to secure safe, affordable housing for years. One Utah tenant interviewed for this project explained: "Well here in Utah Salt Lake really you have to have application fees for everywhere you apply for and then, if you've got a background or you don't have good credit you get denied. So that's the frustrating part is I don't have money to be spending for all these applications to be denied so we've been looking into hotels in January and so we're now we're, not even in."

Evicted families "relocate to worse housing than they lived in before and to neighborhoods with higher levels of crime and poverty."[36] And compared to the average renter, evicted renters are 20% more likely to experience a housing problem at their next rental[37] and 14% more likely to move again within a year.[38] One Maricopa-based tenant explained: "You wonder if we're ever gonna find some, you know, have somewhere stable where you don't have to worry about moving your clothes back and forth."

Evictions also reduce the likelihood of an otherwise qualifying person receiving government / subsidized housing. While "[o]nly one in four families who qualifies for affordable housing programs gets any kind of help,"[39] evicted families are even less likely to qualify.[40] "Eviction records also bar families from public housing: Public Housing Authorities count eviction as a mark against their application, systematically denying help to the families who need it the most."[41]

But housing instability is not the only consequence of eviction. Evictions disrupt

[36] Matthew Desmond Congressional Statement, *supra* note 4, at 4.
[37] Matthew Desmond, Carl Gershenson, & Barbara Kiviat, *Forced Relocation and Residential Instability among Urban Renters*, 89 Soc. Serv. Rev. 227, 251 (2015) (finding that renters who experience forced moved are 70% likely to experience a future housing problem, compared to 50% of renters who do not experience a forced move).
[38] *Id.* at 251–52 (2015) (finding that renters who experience a forced move are 40% likely to move again within the next year, compared to 26% likelihood for renters who do not experience a forced move).
[39] *Why Evictions Matter*, Eviction Lab (last visited Jan. 9 2022).
[40] Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 Am. J. Soc'y 91, 119 (2012).
[41] Matthew Desmond Congressional Statement, *supra* note 4, at 4.; *see also* Desmond, *supra* note 40, at 118 (evicted tenants "often must accept conditions far worse than those of their previous dwelling.").

every facet of an individual's life.[42] They destabilize families and cause severe harm to their economic, social, mental, and physical well-being.[43] Eviction causes job loss,[44] and job loss perpetuates housing instability: most property owners will not rent to someone who is unemployed.[45] "[E]ven an informal threat of eviction is an expression of the landlord's power over the tenant that can negatively affect not only renters' financial and housing decisions but also "their sense of home and community."[46]

A growing and vast body of research demonstrates that evictions also lead to severe and long lasting mental and physical health problems. Recent research found that people who experience an eviction "are more likely to report being in poor general health or experiencing mental health concerns, even 8 years after an eviction."[47] Women and people of color are more likely to experience long-term negative health outcomes.[48] Increased stress levels resulting from eviction lead to "depression, anxiety, suicide, high blood pressure, cardiovascular disease, and respiratory conditions."[49] As a result, evicted households are more likely to utilize emergency health care services: within two years of an eviction filing, evicted individuals are 9% more likely to require hospitalization for mental health problems[50] and 38% more likely to require emergency room care.[51]

Evictions harm communities too. Increased evictions lead to other increased costs across social systems. Researchers estimate that a quarter of renters evicted during the public health crisis are likely to need services, including shelter and emergency medical care, that require extensive community financial resources.[52] Evicted children are more likely to encounter the child welfare and juvenile delinquency

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[42] Matthew Desmond, Evicted: Poverty And Profit In The American City 5 (2016) ("[W]ithout stable shelter, everything else falls apart.").
[43] *See generally* Cost of COVID-19 Evictions, *supra* note 32.
[44] Matthew Desmond and Tracey Shollenberger, *Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences*, 52 Demography 1751, 1772 (2015).
[45] Desmond, *supra* note 40, at 105.
[46] U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Affordable Housing, Eviction, and Health (Summer 2021) (citing Philip M.E. Garboden & Eva Rosen, Serial Filing: How Landlords Use the Threat of Eviction, 18 City & Community 2 (2019)).
[47] Megan E. Hatch & Jinhee Yun, Losing Your Home Is Bad for Your Health: Shortand Medium-Term Health Effects of Eviction on Young Adults 2 (2020).
[48] National Low Income Housing Coalition, New Evidence Shows Evictions Have Lasting Negative Health Outcomes (Oct. 26, 2021).
[49] Cost of COVID-19 Evictions, *supra* note 32, at 5.
[50] Collinson & Reed, *supra* note 1, at 3.
[51] Collinson & Reed, *supra* note 1, at 4.
[52] Cost of COVID-19 Evictions, *supra* note 32, at 2.

systems, which also require significant resources.[53] Efforts to care for evicted community members strain state and local resources, leaving little resources to fund eviction prevention strategies.

Evictions and their consequences hit vulnerable community members the hardest.

People of color, women, and families with children are hit hardest by the housing crisis. Communities of color are at greater risk of eviction than white communities: people of color are twice as likely to be renters, and disproportionately likely to be low-income and rent-burdened.[54] Studies from various cities demonstrate that "people of color, particularly Black and Latinx people, constitute approximately 80% of people facing eviction."[55] Black households, in particular, are twice as likely to be evicted compared to white households.[56] Poor women of color are at the highest risk of eviction in the U.S: "BIPOC single women whose salary fall below their zip code median face more evictions than even BIPOC communities more generally."[57] People of color are also more likely to experience homelessness and crowding as a result of eviction.[58]

In Maricopa County, Arizona, Black and Latinx households experience higher rates of eviction[59] Black people experience homelessness in Maricopa County at rates nearly 4x greater and Native Americans experience homelessness at rates 2x greater than other populations.[60]

In Utah, racial/ethnic minority status has greater influence on the likelihood of ection than poverty alone: one study found that people of color are "65.9% more likely to have a threat of eviction than otherwise represented populations."[61]

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[53] *Id.*
[54] Emily Benfer, Stacy Butler, et al., *The COVID-19 Eviction Crisis: an Estimated 30-40 Million People in America Are at Risk* (Aug. 7, 2020); NLIHC 2021 Justice Gap Report, *supra* note 1 at 1, 2.
[55] Benfer, Butler, et al., *supra* note 54.
[56] *Id.*
[57] Utah Multicultural Affairs, Utah Evictions & Connections To Racial Ethnic Disparities In Utah 8 (June 2021).
[58] NLIHC 2021 Gap Report, *supra* note 1, at 1.
[59] Maricopa Regional Continuum of Care, Race And Homelessness In Maricopa County, Arizona 10 (Feb. 2021).
[60] *Id.* at 3.
[61] Medina et al., *supra* note 27, at 7.

People of color are also hit hardest by the pandemic: Hispanic and Latinx populations are more likely to suffer pandemic-related job and wage loss,[62] and may have less access to financial relief such as unemployment insurance, as many "work in informal ethnic job sectors and also face linguistic, cultural and legal barriers to applying for and collecting unemployment benefits."[63] People of color are already at a heightened risk for COVID-19 transmission and death: Black people are dying at a rate 2x that of non-hispanic whites, and Indigenous Americans and Hispanic/Latinx people face an infection rate almost 3 times the rate of nonHispanic whites.[64] And people of color who are evicted during the pandemic face even greater risks, as evictions and the lift of eviction moratoriums have been linked to increased COVID-19 transmission and deaths.[65]

Families with children are disparately impacted by evictions: households with children are evicted at higher rates than households without children.[66] A study in Milwaukee found that "among tenants who appear in eviction court, those with children are significantly more likely to receive an eviction judgment."[67] Families with children were also hit hard by the pandemic: one in four households with children reported limited confidence in their ability to pay rent; among black households with children, 40% reported limited confidence.[68] Housing instability has a serious and long lasting impact on children. Housing instability is a leading determinant of children's health: "Children who experience housing instability or homelessness have a 25% greater risk of poor health in adulthood and experience higher mortality rates in adulthood than individuals who reside in stable housing as children."[69] Housing

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[62] Benfer, Butler, et al., *supra* note 54.
[63] Emily A. Benfer, et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, 98 J. Urban Health 1, 1 (Nov. 25, 2020).
[64] *Id.*
[65] *Id.* (concluding evictions spread COVID-19, and moratoriums and other support such as rent relief or legal assistance are critical to ending the pandemic); Emily A. Benfer, et at., *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality*, Am. J. Epidemiology (Nov. 30, 2020) (finding that in the two month gap between the CARES Act and CDC moratoriums, evictions spiked as much as 395% above historical averages, and states that allowed moratoriums to lapse saw an increase in 433,700 COVID-19 cases and 10,700 deaths associated with eviction); Kay Jowers et al., Housing Precarity & the COVID-19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across US Counties (Jan. 2021) (finding that policies that limit evictions are found to reduce COVID-19 infections by 3.8% and reduce deaths by 11%).
[66] Josh Cohen, *What Happens if 23 Million Renters Are Evicted?*, Shelter Force (July 24, 2020); U.S. Deptartment of Housing and Urban Development, *supra* note 46.
[67] Matthew Desmond, *Evicting Children*, 92 Soc. Forces 303, 303 (2013).
[68] Chrishana M. Lloyd, et al., *Racism and Discrimination Contribute to Housing Instability for Black Families During the Pandemic*, Child Trends (Mar. 18, 2021).
[69] David E. Jacobs, *Environmental Health Disparities in Housing*, 101 Am. J. Pub. Health (2011).

instability also impacts children's academic achievement, employment opportunities, and lifetime earnings.[70]

The Civil Legal System Is Not an Effective Intervention Point for Stabilizing Housing

Evictions are the final chapter in a much longer story of systems-level failure. "Many people are forced to move, and are at risk of homelessness, before an eviction is ever filed."[71] According to Emily Benfer, Wake Forest Professor and Senior White House Policy Advisory on the American Rescue Plan, "more than 30 percent of tenants move after the first sign of an impending eviction — usually notice from a landlord — without ever going to court."[72] "Even the receipt of a notice purporting to terminate a tenancy, regardless of whether it is legally sufficient, may cause tenants who do not understand their rights to move before an action is filed."[73]

"By the time I tried to [find legal help], I'm going to be evicted already. Yeah, it wouldn't have been able to help me. Time. That's the time. Time is the element."

"I mean, what am I gonna do - fight to be in a place that doesn't want me there in the first place? I just felt like I just need to move. . . . I'm a single woman with two young children in a rough neighborhood, like I'm probably better off moving."

Further, many tenants experience informal evictions: one study in Milwaukee found that informal evictions occurred twice as often as formal court evictions.[74] Another tenant explained his choice between fighting an illegal eviction and finding replacement housing:

"I paid my rent. I knew it wasn't right. But what could I do? I have kids. I have a wife. We need somewhere to sleep. We have to move our things. We had 3 days."

Another tenant explained that their property owner did not serve them with a notice, but "just basically asked us to move out over the phone."

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[70] National Low Income Housing Coalition, The Gap 19–20 (Mar. 2020).
[71] Erika Peterson, *Building A House For Gideon: The Right To Counsel In Evictions* 99 (2020).
[72] U.S. Deptartment of Housing and Urban Development, *supra* note 46 (quoting Wake Forest Professor and Senior Policy Advisory to the President Emily Benfer).
[73] Peterson, *supra* note 71, at 100.
[74] Desmond and Shollenberger, *supra* note 44, at 1761.

By the time an eviction complaint is filed, the vast majority of tenants experiencing a civil eviction action will give up or attempt to navigate the system without counsel. Roughly one-third of the tenants who receive an eviction summons and complaint in Arizona and Utah will not file an answer, appear in court, or otherwise engage with the civil legal system and a default judgment will be entered against them. Engagement is not effective: 69% of the evictions filed in Maricopa County and approximately 50% of the evictions filed in Salt Lake County will result in a judgment against the tenant. And regardless of whether an eviction action ends in a judgment, the filing of an eviction action causes long-term harm to tenants.

What's Happening in Eviction Court?

	Maricopa County	**Salt Lake County**
Average number of Cases filed	65,659[75]	4,134[76]
Percentage of cases that do not end in judgment (but tenant is likely to experience negative consequences associated with the eviction filing)	31%[77]	Approx. 50%[78]
Percentage of eviction cases that result in a judgment against the tenant	69%[79]	Approx. 50%[80]

[75] Data on Maricopa County Evictions 2017-2019 (on file with author).
[76] *See supra* note 26 and accompanying text. Fifty-six percent of the states 7,364 filings = 4,134 filed in Salt Lake County.
[77] Between 2014 and 2018, 69% of cases, and 99% of cases with a judgment, were resolved in favor of the property owner. Robustelli, et al., *supra* note 18 ("During this five year period, the county had 317,036 eviction filings, which resulted in over 218,000 evictions.").
[78] Utah Eviction Data from 2013-2021 (on file with author) (filtered for data from 2017-2019).
[79] Robustelli, et al., *supra* note 18 ("During this five year period, the county had 317,036 eviction filings, which resulted in over 218,000 evictions.").
[80] Utah Eviction Data from 2013-2021 (on file with author) (filtered for data from 2017-2019).

Percentage of eviction cases that result in default judgment against tenant	35%[81]	36%[82]
Percentage of property owners that have counsel	71%[83]	86%[84]
Percentage of tenants that have counsel	4%[85]	3%[86]

Upstream Intervention is Critical

Strict landlord-tenant laws create a legal ecosystem in which one missed rental payment can translate into an eviction within a matter of weeks;[87] and when confronted with an inability to pay rent, tenants struggle to locate timely assistance and problem-solve with property owners. Some tenants explained:

"I did not know there was help available, I never was evicted before."

"[Finding legal help] will probably just be a waste of time and money. I know lawyers are expensive, and I wouldn't even know where to go."

[81] *See* Arizona Supreme Court, Justice Court Evictions Interactive Dashboard (last visited Jan. 9, 2022). Default judgment data is only available from 2019 onward. To calculate the percentage of evictions that result in default, compare the number of filings in Maricopa County per year for 2019 (page 7) with the number of dispositions ending in default judgment in 2019 (page 8). There were 69,621 eviction filings in Maricopa County in 2019 and 24,688 results in default judgment.
[82] Utah Eviction Data from 2013-2021 (on file with author) (filtered for data from 2017-2019).
[83] Data on Maricopa Evictions from 2017 to 2019 (on file with author).
[84] Utah Eviction Data from 2013-2021 (on file with author) (filtered for data from 2017-2019). The Utah Foundation found that as many as 90% of property owners have representation. Utah Foundation, Justice Gap Report: Addressing the Unmet Needs of Lower-Iincome Utahns 4 (2020) ("90% of petitioners had legal representation, but only 5% of respondents had attorneys.").
[85] Data on Maricopa Evictions from 2017 to 2019 (on file with author); *see also* Utah Foundation, *supra* note 84, at 4.
[86] Utah Eviction Data from 2013-2021 (on file with author) (filtered for data from 2017-2019); s*ee also* Univ. of Utah, Justice Lab, On the Same Page: Reinforcing RIghts and Protections for Utah Renters (Nov. 2020), ("Utah renters have lawyers in only 5% of eviction cases") (citing Utah Foundation, The Justice Gap: Addressing The Unmet Legal Needs Of Lower Income Utahns 4 (2020)).
[87] In Arizona, a tenant can be evicted and removed from their house within 21 days of a missed rent payment. In Utah, the timeline is even tighter.

"I like to solve these issues by myself. Because, you know, you seek legal help. That's like more money, you know, you're spending more money for someone to help you."

Community stakeholders shared consensus with respect to the need for upstream intervention.

"So when people call me and say 'I got a 30 day non renewal of my lease, I need you to help me find somewhere.' And my heart sinks, right? Because I know there's nothing they're gonna find in 30 days. Same with, obviously an eviction notice; I'd much rather hear long before they get an eviction. So in a perfect world, I would hear from people a year before they actually needed to get into something subsidized. But that's rarely the case."[88]

"If somebody's being evicted, you know, what do I do? At that point, they're too far gone for us to help them; they're looking at a writ and there's not a whole lot we can do for them except to say, let's get you the emergency shelter information and phone numbers for some other resources of that nature."[89]

"Unfortunately, a lot of clients-- potential clients-- reach out to us too late...after the default has been entered, and they were just served an order of restitution. And then at that point, we can counsel them on how to do a motion to set aside how to do this and that, but ...with the default, ...you have to have a reason for that to be set aside, and most judges find that 'I just ignored it' is not a good reason to set aside."[90]

"Before the lawsuit is filed, that's when actually tenants can be helped most, because once that lawsuit's filed as a matter of public record, as far as anyone is concerned at a, you know, at a landlord's office, you have been evicted once that lawsuit is filed."[91]

In this housing instability ecosystem, tenants are experiencing life events that put them at risk of eviction long before an eviction notice or an eviction complaint prompts a tenant to make the connection between a stressful life event and the civil

[88] Interview with community based organization staff (transcript on file with author).
[89] Interview with law library staff (transcript on file with author).
[90] Interview with legal aid attorney (transcript on file with author).
[91] Interview with legal aid attorney (transcript on file with author).

legal system. Waiting for housing instability to become court-involved to deliver assistance to tenants is too late.

Advocacy is a Key Stabilization Strategy, but Current Legal Aid and Pro Bono Services Cannot Meet the Need

Research demonstrates that tenants who have legal representation experience more successful outcomes than those who do not have legal representation: tenants are 3 to 19 times more likely to have successful case outcomes if they have legal representation.[92] One study in Massachusetts found that two-thirds or represented tenants were able to stay housed following litigation, compared to one-third of unrepresented tenants.[93] "When tenants are represented, they are less likely to be evicted, but also less likely to default, more likely to receive rent abatement and repairs, and more likely to obtain favorable settlements."[94]

But current legal aid efforts are catastrophically under-resourced. Nationally, housing-related legal problems are one of the top three legal problems faced by Americans, with 29% of all renters experiencing at least one legal problem related to their rental.[95] 63% of renters report that their rental problem affected their lives "very much" or "severely."[96] Yet, only 17% of renters who experience a legal problem related to their rental sought legal help,[97] and an estimated 86% of problems received little or no professional legal help.[98] Arizona's Access to Justice Commission reports that "[l]egal aid agencies remain overwhelmed with demand for civil legal assistance."[99] "Roughly 25% of Arizonans qualify for free legal services, but "for every three people who realize they have a legal problem and contact a legal aid office, two must be turned away because of a lack of resources.[100] A Utah legal aid provider interviewed for this research reported being "underwater."[101] In a recent report by the

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[92] Peterson, *supra* note 71, at 76–77.
[93] D. James Greiner, et al., *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusets District Court and Prospects for the Future*, 126 Harv. L. Rev. 901, 927 (2013).
[94] Peterson, *supra* note 71, at 77.
[95] Legal Serv. Corp., The Justice Gap 7–8 (June 2017). Fourty-five percent of survivors of domestic violence or sexual assault experienced at least 1 civil legal problem related to their rental. *Id.* at 27.
[96] *Id.* at 25–26.
[97] *Id.* at 31.
[98] *Id.* at 30.
[99] Arizona Commission on Access to Justice, Arizona Access to Justice Commission Annual Report 3 (2020).
[100] *Id.* at 16.
[101] Interview with legal aid attorney (transcript on file with author).

Utah Foundation, only half of surveyed low-income Utahns that sought help for any legal problem received some kind of assistance.[102] Of those who received help, "about one-in-five found assistance from a social or human service agency, one-in-five found help online, and another one-in-five hired a paid attorney. Only about one third used free legal help."[103] In Utah, only 9% of legal aid services involve legal matters related to housing, compared to 31% and 27 of matters related to family law and immigration, respectively.[104]

Pro bono cannot meet the legal needs of renters either: it would take 180 pro bono hours from each licensed attorney in the United States to provide just one hour or legal assistance to every household experiencing a civil legal problem.[105] Nationally, only 20% of attorneys are providing at least 50 pro bono hours per year, as ABA Model Rule 6.1 recommends, and 20% of attorneys had never undertaken any pro bono service.[106] Further, few attorneys delivering pro bono assistance are serving people with housing problems: in a survey of over 47,000 attorneys engaging in pro bono services, only 4% of limited-scope pro bono representation and 4% of pro bono direct representation related to housing law.[107]

"We cannot volunteer ourselves across the access-to-justice gap."

– Justice Constandinos ("Deno") Himonas, Utah Supreme Court

The Access to Justice Gap for Low-income Renters in Arizona and Utah

Current capacity to meet legal housing needs			
Step		**Arizona**	**Utah**
1	Number of renter households in the state	914,512[108]	291,614[109]

[102] Utah Foundation, *supra* note 84, at 1.
[103] *Id.*
[104] *Id.* at 9.
[105] *Pro Bono Work Should Be Encouraged and Celebrated, But Much, Much More is Needed*, IAALS (Oct. 18, 2019). This number is actually 189 hours considering the LSC's 2017 gap report (analysis on file with author).
[106] Am. Bar Assoc. Standing Committee on Pro Bono & Public Service, Supporting Justice: A Report on the Pro Bono Work of America's Lawyers 7 (2018) [hereinafter "ABA Supporting Justice Report"].
[107] *See infra* App. B.
[108] *Out of Reach 2021: Arizona*, NLIHC (2021).
[109] *Out of Reach 2021: Utah*, NLIHC (2021).

2	Nationally, percent that experiencing at least one civil legal problem related to their rental	29%[110]	29%[111]
3	Number of renter households needing at least 1 hour of civil legal assistance for a problem related to their rental (step 1 x step 2).	265,208	84,568
4	Number of active attorneys in the state	15,081[112]	8,473[113]
5	**Number of hours required from each attorney if every active attorney in the state provided just one hour of legal assistance to each renter household experiencing a problem related to their rental (step 3 / step 4)**	**18**	**10**
Not all attorneys are providing pro bono legal assistance. A 2017 ABA national survey revealed that only 20% of attorneys are providing 50+ hours of pro bono legal services, and 20% are not providing any pro bono services.[114]			
6	Number of active attorneys in the state	15,081[115]	8,473[116]
7	Nationally, estimated percent of attorneys proving any pro bono services	80%[117]	80%[118]
8	Estimated number of active attorneys providing pro bono assistance in the state (step 6 x step 7)	12,065	6,778
9	Number of hours it would take if each **active attorney providing pro bono services** in the state provided just **one hour** of civil legal advice to each renter household experiencing at least one legal problem related to their rental (step 3 / step 8)	22	12
The above analysis is based on providing one-hour of pro bono service to each person experiencing a housing-related legal need. One hour of service cannot typically solve a legal problem; there is additional analysis required to understand			

[110] Legal Serv. Corp, The Justice Gap 22 (2017).
[111] *Id.*
[112] American Bar Association, ABA Profile of the Legal Profession 3 (2020).
[113] *Id.*
[114] *See supra* note 106 and accompanying text.
[115] American Bar Association, ABA Profile of the Legal Profession 3 (2020).
[116] *Id.*
[117] *See supra* note 106 and accompanying text.
[118] *Id.*

pro bono capacity per matter. On average, attorneys who are doing pro bono work are providing services in an average of 11 matters per year.[119]			
10	Nationally, attorneys doing pro bono work provide services in an average of 11 legal matters per year	11[120]	11[121]
11	Number of cases in which attorneys are providing pro bono services for **any type of legal matter** (step 8 x step 10)	132,715	74,558
A 2017 ABA national survey revealed that housing-related legal matters represent a small percent of pro bono representation delivered by attorneys. Specifically, housing related matters made up just 4% of limited scope representation and 4% of full representation, and a total of 4% of all cases with any pro bono representation.[122] Four percent is likely an overestimate of the number of pro bono matters in which surveyed attorneys assisted **tenants** in resolving housing related legal matters: the report does not define housing law and may include issues that do not impact tenants (e.g. foreclosure).			
12	Estimated percent of pro bono cases in which pro bono attorneys are assisting with housing-related issues	4%[123]	4%[124]
13	Number of cases in which attorneys are providing pro bono services for **legal matters related to housing** (step 11 x step 12)	5,309	2,982
14	Number of renter households needing civil legal assistance for a problem related to their rental (step 3)	265,208	84,568
15	Percent of renter households who **DO** receive pro bono assistance from active attorneys providing pro bono legal assistance **related to housing** (step 13 / step 14)	2%	4%
16	Percent of households who do **NOT** receive pro bono assistance from attorneys providing pro bono assistance **related to housing** (100% - step 14)	98%	96%

[119] ABA Supporting Justice Report, supra note 106, at 7.
[120] *Id.*
[121] *Id.*
[122] *See infra* App. B.
[123] *See infra* App. B.
[124] *See infra* App. B.

17	Number of renter households needing civil legal assistance for a problem related to their rental who do **NOT** receive pro bono legal assistance (step 14 x step 16)	259,903	81,185

Re-framing Unauthorized Practice of Law Restrictions Can Drive Legal Help to Tenants Upstream and Reduce Siloing of Legal and Social Services

Keeping tenants housed requires cross-sector problem-solving and assistance, but legal services are siloed from social services.[125] Nationally, and in Maricopa County and Salt Lake County, the most common reason for eviction is nonpayment of rent[126] A tenant experiencing a threat to their ability to pay rent is more likely to interface with social services than legal services when the risk of a missed rental payment occurs, because the housing instability is not yet court-involved. At that stage, tenants need social services that can connect them with rental assistance and other community resources. Legal services are often not accessible until an eviction is filed, at which point the rapid and rigid eviction process limits a legal advocate's ability to identify and assert legal defenses.

When legal services are coupled with social services, tenants can experience successful outcomes that stabilize housing. For example, Brooklyn Housing Court Navigators in New York City Court Navigator's Program "provide information, moral support and accompaniment to meetings with judges, attorneys and clerks" and "work with tenant to make connections to benefits and human and social services that can support the timely and full payment of rent." Zero percent of tenants assisted by these navigators experienced a formal eviction from a marshall, compared to 11% city-wide.[127]

"Having access to both social and legal services in the same place can be an empowering experience for clients, giving them the tools they need not only to

[125] OneJustice and The Legal Aid Association of California, Report: Social Work Practices in California Legal Aid Organizations (2021).
[126] U.S. Deptartment of Housing and Urban Development, *supra* note 46 ("Nonpayment of rent is the primary reason for eviction").
[127] Rebecca L. Sandefur, Roles Beyond Lawyers:: Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and its Three Pilot Projects 5–6 (Dec. 2016).

resolve their legal issues, but also the mutually constitutive non-legal issues they face."[128]

The ability of social services and legal services to partner on advancing housing justice is curtailed by unauthorized practice of law (UPL) restrictions, which dictate that only lawyers can give legal advice. As a result, in the current landscape, the nonprofit sector's ability to meet the diverse needs of low-income tenants is fractured: tenants are navigating social services for rental and resource assistance, and are being referred to legal services for advocacy. That fracturing is problematic for a tenant facing multiple life stressors, particularly given the imbalance between the legal needs of tenants and the legal services available to them. Many tenants drop out of problem-solving due to this "too many doors" problem; tenants are also at risk of re-traumatization as they attempt to navigate multiple service organizations for the same problem.

Most people working in CBOs interviewed in i4J's research were aware of UPL restrictions, and described various service issues that UPL creates for them. Some stated that UPL has a chilling effect on their capacity to serve, disincentivizing them from providing assistance that could be misconstrued as legal advice. CBO staff stated that they are consistently asked legal questions related to housing, and worry about crossing the line from information to advice to assist clients in crisis who want to know what they should do, not just what their options are. One stakeholder explained how difficult it is to explain the eviction process without giving legal advice, and that this prevents them from fully assisting clients. Other stakeholders explained that they hesitate to refer clients to legal aid, knowing that legal aid can serve only a fraction of those who need and qualify for their services.

"It is difficult to explain the eviction process without giving legal advice and getting into potential jeopardy."

"I can only look at a lease with a tenant when a tenant has lease violations and I will [just] read to the tenant what the lease says. I can't do much more."

"[Our advocates] may be looking at general terms at the lease, but [they are] not providing any specific legal advice about the lease. They hesitate to even translate them in plain-language. They don't want to get sued."

We can protect our most vulnerable populations from the devastating consequences of eviction, displacement, and homelessness, by re-imagining the

[128] OneJustice and The Legal Aid Association of California, *supra* note 125.

capacity of the social service sector to deliver legal advice upstream, before a socio-economic housing problem goes to court.

The Access to Justice Potential of Emerging Paraprofessional Programs in Arizona and Utah

Arizona and Utah are leading the nation in reforming unauthorized practice of law restrictions to permit new types of legal service models, and both states already have established vehicles to license paraprofessionals without a Juris Doctorate (J.D.) to provide limited-scope legal advice. Conversations with court stakeholders revealed that both of these programs were designed to serve two main goals: (1) creating a market for persons with legal training but not a J.D. to charge for legal services and (2) reducing the cost of legal services for those who can afford to pay for some level of assistance.[129] Given these goals, it is not surprising that the current population of paraprofessionals certified by Arizona's LP and Utah's LLP programs work primarily in the private sector. They are often hired by law firms to supplement their workforce while lowering costs. In Utah, more than 200 paralegals expressed an interest in getting licensed as an LPP, but the majority were interested in establishing an LPP practice within a firm and a third were interested in starting an independent firm.[130] However, the LP and LLP programs have the potential to be successful pathways to embedding legal advocates in the non-profit social service sector.

Existing Arizona LP and Utah LLP Programs:

Arizona LP Program: Arizona offers two paths to licensure: an education-based path and an experience-based one.[131] Those who do not meet the education requirements can apply for licensure if they have passed they have "7 years of full-time substantive law-related experience within the 10 years preceding the application, including experience in the practice area in which the applicant seeks

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[129] *See* Julie M. Emery, Utah's Licensed Legal Paraprofessional Program: What Lawyers Need to Know ("Utah's "LPP profession is a market-based approach to help provide access to justice to unrepresented parties.")

[130] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2021)

[131] Arizona's education requirements are set forth in section 7-210(E)(3)(b)(9). If an applicant does not meet the education requirements in 7-210(E)(3)(b)(9), they may qualify through experience described in 7-210(E)(3)(c) that allows applicants to take the exam and apply for a license. Fees associated with the process are listed in 7-210(K).

licensure."[132] Regardless of the path taken to obtain a license, all applicants must pass the core exam and at least one subject matter exam, complete a character background check, and take the state bar's professionalism course within one year of licensure.

Utah LPP Program: Utah's primary licensing path requires education and experience,[133] but the education components can be waived with seven years of paralegal experience.[134] For those without paralegal experience, applicants must pass a set of four courses (Ethics, Debt Collection, Family Law, and Landlord/Tenant Law), pass a professional responsibility exam and subject matter tests, and complete a character and fitness investigation.

Arizona LP	**Utah LLP**
Who is Eligible?	
There are two distinct paths to licensure in Arizona:[135] **Education pathway:** Applicants must have one of the following: • Associates Degree in paralegal studies or any Associates Degree PLUS a certificate in paralegal studies that requires a minimum of 24 semester units PLUS 1 year of substantive law-related experience under supervision of an attorney. • Bachelor's Degree, Masters of Legal Studies Degree, or foreign trained lawyers with an LLM degree, all of which must include	Utah's primary licensing path requires education and experience,[136] but the education components can be waived with seven years of paralegal experience.[137] **Education + Experience pathway:** Applicants must have one of the following: • A degree in law from an accredited law school;An Associate degree in paralegal studies from an accredited school; • A Bachelor's degree in paralegal studies from an accredited

[132] ACJA § 7-201 (E)(3)(c).
[133] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022); RGLPP 15-703.
[134] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022); RGLPP 15-705.
[135] The education requirements are set forth in section 7-210(E)(3)(b)(9). If an applicant does not meet the education requirements in 7-210(E)(3)(b)(9), they may qualify through experience described in 7-210(E)(3)(c) that allows applicants to take the exam and apply for an license. Fees associated with the process are listed in 7-210(K).
[136] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022); RGLPP 15-703.
[137] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022); RGLPP 15-705.

12-18 credit hours of law-related coursework (depending on the subject matter) and 120 hours of experiential learning. • Juris Doctor **Experience pathway**: 7 years of full-time substantive law-related experience within the 10 years preceding the application. • For landlord-tenant law, 2 years of substantive landlord-tenant-law-related experience is required	school; • A Master's Degree in legal studies or equivalent that is offered through an Approved Law School; or • Obtained either the Certified Paralegal (CP or CLA) credential from the National Association of Legal Assistants (NALA); the Professional Paralegal (PP) credential from the National Association of Legal Professionals (NALS); or the Registered Paralegal (RP) credential from the National Federation of Paralegal Associations (NFPA). Additionally, applicants must: • Complete 1,500 hours of substantive law-related experience within the 3 years prior to the application • Pass a professional ethics examination. • Pass a Licensed Paralegal Practitioner Examination for each practice area for which the applicant seeks to practice. **Paralegal Experience pathway:** education requirements can be waived if: • Applicant has seven years of full-time substantive law-related experience as a paralegal within the previous ten years.
What is the time commitment?	
As of January 1, 2021, no certification programs have been brought to the Arizona Judicial Council for review. It is	At minimum, a four-month semester of study is required, with 30 credit hours required for the legal ethics course and

expected that educational institutions will develop programs that will be approved by the Arizona Judicial Council and allow candidates to qualify for LP licensure under 7-210(E)(3)(b)(9)(c). i4J anticipates that these programs will require at least a semester of full-time study.	up to 60 credit hours required for each substantive course for each practice area. All courses–ethics, debt collection, family law, and tenant/landlord law–amount to a total of 130 Hours or 16 Weeks.[138] Additional time is needed for the exams offered only in March and August.
What practice areas are offered?	
There are four available areas of practice:[139] • Family law; • Limited jurisdiction civil cases; • Limited jurisdiction criminal cases where no jail time is involved; and • State administrative law (where the administrative agency allows).	There are three available practice areas:[140] • Specific family law matters, such as temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, or name change; • Forcible entry and detainer; and • Debt collection matters in which the dollar amount at issue does not exceed the statutory limit for small claims cases.
How much does it cost?	
The core exam costs $100 and each of the subject matter tests cost $150, so a minimum $250 in exam fees are required for licensure. Additionally, because there is currently no certificate program, applicants may incur additional costs of study materials. Cost to enroll in forthcoming educational programs offered by state	All offered coursework amounts to $1,050, while just the legal ethics course cost $180 and tenant / landlord costs $260.[141] Exams total $200-400 depending on the number of practice areas applicants test in. There are also fees to incomplete and late examination applications. For paralegals who are already working, the total cost is roughly $600. Persons

[138] *See* UVU Course Catalog (last visited Jan 10, 2022).
[139] A description of the areas and scope of practice for each area can be found in section 7-210(F)(2).
[140] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022).
[141] *See* UVU Course Catalog (last visited Jan 10, 2022).

universities is unknown.	who have yet to complete an associate's degree or higher, the cost can be roughly $10,000.[142]
Who is graduating from LP / LLP	
25 LP Applicants have passed both the core examination and one subject-matter examination. 17/25 applications have been submitted. • 15 applications for Family Law • 1 application for Criminal Law • 1 application for Civil Law	13 LPPs have passed exams and graduated from the program.
What services are they providing?	
Of the 17 applications submitted, all approved and licensed are for Family Law:[143] • 10 LPs have been approved • 4 LPs are licensed	Data from interviews and publicly available info on 11/13 LPPs demonstrates LPs are active in the following areas:[144] • 11/11 Family Law • 3/11 Debt Collection • 5/11 Housing

While this market-driven approach has the potential to expand access to justice for middle-income populations who can't afford an attorney but could afford to pay something, it does not help those low- and extremely-low-income populations who cannot afford any fee: the most common cause of eviction is an inability to pay. Services for people experiencing housing instability are not likely to be met by market services, yet they are essential for expanding access to justice, combating poverty, and building equitable, stronger communities.

[142] Annie Knox, *How a new program connects Utahns to lower-cost legal advice*, Deserted News (Feb. 17, 2020, 4:30pm MST).
[143] Data provided by Arizona Supreme Court Administrative Office of the Courts (on file w author).
[144] Research from University of Utah Professor Anna Carpenter and Wesleyan Unviversity Professor Alyx Mark (on file with authors).

Current LP and LLP Offerings are not Accessible to the Non-Profit Sector

Arizona's LP and Utah's LPP programs provide a unique and valuable infrastructure for housing access-to-justice focused training and certification of paraprofessionals. The non-profit social sectors in Arizona and Utah could deliver upstream legal advocacy services to tenants experiencing housing instability by staffing LPs and LLPS. However, the current structures of the LP and LLP programs do not align with the needs and capacity of the non-profit social service sector.

Through this research, i4J discovered that, while some BA and MS in Law students were somewhat familiar with Arizona and Utah's paraprofessional programs, most CBO staff had never heard of them. And when informed about the current process of training and licensure for the paraprofessional programs in their state, prospective HSLAs felt that the programs were too burdensome.

Education and experience requirements were the greatest concern for staff employed at CBOs. Social service providers have a range of education experience: 21.7% have a high school diploma or equivalent, 34.7% have some college experience, 22.9% have a college degreeS, and 12.8% have an advanced degree.[145] While many CBO staff interviewed had at least an associates degree, no CBO staff had substantive legal experience.

"There are not a lot of folks in the human services arena that are going to have the 7-years full-time law experience necessary. It just does not translate very well to someone who is serving clients outside of the law."

"People should understand what happens in eviction court. Experience should be a requirement, but this could be done through one-on-one role play offered during the training."

The training time commitment and cost were the next greatest concerns: CBO staff could not dedicate a full-semester of work while working a full-time job in the public sector and the costs of the programs were seen as large barriers. Between 25% and 27% of social service providers providing individual and family services and

[145] Hye Jin Rho, et al., A Basic Demographic Profile of Workers in Frontline Industries, at Table 1 (Apr. 2020).

community food and housing, and emergency services earn an income below 200% of the federal poverty guidelines.[146]

"Staff time and current stress levels just don't leave room to take on too many additional things."

"The programs are intimidating. Time commitment and costs would for sure be a barrier."

"The amount of time and the cost would be huge barriers."

"Our staff don't make a lot of money. They want to help people. They often take free trainings or join free webinars so they can better assist."

"If the training were free, both staff and volunteers would take it. Volunteers always are looking to do more help, And this would be a nice thing to offer to staff."

CBOs serving tenants were interested in learning about housing law to help the tenants they already interface with. They wanted the scope of the training to be tailored to meet their clients needs–legal and nonlegal.

"Rights and responsibilities would be huge. Negotiation and ADR would also be really important."

"Review of the forms required in court and notices that go to the tenants are complicated, and can be difficult to understand. Part of the training curriculum could be looking at that."

"Financial issues larger than just inability to pay rent is common with those experiencing housing instability, so being able to provide other resources is important."

"Tenants need to be given resources, like rental assistance. The training needs to be tailored to the locality, so that advocates can really plug people into the resources available in that area. They need to be made aware of what other programs can assist, like specialty courts, diversion programs, etc."

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[146] *Id.* at Table 2.

Attorneys recommended that the training should leverage the knowledge CBO staff already have and supplement that knowledge with information about the law and legal processes related to eviction. They also wanted training that would equip them to know when a legal problem was outside the scope of the assistance they could offer tenants, and to understand what to do in that instance.

"People giving advice need to be able to issue-spot: where is the tenant coming from, where are they in the timeline of eviction? A HSLA will need to be able to triage the tenant-- they will need practice doing this."

"Anyone doing this type of advocacy would need to know when they have to say 'I don't know' and direct them to a lawyer."

Community-Based Organizations are Eager to Train Staff as HSLAs

If barriers to LP and LLP entry can be reduced, the majority of prospective HSLAS interviewed by i4J would be interested in participating in the HSLA training, for several reasons:

- CBOs are already assisting clients who experience housing instability. They are already providing assistance related to leases and eviction, and some are negotiating with property owners and property owners on tenants' behalf. They viewed the HSLA training as a vehicle for ensuring that the assistance they are offering is legally accurate.
- CBO staff stated that HSLA training would give them more confidence in the information and assistance they are already providing.
- CBOs are referring clients out to legal aid, pro bono assistance and on-line self-help without any assurance that the client is receiving that assistance or successfully navigating the civil legal system. They suspect that many clients "drop out" of problem-solving their housing instability once they are referred out for legal help. CBOs emphasized how HSLA training could enable them to follow a continuum-of-care model, which reduces the risk that they refer clients to legal aid offices that cannot help.
- CBOs mentioned that knowledge from the training can seamlessly fit into the services that social workers and community organizations already provide.
- CBOs emphasized the imbalance of power between tenants and property owners, especially when housing problems become legal problems, and

appreciated the potential of HSLA's to level the playing field and empower people experiencing housing instability to engage the justice system for a fair resolution.

"It would be a great added resource for agency staff that are faced with these situations all the time who are not comfortable with providing that advice or have to refer them out to legal aid."

"Covid has increased the sensitivity to the necessity to provide a legal component to the services we provide."

"Tenants who have to go to court and have never experienced that … they experience fear while everyone around them is very comfortable. This can be very scary, so anyone who can give them some guidance about what will happen; this can go a long way to keeping people calm to think through their options, maybe talk to their landlord."

"Tenants getting legal information and feeling empowered to make decisions, even if it doesn't work out, is better than trying to figure it out on their own. It is important to have the conversations– they need someone who can counsel them–not necessarily a lawyer– on what to do, or support them and give them their options. . . . Anyone dealing with tenants needs to be able to have those conversations, and talk about implications of what happens after an eviction."

Adding HSLAs to the Arizona LP and Utah LLP Programs

This report proposes adding a track to the existing LP and LLP programs to train HSLAs: CBO staff who already interface with people experiencing housing instability could take a free training course and become certified by Arizona and Utah State Courts to provide *free*, limited-scope legal advice about legal issues related to housing. The HSLA training and certification process would be limited in scope to meet the needs of CBO staff who already assist people experiencing housing instability and can benefit from adding limited-scope legal advice to their social service toolkit. The proposed HSLA track is designed to be responsive to the social service sectors' interest in providing limited scope legal advice to better assist the community members they work with, while aligning with the real-world constraints these CBOs are managing.

A key component of the HSLA model is that it lowers the barriers to entry in recognition of the fact that CBO staff need to engage with the training while juggling other responsibilities, including their full-time social-service jobs. i4J conducted community-engaged market research to determine whether prospective HSLAs–including CBO staff who interface with people who experience housing instability and students who might work in the public sector–would utilize the training program.

"Courts, if they do make regulatory reforms, they [need to] resist the temptation to over-regulate … That's a natural first step but if you over-regulate, and [impose] too many burdens on things like legal paraprofessionals, no one is going to want to do it … if it is so expensive to do it, if you need too many hours to prove your experience, etc."

– Arizona Supreme Court Vice-Chief Justice Ann Scott Timmer[147]

The Proposed Scope of HSLA Services

The proposed scope of HSLA serves was designed to address high-need areas in the current housing instability landscape. Interviews withs 23 CBOs across both states, serving individuals across the spectrum of housing issues, demonstrated that the most common housing-related legal issues that tenants experience is eviction. In Arizona. CBOs reported that tenants sought assistance communicating with property owners, understanding and applying for rental assistance, knowing what to do when they receive a notice of nonpayment and if they receive an eviction notice, and trying to secure housing after being evicted. Accordingly, the proposed scope of HSLA services includes four primary components:

1. **Issue Spot for Housing Instability at Intake:**

The benefit of training and licensing CBO staff is to embed opportunities for early, upstream intervention at multiple CBOs that interface with people experiencing housing instability in the process of meeting a range of other needs such as rental and utility assistance, public benefits, and food. The goal is to interface with and assist people experiencing housing instability before their housing problem becomes a civil legal problem. Since most CBOs already have some sort of intake

[147] Arizona Supreme Court Vice-Chief Justice Ann Scott Timmer, Opening Plenary at the Legal Service Corporation Innovations in Technology Conference, Regulatory Reform, Technology, and Access to Justice (Jan. 12, 2022).

process to identify problems that clients are experiencing, questions about housing instability could be asked during initial intake conversations. If a HSLA identifies a legal problem, HSLAs could provide advice on issues right at that time, or alert the tenant to a possible legal issue and schedule a time for follow-up and more detailed assistance.

2. **Help Tenants Problem-Solve BEFORE a Housing Issue Goes to Court**

To empower HSLAs to identify legal issues and provide legally accurate advice, HSLAs could be trained to understand the common issues tenants experience before eviction, including the rights and obligations specific to tenants and property owners, and strategies for overcoming these problems such as how to negotiate payment plans. HSLAs would also be equipped to screen for legal defenses and to negotiate with property owners and property managers on behalf of tenants, in an advocacy role. CBOs interviewed in this research reported that HSLA training and certification would help them feel more confident and qualified to engage in problem-solving with property owners and the attorneys that represent them, filing out and filing legal forms, and generally advising clients.

3. **Give Legal Advice Regarding Engaging with the Civil Legal System**

By the time tenants receive a notice of eviction, they often lack the cognitive capacity to problem-solve. Tenants may not understand their eviction notice or summons, and may not know where to find help. Those who know how to find legal aid could be turned away due to legal aid's ability to meet the overwhelming need for services. As a result, many tenants feel powerless to engage with the civil legal system – as demonstrated by the 35% and 36% default rates in AZ and Utah eviction cases. HSLAs will not represent tenants in court, but by understanding the procedural rules and requirements of eviction proceedings, as well as the timelines involved, HSLAs will be well-positioned to advise people faced with an eviction notice regarding the eviction process and timeline, completion of forms, and the potential value of participating in their case. In addition, HSLAs can screen for viable legal defenses and help tenants feel equipped to assert those defenses in a timely and procedurally accurate manner in court. They may also be able to connect tenants with complex legal issues to legal aid and pro bono lawyers in the area, and equip those lawyers with the information they've already compiled about the client's case.

4. Assisting tenants AFTER an eviction

Robust assistance from HSLAs who engage with tenants before a housing issue becomes court-involved can reduce the number of housing issues that become evictions. But given the magnitude of the housing crisis, we anticipate that CBOs will continue to interface after eviction with tenants who can benefit from legal advice about mitigating the lasting harms of eviction. If HSLAs are trained to understand judgment implications, HSLAs will be able to assist tenants with post-judgment procedures, help them reduce damages, and provide next steps. While HSLAs may already provide social services to help tenants navigate the fall out of eviction, they could provide more holistic care if they were able to help tenants navigate legal consequences. Those include identifying whether there is cause for a post-judgment challenge, and assisting with removing evictions from credit or housing reports. They may also be able to help tenants find and apply for assistance programs and identify fair housing issues as tenants attempt to find replacement housing.

The Proposed HSLA Curriculum

i4J designed a prototype curriculum for HSLAs based on its community-based research regarding the most common and urgent legal needs of people experiencing housing instability. The design process included interviews with people experiencing housing instability as well as interviews with other stakeholders to inform journey mapping of housing instability. This methodology ensures a holistic approach to curriculum development, in which multiple system perspectives beyond traditional legal system functions play a role in determining curriculum content. The prototype curriculum was designed based on legal research and community-based research with tenants, property owners, legal service providers and judges, and community based organizations, which revealed common legal problems facing tenants and knowledge gaps CBOs have regarding how to assist tenants with those problems. Learning format was tested with community based organizations and revised in response to community feedback. The curriculum will also be tested with legal subject matter experts in the coming months. The current proposed curriculum is available at Appendix A of this report.

Building HSLA Training With and For the Social Service Sector:

Arizona LP	Utah LLP	What i4J Heard from CBOs	How the HSLA Initiative responds to CBO capacity and need
Who is eligible:			
Two distinct paths to licensure in Arizona:[148] **Education pathway:** Applicants must have one of the following: Associates Degree in paralegal studies or any Associates Degree PLUS a certificate in paralegal studies that requires a minimum of 24 semester units PLUS 1 year of substantive law-related experience under supervision of an attorney; Bachelor's Degree, Masters of Legal Studies Degree, or foreign trained lawyers with an LLM degree, all of which must include 12-18	Utah's primary licensing path requires education and experience,[149] but the education components can be waived with seven years of paralegal experience.[150] **Education + Experience pathway:** Applicants must have some sort of law degree or legal certification, including: • A law degree; • An Associate degree in paralegal studies; • A Bachelor's degree in paralegal studiesl; • A Master's Degree in legal	Education and experience requirements were the greatest concern for Community based organizations (CBO)s. Of the CBOs we spoke with, no CBOs had substantive legal experience.	Education requirements would be reduced to align with qualifications of staff at CBOs, most of which require an associate's degree. Requirements that CBOs have substantive legal experience could be replaced with requirements of real-world exposure to civil legal issues through a minimum amount of work experience at the CBO,

[148] The education requirements are set forth in section 7-210(E)(3)(b)(9). If an applicant does not meet the education requirements in 7-210(E)(3)(b)(9), they may qualify through experience described in 7-210(E)(3)(c) that allows applicants to take the exam and apply for an license. Fees associated with the process are listed in 7-210(K).
[149] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022); RGLPP 15-703.
[150] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022); RGLPP 15-705.

credit hours of law-related coursework (depending on the subject matter) and 120 hours of experiential learning; OR Juris Doctor. **Experience pathway**: 7 years of full-time substantive law-related experience within the 10 years preceding the application. For landlord-tenant law, 2 years of substantive landlord-tenant-law-related experience is required.	studies or equivalent; or • Qualifying Paralegal License or Certification. Additionally, applicants must: • Complete 1,500 hours of substantive law-related experience within the 3 years prior to the application • Pass a ethics exam. • Pass a Licensed Paralegal Practitioner Exam for each practice area for which the applicant seeks to practice. **Paralegal Experience pathway:** education requirements can be waived if the applicant has seven years of full-time substantive law-related experience as a paralegal within the previous ten years.		and/or simulations during HSLA training.
What is the time commitment?			
No certification programs have been	At minimum, a four-month semester	Time was the next greatest	Time commitment

approved. It is expected that educational institutions will develop programs that will be approved. i4J anticipates that these programs will require at least a semester of full-time study.	of study is required, with 30 credit hours required for the legal ethics course and up to 60 credit hours required for each substantive course for each practice area. All courses–ethics, debt collection, family law, and tenant/landlord law– amount to a total of 130 Hours or 16 Weeks.[151]	concern: CBO staff could not dedicate a full-semester of work while working a full-time job in the public sector.	could be reduced and the curriculum could be offered in a flexible, asynchronous online format. For example, the LLA pilot training is approx. 60 hours and the MDLA pilot training is expected to be 80 hours.
What practice areas are offered?			
There are four available areas of practice:[152] • Family law; • Limited jurisdiction civil cases; • Limited jurisdiction criminal cases where no jail time is involved; and • State administrative law .	There are three available practice areas:[153] • Specific family law matters • Forcible entry and detainer; and • Debt collection matters with dollar amount below small claims court threshold	CBO staff serving tenants were interested in learning about housing law to help the tenants they already interface with.	Adding a new housing tract limited in scope to enable CBO staff who already interface with tenants to provide more holistic services. See the proposed curriculum in Appendix A.
How much does it cost?			
The core exam costs $100 and each of the	All offered coursework amounts to $1,050,	CBO staff working in the	The training and

[151] *See* UVU Course Catalog (last visited Jan 10, 2022).
[152] A description of the areas and scope of practice for each area can be found in section 7-210(F)(2).
[153] *Licensed Paralegal Practitioner*, Utah Courts (last visited Jan. 9, 2022).

subject matter tests cost $150, so a minimum $250 in exam fees are required for licensure. Additionally, because there is currently no certificate program, applicants may incur additional costs of study materials. Cost to enroll in forthcoming educational programs offered by state universities is unknown.	while just the legal ethics course cost $180 and tenant / landlord course costs $260.[154] Exams total $200-400 depending on the number of practice areas applicants test in. There are also fees to incomplete and late examination applications. For paralegals who are already working, the total cost is roughly $600. Persons who have yet to complete an associate's degree or higher, the cost can be roughly $10,000.[155]	public sector found cost as the third biggest factor discouraging them from existing programs.	examination would be offered for free to HSLAs who would provide free services.
Who is graduating from LP / LLP			
25 LP Applicants have passed both the core examination and one subject-matter examination. 17/25 applications have been submitted. • 15 applications for Family Law • 1 application for Criminal Law • 1 application for Civil Law	13 LPPs have passed exams and graduated from the program.	CBO staff are not participating in the program.	The HSLA Initiative is designed to enable CBO staff members to graduate from the existing LP/LPP programs.

[154] *See* UVU Course Catalog (last visited Jan 10, 2022).
[155] Annie Knox, *How a new program connects Utahns to lower-cost legal advice*, Deserted News (Feb 17, 2020, 4:30pm MST).

What services are they providing?			
Of the 17 applications submitted, all approved and licensed are for Family Law:[156] • 10 LPs have been approved • 4 LPs are licensed	Data from interviews and publicly available info on 11/13 LPPs demonstrates LPs are active in the following areas:[157] • 11/11 Family Law • 3/11 Debt Collection • 5/11 Housing	CBO staff are providing a range of services to tenants experiencing housing instability, but cannot provide legal advice.	HSLAs will provide free, holistic, trauma-informed, limited-scope legal advice to tenants experiencing housing instability, to supplement the various social services they already provide.

Piloting and Evaluating the HSLA Initiative

As regulatory reform makes new service models possible, embedding evaluation into the pilot phases of those new services can create a new and useful body of research regarding how new types of legal service providers can meet unmet civil legal needs. Evaluation also helps inform revision and iteration of new service models, ensuring that training and services are adequate and program goals are being met.

Several approaches to evaluation are possible during and after the pilot phase. i4J works with community partners to customize evaluation plans specific to regulatory reform pilots. In the HSLA Initiative, evaluation could include:

Qualitative Approaches to Evaluation

Qualitative approaches allow direct contact with the people engaged with the pilot to gather in-depth data about their experiences and perceptions about the pilot.

[156] Data provided by Arizona Supreme Court Administrative Office of the Courts (on file w author).
[157] Research from University of Utah Professor Anna Carpenter and Wesleyan Unviversity Professor Alyx Mark (data on file with author).

There are numerous ways this can be accomplished, including focus groups with users, interviews with stakeholders, and direct observations of participants and HSLAs. Relevant qualitative data could include:

- Information regarding stakeholders' perceptions of the baseline / status quo before the pilot launches
- Information regarding stakeholder's perceptions of the training, qualifications and service provided by HSLAS during and after the pilot
- Information regarding tenants' sense of procedural fairness and satisfaction with HSLA services
- Direct observations of HSLAs throughout the training process and for a period of time after they become licensed. Observations by an experienced expert can be useful for evaluating the general quality of the program

Quantitative Methods to Evaluation

Quantitative approaches allow for aggregating participant data to analyze participation and service outcomes for the HSLA Initiative. For this pilot, survey and placement data will be helpful to determine who is participating in the program, how they plan to utilize their certification, what types of legal issues they are assisting with, and what outcomes are produced as a result of HSLA assistance. Relevant quantitative data could include:

- Court data for cases involving PEHI's with and without HSLA assistance
- Survey data regarding how many HSLAs are becoming certified, their backgrounds, and their goals for using the certification
- Survey data regarding where HSLAs are operating in the field and the types of issues they are assisting with

Next Steps

This proposal is the result of six months of iterative, community-engaged research and development. In order to launch the HSLA Initiative in Arizona and Utah, i4J anticipates that the Supreme Courts in both states would work with i4J and other stakeholders to further develop curriculum and licensing requirements for including HSLAs in the LP and LLP Programs while aligning the needs of the courts with and the needs of participating CBOs. i4J is committed to building and hosting the HSLA curriculum, securing funding to pilot and evaluate the HSLA Initiative, and supporting the participating CBOs.

Conclusion

The HSLA Initiative builds upon i4J's previous work in partnership with the Arizona Supreme Court and the Utah Supreme Court to expand access to justice by leveraging regulatory reform in Arizona and Utah to train CBO staff to provide limited scope legal advice to domestic violence survivors and people experiencing medical debt. This initiative would be the first in the U.S. to unite two states in demonstrating the cross-jurisdictional viability of non-profit, pro bono housing legal advocate services embedded in social services, and the first in the nation to adopt paraprofessional legal advice as an innovative solution to the eviction crisis. As other states across the U.S. look to Arizona and Utah for leadership in how to design and launch regulatory reform efforts, the HSLA Initiative provides an opportunity for Arizona and Utah to position access to justice for low-income communities as a cornerstone of legal innovation.

Appendix A: Prototype curriculum for training Housing Stability Legal Advocates (HSLAs)

Module	Learning Goal	Learning Objectives	Sample Content	Estimated Time (hours)
Code of Conduct, Scope of Legal Services & Regulatory Oversight	HSLAs will be expected to operate under the same ethical rules as attorneys and with an understanding of how to provide limited-scope representation. By the end of this module, HSLAs will understand how to conduct themselves ethically and within the appropriate bounds of their limited license.	Understand and be able to explain what is expected of a HSLA when providing limited-scope legal advice. Know how to conduct themselves within their code of conduct when close cases arise in the areas of client confidentiality, conflicts of interest, declining assistance, and other relevant requirements. Understand HSLA scope of service, what issues are beyond the scope, and the parameters for referring legal issues to someone else.	Relevant ethics code sections; examples of limited-scope contracts and discussion of the ethical implications of limited scope services; sample problem scenarios where instructor and HSLA's will walk through issue identification and discuss various responses to the situation.	10
Trauma-Informed Advocacy	One of the keys of an effective advocate is being able to understand trauma, which often accompanies legal issues and can inhibit an individual from thinking rationally or being able to	Understand and explain what trauma is and how it affects one's neurological system, how it can impede rational thinking, and how it can inform the world one sees. Understand best-practices in trauma-informed advocacy.	Substantive materials re: causes and effects of trauma and vicarious trauma; exercises in mindfulness.	4

	navigate a problem like housing instability. Advocates are also at risk of vicarious trauma. By the end of this module, the HSLA will know what trauma is, the signs of it, and how to best serve a participant that is experiencing trauma.	Explain what vicarious trauma is and strategies for coping with vicarious trauma.		
Law and Leases- Rights and Obligations for Landlords and Tenants	A tenant's risk of housing instability increases when the tenant does not understand the rights and obligations provided for by law and in their lease. By the end of this module, the HSLA will know the legal rights and obligations specific to landlords and tenants. The HSLA will be able to read, understand and explain standard residential housing lease terms and discuss how these may affect the tenant's specific situation.	Know the law governing rights and obligations specific to tenants and landlords. Understand common lease terms and common lease pitfalls. Apply their knowledge of law and leases to specific fact scenarios. Be able to communicate this information effectively to tenants.	Comparative lists of legal rights/duties of landlords and tenants; sample residential leases; sample scenarios where HSLA's identify/discuss what rights may be implicated or what responsibilities have been violated.	6
Negotiation, Alternate	Tenants often feel powerless to solve housing	Understand strategies for proactive landlord engagement	Best practices in negotiation and	6

Dispute Resolution, & Informal Resolution	disputes. By the end of this module, the HSLA will be able to navigate non-court resolutions to eviction, provide guidance to tenants in what options may be available to them outside of the courtroom, and engage with property owners on tenants' behalf in problem-solving.	and problem-solving. Articulate negotiation strategies that can improve outcomes for tenants. Know what alternative dispute resolution (ADR) is and how it is used to resolve legal disputes.. Apply knowledge of ADR and negotiation strategies to advise tenants on their best course of action and engage with property owners on tenants' behalf.	problem-solving for housing disputes; guide to ADR options; simulated negotiations.	
Receipt of Notice of Eviction: What to Do	A tenant is typically experiencing multiple life stressors at the time they receive an eviction notice, and may not have the capacity to engage with property owners or the court and/or may be unaware of the rapid and rigid timeline that governs eviction proceedings. By the end of this module, the HSLA will know what a correctly-executed notice of eviction looks like and what steps tenants need to take if they receive one.	Know and understand the correct procedure required for an eviction notice to be properly served. Know what steps are legally required for tenants to take, what other actions would be beneficial for tenants to take once they have received an eviction notice, and be able to advise tenants about those steps/actions.	Sample eviction notices; scenarios involving various timelines to help HSLAs identify most important steps to take.	4

Eviction Procedures	The legal process is often confusing, and people experiencing housing instability struggle to navigate the legal system's procedural requirements. By the end of this module, the HSLA will be able to walk the tenant through each step of the eviction process, including court rules governing how and when to file responses, when and where to appear, and other procedural matters.	Understand eviction timelines and procedures Advise a PEHI on the steps of an eviction case and what options are available to tenants at each stage. Advise tenants on how to track their case.	Rules of procedure for eviction cases; flow charts of eviction processes.	6
Engaging in An Eviction Case	Even when tenants recognize the potential legal consequences of an eviction notice, the process of responding to an eviction notice and defending an eviction against a counseled property owner is daunting. In this module, HSLAs will understand the timeline, proper procedure, and necessary content for filing	Effectively communicate and advise a tenant on whether to file an answer. Assist a tenant in preparing an answer form. Understand the information that should be included in an answer to preserve tenant legal rights and defenses.	Sample answer forms, substantive law on tenants rights and defenses, interactive activity that walks HSLA through the filing process so they can assist tenant or file an answer on the tenant's behalf.	4

	an answer.			
Going to Eviction Court	Most tenants who participate in their eviction proceedings do so without legal representation or understanding of the civil legal system, and many have a deep distrust of courts and other institutions. HSLAs will not represent tenants in court, but by the end of this module, the HSLA will understand relevant landlord-tenant law and relevant rules of evidence for self representation so that they may equip a tenant with the knowledge and understanding of how to present their arguments in court, themselves.	Understand and apply defenses that tenants can assert, including defenses that may have been asserted in the answer and will need to be supported in court. Be able to prepare the tenant to represent themselves in court by explaining how to address the judge, what evidence to share and how, and when to submit documents to the court.	Abbreviated / applicable rules of evidence; simulations of eviction hearing, with aspects of procedure and decorum pointed out/discussed. Scenarios that allow HSLA to identify best defenses for tenants to assert in court.	10
Judgment Implications: What Tenants Need To Know After a Judgment is Entered	Eviction judgments can have long-lasting and damaging consequences, but tenants who receive a judgment from the court often may not understand those consequences. By	Understand common provisions of a judgment, and be able to explain to tenant what they should do when a judgment is entered against them. Apply strategies for mitigating damages and be able to advise a	Sample judgments with relevant information on timelines or actions tenants can take. Scenarios that help HSLA identify when an appeal is appropriate.	4

	the end of this module, the w	tenants in how to argue for a mitigation of damages. Explain the timeline for vacating the premises, and the consequences of not vacating, Advise a PEHI on what they can appeal, and the applicable timeline for appeal.	Scenarios and practice timelines for when tenants can get possessions from the unit/landlord.	
Post-eviction harms: what tenants can do	People who experience housing instability face a host of downstream consequences related to housing instability and eviction, such as difficulty finding housing, getting a job, separation from family members, poor health outcomes, etc. By the end of this module, a HSLA will be able to assist a tenant in navigating the legal aspects of these related issues.	Identify whether an eviction can be challenged post-judgment. Assess whether tenant can take steps to remove an eviction from credit or housing reports. Screen for possible fair housing issues as tenant locates new rental housing and make appropriate referrals to fair housing agencies. Demonstrate knowledge of short-term and long-term assistance programs tenants can utilize.	Training regarding common problems arising from evictions; fact scenarios that give HSLA practice in identifying what problems the PEHI is most likely to encounter and resources what would be most useful in addressing the problem.	6
				TOTAL: 60

Appendix B: Methodology for estimating the percent of pro bono cases in which pro bono attorneys are assisting with housing-related issues.

In 2017, the American Bar Association Standing Committee on Pro Bono and Public Service and the Center for Pro Bono issued a report on the Pro Bono Work of America's Lawyers. Over 47,000 diverse attorneys in 24 states–including Arizona and Utah– answered questions about their pro bono work "including when, how, and why they either do or do not do pro bono." We use findings from this report to estimate, among other things, the number of pro bono cases related to housing.

While the report does not give a total number of cases, it provides a table showing the number of pro bono cases by case type. It also states that, among the attorneys surveyed, family law cases made up 32% of full representation cases and 19% of limited scope representation cases.

- Looking at Figure 10 (annotated), (annotaed), we estimate that 2,900 full representation cases were in family law.
- From there, we estimate the total number of full representation cases involving pro bono attorneys by dividing 2,900 by 0.32. The surveyed attorneys provided an estimated total of 9,063 full representation pro bono cases.
- Looking at Figure 10 (annotated), we estimate that 5,100 limited scope representation cases were family law cases.
- From there, we estimate the total number of limited scope representation cases involving pro bono attorneys by dividing 5,100 by 0.19. The surveyed attorneys provided an estimated total of 26,842 limited scope representation cases.
- Looking at Figure 10 (annotated), we estimate that less than 340 full representation cases were in housing law. This is 4% of the total 9,063 full representation pro bono cases.
- Looking at Figure 10 (annotated), we estimate that 1,200 limited scope representation cases were in housing law. This is 4% of the total 26,842 limited scope representation cases.
- To estimate the total percent of housing cases that received any form of pro bono representation (whether limited scope or full representation), we divided the estimated total number of cases by the estimated total number of cases

related to housing. We estimate that 5% of pro bono representation involved legal matters related to housing.
    - 9,063 total full representation cases + 26,842 total limited scope representation cases = 35,905 total cases with any pro bono representation
    - 340 full representation cases related to housing + 1,200 limited scope representation cases related to housing = 1,540 cases related to housing with pro bono representation
    - 1,540 / 35,905 = 4% of all representation is for cases related to housing.
- Four percent is likely an overestimate of the number of pro bono cases in which surveyed attorneys assisted **tenants** in resolving housing-related legal disputes: the report does not define housing law and may include legal matters that do not impact tenants (e.g. foreclosure).

Meeting Date: November 2, 2021

Subject: Arizona Legal Needs Update

Type of action requested:
☐ Formal action or request
☒ Information only
☐ Other

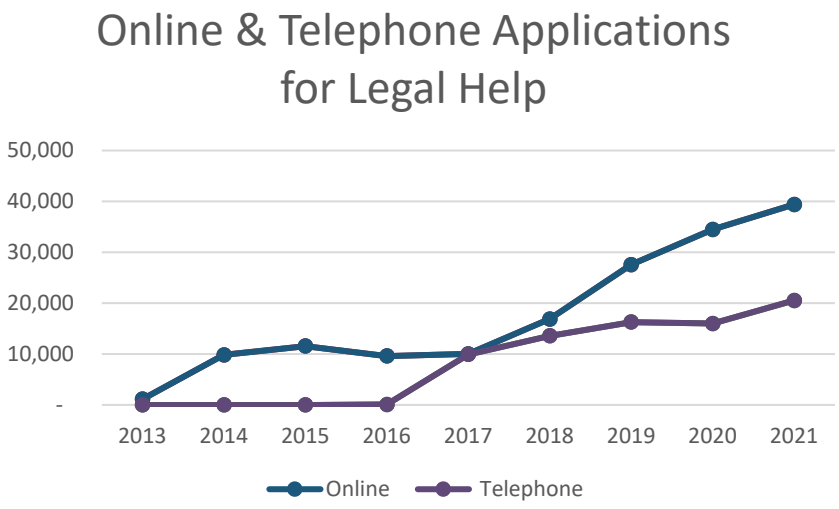
From: Arizona Bar Foundation

Presenters: Chris Groninger

Discussion: Chris Groninger will provide a brief overview of legal needs in Arizona.

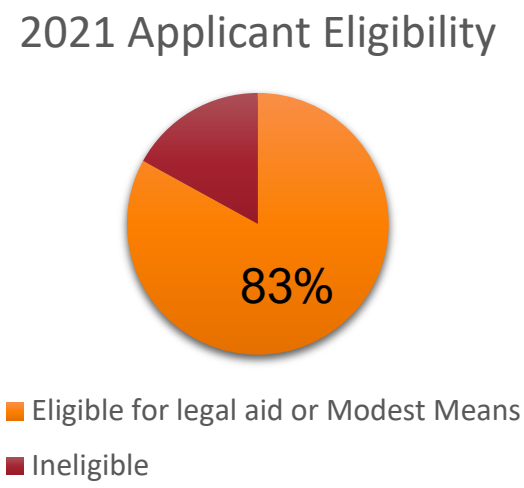
Recommended motion: None

Promoting Access to Justice
Online & Telephone Services



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.

Through 2021, more than 236,000 pre-qualification interviews have been initiated. In 2021, there were 39,382 online applications and 20,517 telephone applications started.

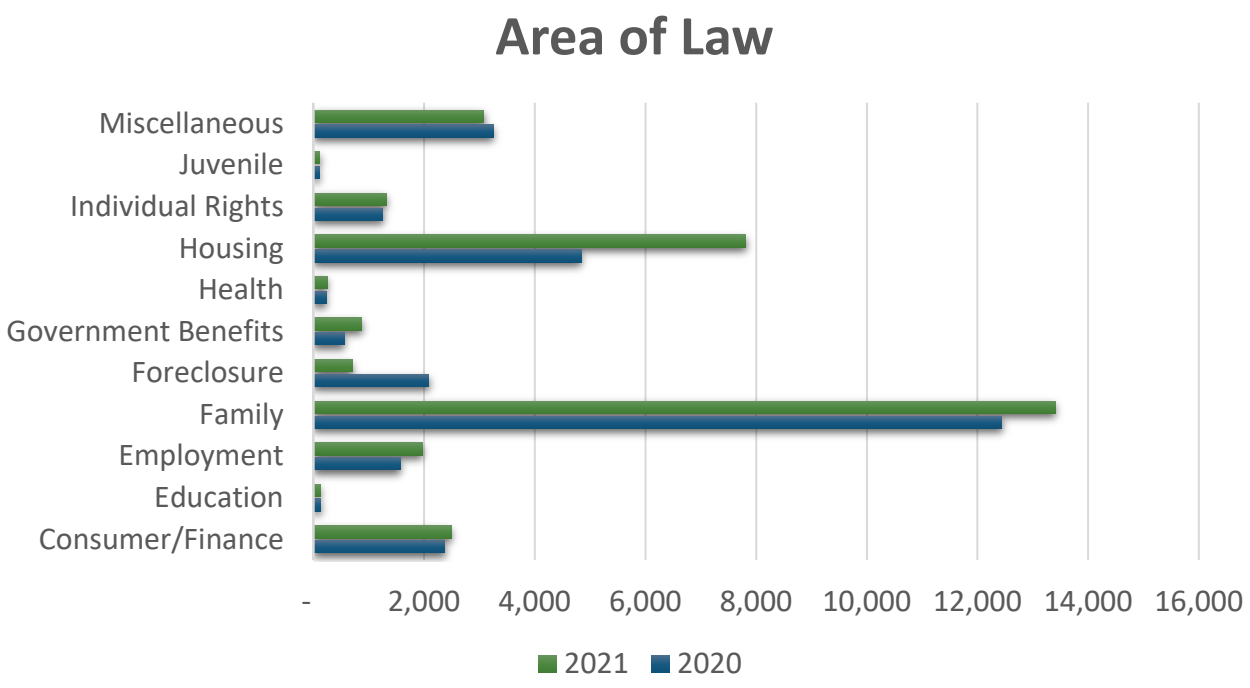


On average, more than 80% of applicants using the online or telephone system are eligible for help from legal aid or Modest Means.

Eligibility is determined using calculation of income, number of individuals in the household, and area of law.

Those deemed “ineligible” include individuals over income (8%), with felony criminal cases (6%), out of state (4%), and case type not supported (3%).

Promoting Access to Justice
Online & Telephone Services
January 2021 through December 2021



In 2021, 39,382 pre-qualification interviews were initiated. Significant increases were noted in requests for Housing (not foreclosure) – 70% increase over 2020, Government Benefits – 64% increase over 2020, and Employment Law – 31% increase over 2020.



Top 2021 Areas of Law

Family Law (44% of all applications)

Housing (26% of all applications)

Consumer Law (8% of all applications)

Promoting Access to Justice
Legal Information Websites

January 2021 through December 2021

AZLawHelp.org



- **613,916** Users
- Top Content: L/T Rights & Responsibilities, Child Support, Custody & Parenting Time, Mobile Home Parks, Arizona Paid Sick Leave Law, Protective Orders

AZCourtHelp.org

- **643,342** Users
- Top Content: Find My Court, Court Forms, Different Types of Warrants, Marriage Licenses in Arizona, Eviction of Guests/Roommates/Family



AZCourtCare.org



- **13,434** Users
- Top Content: Involuntary Mental Health Treatment in AZ, Application for Mental Health Treatment, Mandatory Treatment Laws for Mental Health Court.

LawforSeniors.org

- **66,918** Users
- Top Content: Moving to AZ with Pets, Obtaining a Death Certificate in AZ, Paying Debts after Death, Capital Gains Tax after Selling Home



LawforVeterans.org



- **93,108** Users
- Top Content: Dividing Military Pensions in a Divorce, Who is a veteran?, Types of Military Discharge, Hunting/Fishing Regulations

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

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Sam announced:

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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.

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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.

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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.

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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

Agenda

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

Zoom: link
Webinar ID: 944 0780 5569
Passcode: 784440
Dial: 1-877-853-5247 (Toll Free)

Anyone from the public who wishes to submit comments on any item on this agenda or wishes to speak during the Call to the Public should email comments or request to speak to ACAJ Committee Staff no later than 4:00 p.m. on May 11, 2022.

TIME	AGENDA ITEM	PRESENTER
9:00 a.m.	Welcome and opening remarks	*Sam Thumma, Chair*
	R-22-0004 ACAJ comment Maricopa County Justice Courts comment	
	Approval of February 3, 2022 minutes as presented	
9:10 a.m.	Report on the Pizza and Pro Bono Program Free Legal Answers	*Joe Kreamer* *Chris Groninger*
9:30 a.m.	Proposed Arizona Code of Judicial Administration § 7-201 ____ **Formal Action/Request:**	*Aaron Nash, Director of Certification and Licensing*
9:40 a.m.	Legislative Update	*Liana Garcia, Government Affairs Director*
10:00 a.m.	Update on Law4AZ	*Gretchen Hornberger, Coconino County Law Librarian*
10:15 a.m.	Update on **AZCourtHelp.org** enhancements and use	*Dr. Kevin Ruegg and Cathleen Cole Arizona Bar Foundation for Legal Services & Education*
10:25 a.m.	Update on Legal Service Provider efforts (aka "The Sandwich Campaign")	*Sam Thumma* *Anthony Young* *Rudolfo Sanchez* *Pamela Bridge*

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10:35 a.m.	Discuss establishment of Rules Workgroup • Membership • Tasks	*Sam Thumma* *Bruce Cohen*
10:45 a.m.	**5-MINUTE RECESS** Members, please mute your microphones and return in 5 minutes	
10:50 a.m.	Call to the Public	*Sam Thumma*
10:55 a.m.	Workgroup report: Public Information and Messaging	*Alberto Rodriguez, Public Information Officer, AOC*
11:05 a.m.	Workgroup report: Intergovernmental Collaboration	*Chris Groninger*
11:15 a.m.	Workgroup report: Attorney and Judicial Engagement	*Joe Kreamer*
11:25 a.m.	Workgroup report: Self-Represented Litigants in Limited Jurisdiction Courts Workgroup • Housing Stability Court Navigator – webpage • Housing Stability Court Navigator video	*Charles Adornetto*
11:35 a.m.	Open discussion of the Commission's Plan of Excellence	*Sam Thumma/All*
11:55 a.m.	Good of the Order/Adjournment	*Sam Thumma*

Next ACAJ meeting **- Thursday, November 3, 2022**

2023 meeting dates:

February 2 **May 4** **November 2**

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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

AZ Free Legal Answers™

A Program of the American Bar Association



ABA's Free Legal Answers™

- Nationwide, virtual legal advice clinic (each state has administrator)
- Project of the ABA's Standing Committee on Pro Bono and Public Service
- More than 40 states, territories, and jurisdictions participating
- Supported by corporate, legal, and private donations (AT&T, FedEx, American Arbitration Association, ABA Business Law Section)
- Powered by volunteer attorneys, law firms, and organizations.



ABA's Free Legal Answers™



- National site links to Arizona
- Eligible users submit a limited number of questions to be answered by volunteer attorneys
- Civil legal issues by category, no criminal law questions
- All Q&A takes place within the system
- Volunteer hours tracked within the ABA's system; pro bono credit provided

ARIZONA
Free Legal Answers

AZ Site Administrator:
AZ Bar Foundation

Launched in 2016

1,500+ Questions Answered

90+ Volunteer Attorneys

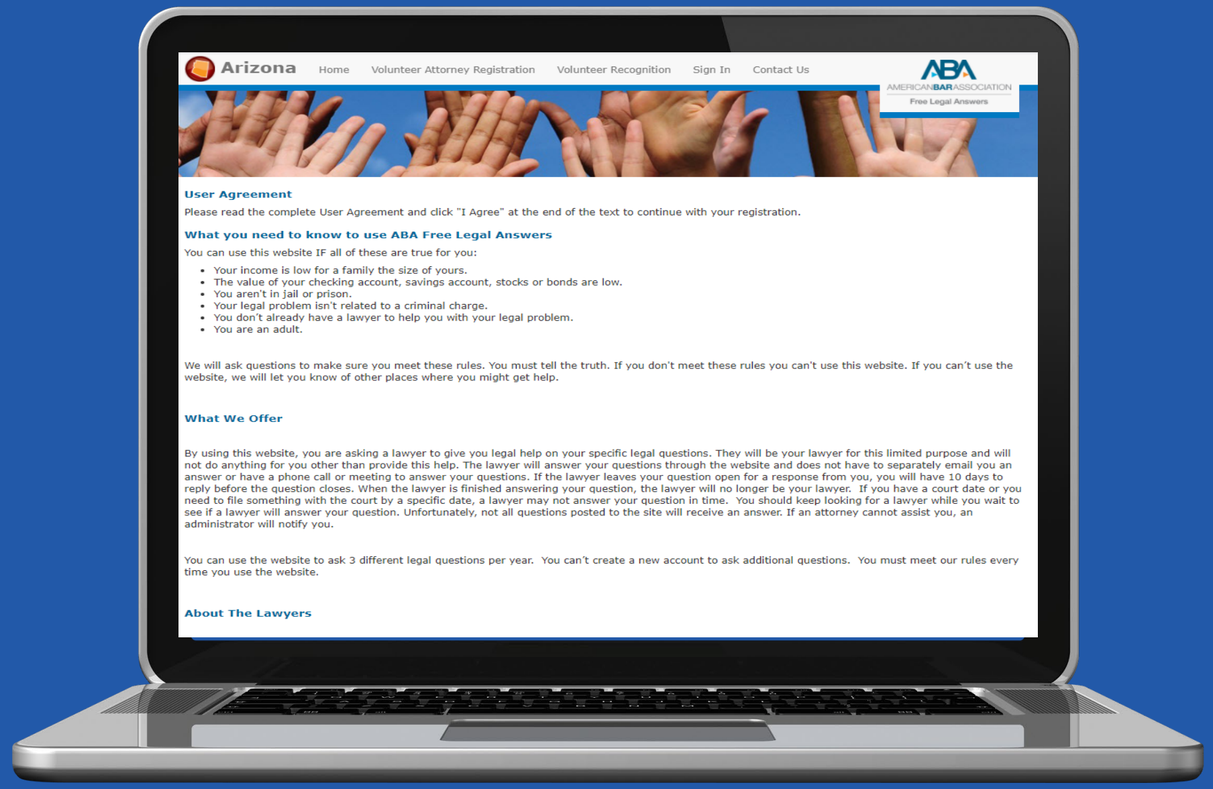
300+ Hours Donated



Who can ask questions with ABA Free Legal Answers?

- ✓ Household income at or below 250% of Federal Poverty Guidelines
- ✓ No liquid assets exceeding $10,000 in value (checking and savings balances, stocks or bonds)
- ✓ Must not be incarcerated
- ✓ Must not request assistance with criminal law matters
- ✓ Must be 18 years of age or older
- ✓ Receive no more than 5 answers per year





Create an account.

Complete eligibility screening.

Submit a question to be answered.



Who can answer questions in ABA Free Legal Answers?

- ✓ Licensed attorneys in good standing with the State Bar of Arizona
- ✓ Varied areas of expertise with focus on civil legal issues such as family law, housing matters, consumer/finance, among many others.
- ✓ Signed up & active in the system

Attorney Sign Up

1. Go to AZ.FreeLegalAnswers.org
2. Click on Volunteer Registration in the top menu bar
3. Review and click “I Agree” to the Attorney Use Agreement
4. Create an account with your information, log in, and password
5. Site administrator will approve attorney account
6. Log in to see Question Queue



Home

Question History

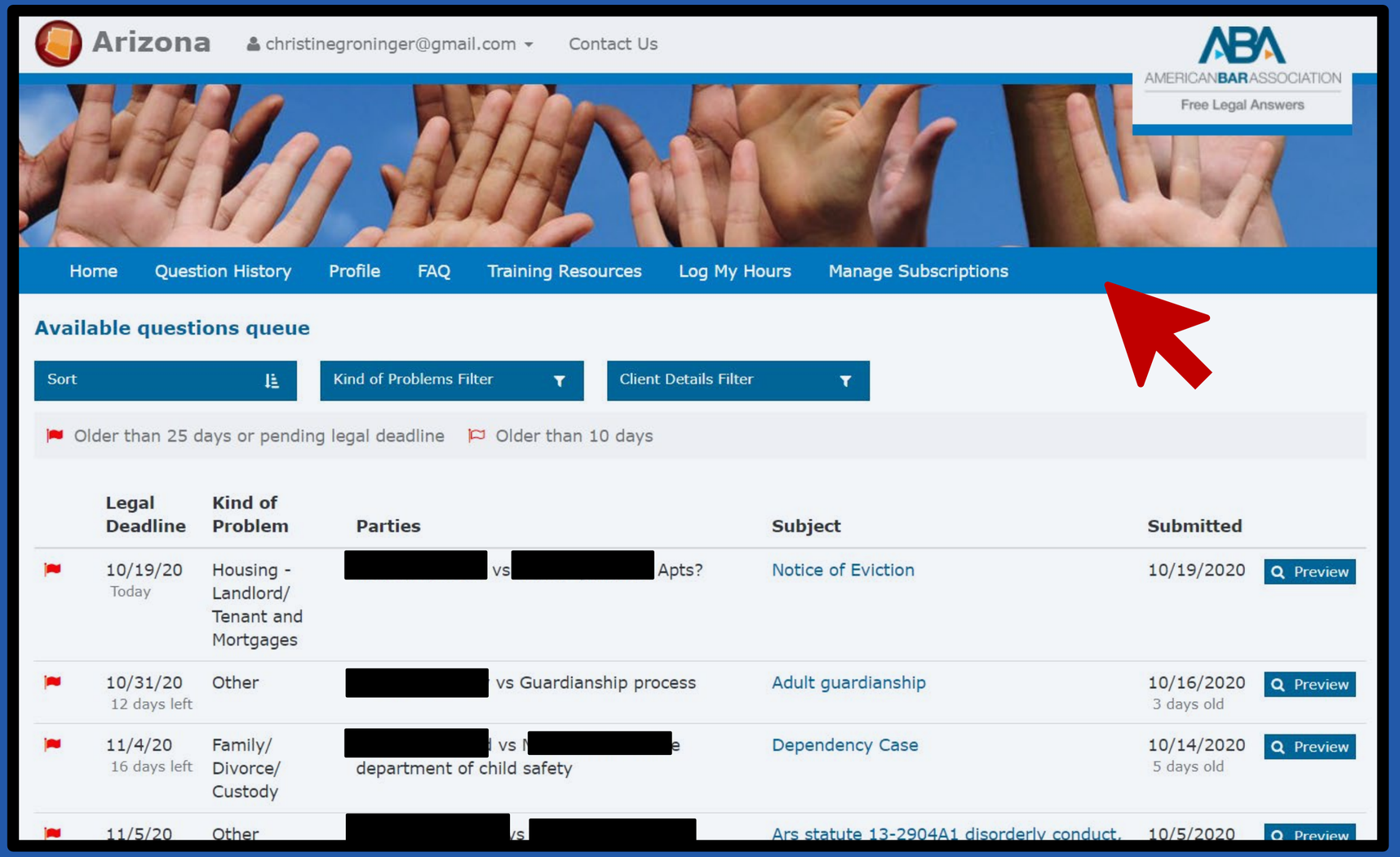
Profile

FAQ

Resources

Log My Hours

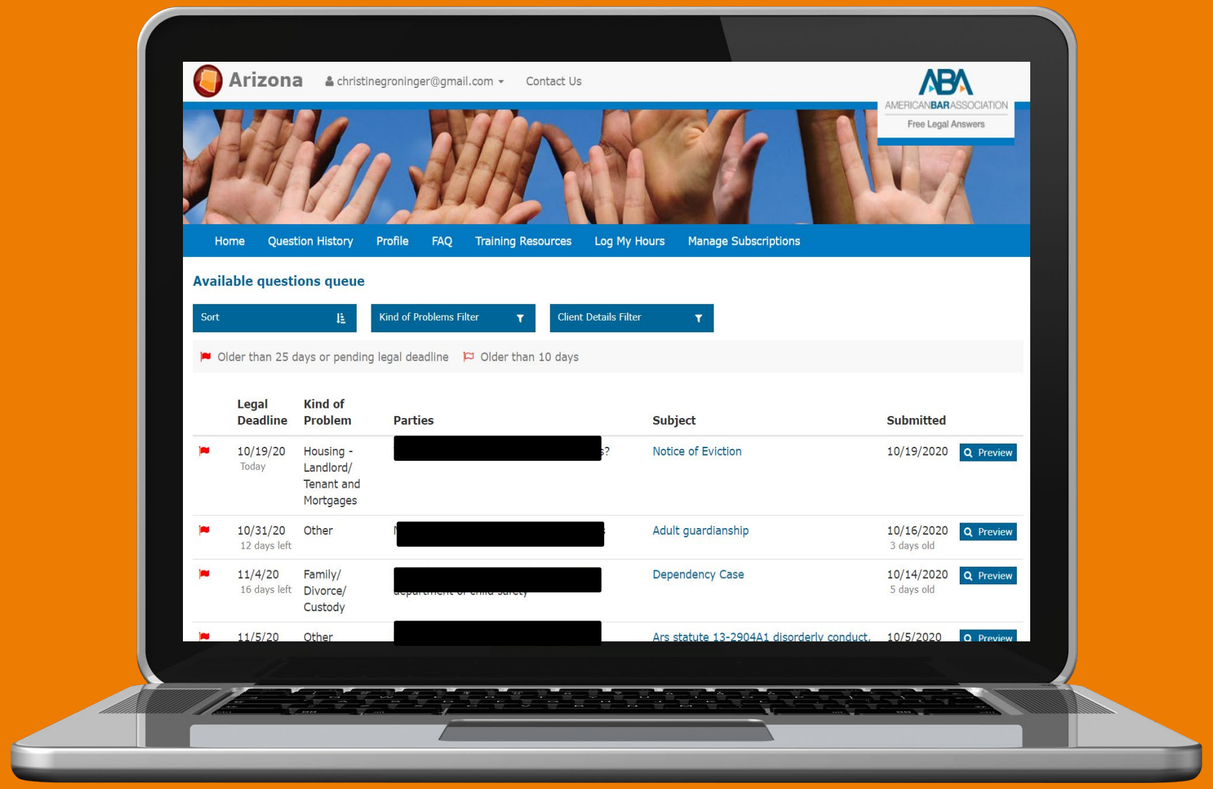
Manage Subscriptions



Select a question to be answered.

Submit a response to the user.

Track time spent researching & answering.



Other Free Legal Answers Info

- ✓ All communication takes place within the Free Legal Answers system
- ✓ Resources and links available to the volunteer attorney and user
- ✓ Attorney not identified to client user
- ✓ Insurance provided by ABA
- ✓ Event support from administrator
- ✓ Pro bono credit available via Volunteer Lawyers Programs
- ✓ Recognition from ABA, AZ Bar Foundation, State Bar of Arizona



Ready to Host an Event?



Chris Groninger
Chris.Groninger@azflse.org

Cathleen Cole
Cathleen.Cole@azflse.org

Sign Up Today!
AZ.FreeLegalAnswers.org

Meeting Date: May 12, 2022

Subject: ACJA Section 7-201 Contingent Approval

Type of action requested:
☒ Formal action or request
☐ Information only
☐ Other

From: Arizona Supreme Court Certification and Licensing Division ("Division")

Presenters: Aaron Nash, Director of Certification and Licensing Division

Discussion: The existing ACJA language describing when the Certification and Licensing Division (Division) may present an applicant to an Arizona Supreme Court regulatory board or committee (Board) for initial approval states, in part, "Upon a final review of the application…" (ACJA 7-201(E)(1)(a)(7)).

The Division's review is not final until an applicant's fingerprint results have been returned to and reviewed by the Division. Fingerprint results from the Department of Public Safety used to be returned to the Division in as little as four weeks, but in 2021, they were taking up to 12 weeks. The Division proposes that this change will expedite certification and licensure for those with no deficiencies in their background checks and applications, which will improve Division productivity and the delivery of legal services in Arizona.

The Division recommends a new subsection 7-201(E)(1)(a)(11), inserting the process for contingent approval. Stating that the Division "may" prepare and forward a recommendation to a Board gives the Division discretion to place an applicant on a Board agenda before fingerprint results have been reviewed. For example, for applicants who have been regulated for some other purpose and who have no apparent history of discipline. As is current practice, applicants would not be certified or licensed until they clear the background/fingerprint review.

Persons or entities affected if the proposal is adopted: Those regulated by Arizona Supreme Court Boards or Committees and named in ACJA § 7-201: Fiduciaries, Confidential Intermediaries, Defensive Driving Schools and Instructors, Certified Reporters, Legal Document Preparers, Alternative Business Structures, and Legal Paraprofessionals. In addition to public notification of the proposal by posting on the ACJA Forum, the Division will email its lists of certificate and license holders. The proposed code changes were posted on the ACJA Forum, open to public comment through May 26, 2022 and the Division notified the certification and licensing communities of the proposal via email on April 26, 2022.

Recommended motion: The Arizona Commission on Access to Justice moves to support the proposed ACJA code section 7-201 Contingent Approval as written or with recommended amendments as proposed by consensus.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-201: General Requirements
[Added text is shown underlined, deleted text by strikethrough.]

A. through D. [no changes]

E. Initial Certification.

1. Application for Initial Certification.

   a. Forms. An applicant shall apply for certification on approved forms and file them with division staff.

      (1) through (10) [no changes]

      (11) Notwithstanding anything in this subsection to the contrary, division staff may prepare and forward to the board a written recommendation regarding an applicant's qualifications and eligibility for certification if the division is awaiting the results of the applicant's fingerprint check; the division's review of the application is otherwise final; and there are no deficiencies in the application. Any board decision under subsection (E)(2)(a) to issue a certificate to an applicant recommended under this paragraph becomes effective upon the division's notification to the applicant that the division has received the applicant's fingerprint results with no deficiencies. If division staff identifies any deficiency in the applicant's fingerprint results, the board decision under this paragraph is not effective and division staff must revise and resubmit a recommendation to the board under subsection (E)(1)(a)(7).

   b. through h. [no changes]

2. Decision Regarding Certification.

   a. Notification of Certification. Except as provided in subsection (E)(1)(a)(11), upon the board's decision to issue a certificate, division staff shall promptly notify qualified applicants of certification in writing, pursuant to this section and the applicable section of the ACJA. Each qualified applicant shall receive a document, badge or card evidencing certification, stating the applicant's name, date of certification, certificate number and expiration date of the certification. Each certificate shall expire as provided in the applicable section of the ACJA. In addition, unless previously provided, each applicant granted certification shall receive a copy of this section and the applicable section of the ACJA, detailing the responsibilities of the certificate holder.

   b. through c. [no changes]

3. through 9. [no changes]

F. through I. [no changes]

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Arizona Public Libraries as Access-to-Justice Allies

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Two Phases

Measure the Justice Gap

Bring Legal Reference Training
To Public Libraries

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Access-to-Justice Indicators

—

Resources

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- Court building
  - Internet
  - Computer
  - Printer
  - Copy Machine
  - Website
- Public Library
  - Internet
  - Computer
  - Printer
  - Copy Machine
  - Website
- Law Library
  - Internet
  - Computer
  - Printer
  - Copy Machine
  - Arizona caselaw in print
  - A.R.S. Annotated
  - Westlaw/LexisNexis
  - County-specific forms
- Legal Aid office
- At least 1 free wifi hotspot
- At least 5 attorneys

Access-to-Justice Indicators

—

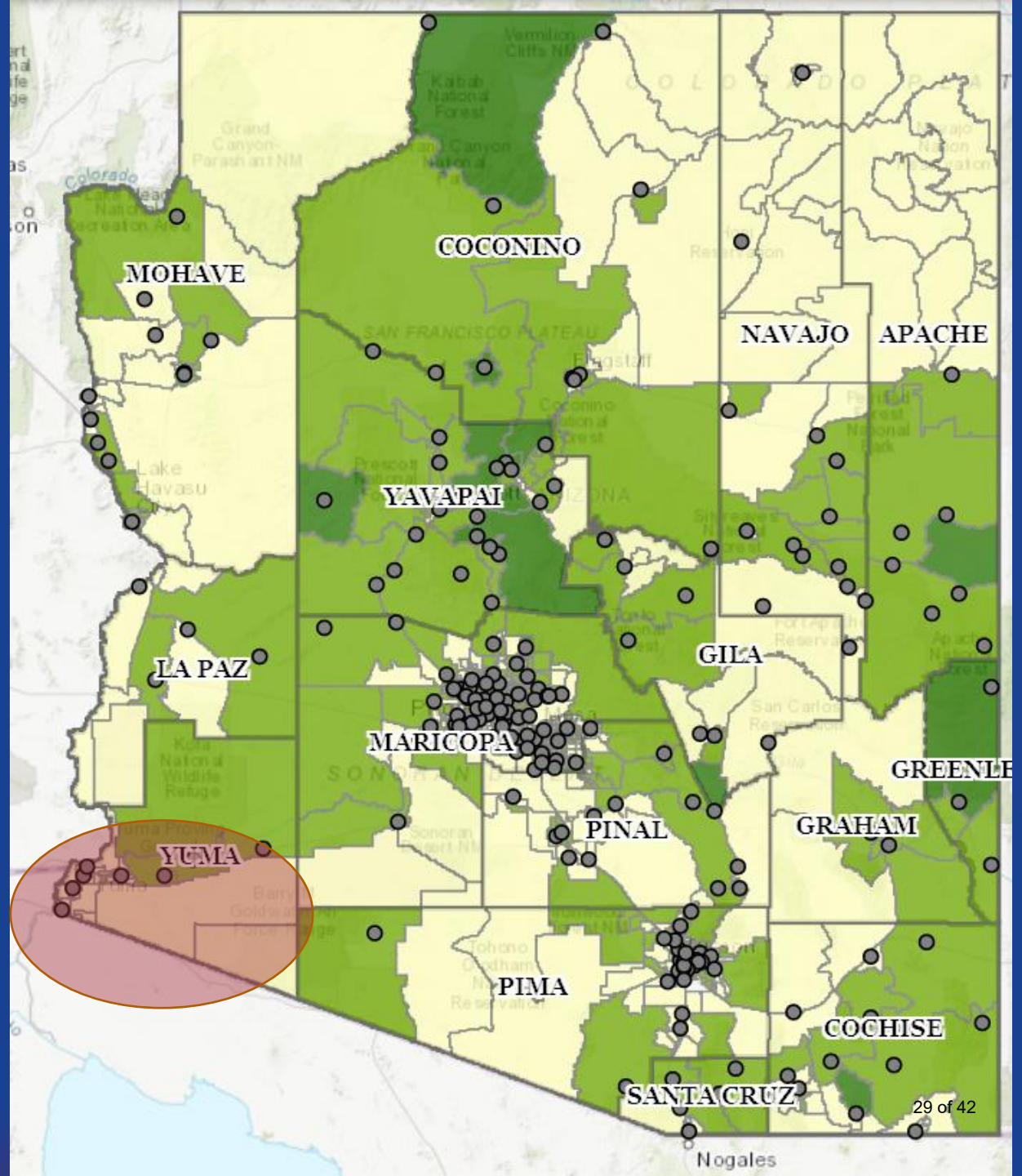
Demographics

- High school graduates
- Household income over $35,000
- Citizens
- Speak English “very well”
- Have a computer at home
- Have internet at home
- Own a smartphone
- Own a vehicle

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Justice Gap Map

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Civil Legal Justice Course

Civil Legal Justice 1 - The Justice Gap and the US Legal System

Format: Self paced Course
Developed by: WebJunction, in collaboration with Legal Services Corporation
Length: 2 hours

Overview
In the four lessons of this course you will learn about the civil legal justice gap in the United States, the complexities of our legal systems and procedures

Learning Objectives
Learners successfully completing this course will be able to:

- Describe the scope and impact of the civil legal justice gap and the role public libraries can play in addressing it
- Provide appropriate legal information to patrons while recognizing and avoiding crossing the line into legal advice
- Describe the 51 US legal systems, three types of primary law, and the distinction between civil and criminal legal issues

Civil Legal Justice 2 - Civil Legal Issues and Resources

Format: Self paced Course
Developed by: WebJunction, in collaboration with Legal Services Corporation
Length: 2 hours

Overview
In this course you will learn in more detail how to identify when a patron's problem may have a civil legal solution. We'll look at the most common typ
will also learn about evaluating and choosing between physical and online resources.

Learning Objectives
Learners successfully completing this course will be able to:

- Identify the most common types of civil legal issues that people are likely to experience
- Prepare a legal reference collection specific to the library's location and local community needs
- Evaluate the accuracy, relevance, and currency of online and print legal resources

Tailor your legal reference collection to your community

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Civil Legal Justice Course

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Civil Legal Justice 3 - Partnering with Legal Service Providers

Format: Self paced Course
Developed by: WebJunction, in collaboration with Legal Services Corporation
Length: 2 hours

Overview
In this course you will learn about the range of legal assistance options, how to find the providers who are available in your location, and finally how you

Learning Objectives
Learners successfully completing this course will be able to:

- Describe the range of legal assistance options that might be available to individuals experiencing civil legal issues
- Provide a legal referral appropriate to the patron's situation and circumstances
- Identify and establish positive relationships with organizations offering legal aid, information, and referrals to individuals in your location

Civil Legal Justice 4 - The Legal Reference Interview

Format: Self paced Course
Developed by: WebJunction, in collaboration with Legal Services Corporation
Length: 3 hours

Overview
This course focuses on the core skill set necessary to conduct a successful legal reference interview. You will [illegible] the barriers of legal in addition to being able to address stress and anxiety among patrons dealing with legal issues identifying the specific legal issue, source of applicable law,

Learning Objectives
Learners successfully completing this course will be able to:

- Recognize and address patron stress related to their legal issues and the personal circumstances behind them
- Identify a patron's specific legal issue through the legal reference interview process
- Identify the applicable body of law, secondary reference source, and specific legal reference material that addresses a patron's issue

Connect with legal services in your area

Facilitated by Subject-Matter Experts

- Law Librarian Facilitators
- Guest Speakers
  - AZCourtHelp Legal Talks Coordinator
  - Local Law Library Manager
  - Public Librarian with Legal Programming Expertise
- Zoom Moderators
  - Law Libraries
  - AZFLSE

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Yuma Libraries Empowered

- Network of colleagues
- Knowledge and confidence
- Community resources
- Community partnerships
- County-specific Arizona Legal Resource List

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ARIZONA LEGAL RESOURCE LIST

Legal Forms and Instructions
AZCourtHelp
Arizona Courts Self-Service Center
Gale Legal Forms
Bankruptcy Court Self-Help Center
Arizona State Library Topic Guides
Your County's Law Libraries
Laws and Rules
U.S. Bills
U.S. Constitution
U.S. Code (laws)
U.S. Rules of Court
U.S. Code of Federal Regulations (administrative law)
Arizona Bills
Arizona Constitution
Arizona Revised Statutes (laws)
Arizona Rules of Court and Local Rules
Arizona Administrative Code
Caselaw
Your County's Ordinances
Your County's City Codes
Courts
U.S. Supreme Court
U.S. District Court, District of Arizona
U.S. Bankruptcy Court, District of Arizona
Arizona Supreme Court
Your County's Superior Court
Your County's Justice Courts
Your County's Municipal Courts
Map of Your County's Courts

Researching Legal Topics
Findlaw Legal Topic Search
Nolo Legal Topic Search
Research Guides from ASU College of Law
Research Guides from the UofA Law Library
Americans With Disabilities Act
Arizona Center for Disability Law
Arizona Crime Victim Help
AZ Eviction Help
Law for Kids
Law for Seniors
Law for Veterans
Taxes: IRS
Immigration: USCIS
Immigration: USCIS (in Spanish)
Social Security: SSA
Public Library Toolkit
Civil Legal Programming for Public Libraries
LEGAL SERVICES AND PROFESSIONALS
Live Chat With a Law Librarian
Free Virtual Legal Talks
State Bar of Arizona
State Bar of Arizona Lawyer Search
Limited Scope Representation from a Lawyer
Find a Certified Legal Document Preparer
Find a Nonlawyer Legal Service Provider
Mediation
Arbitration
Your County's Bar Association
Your County's Legal Aid Agency
Other Legal Service Providers in Your County

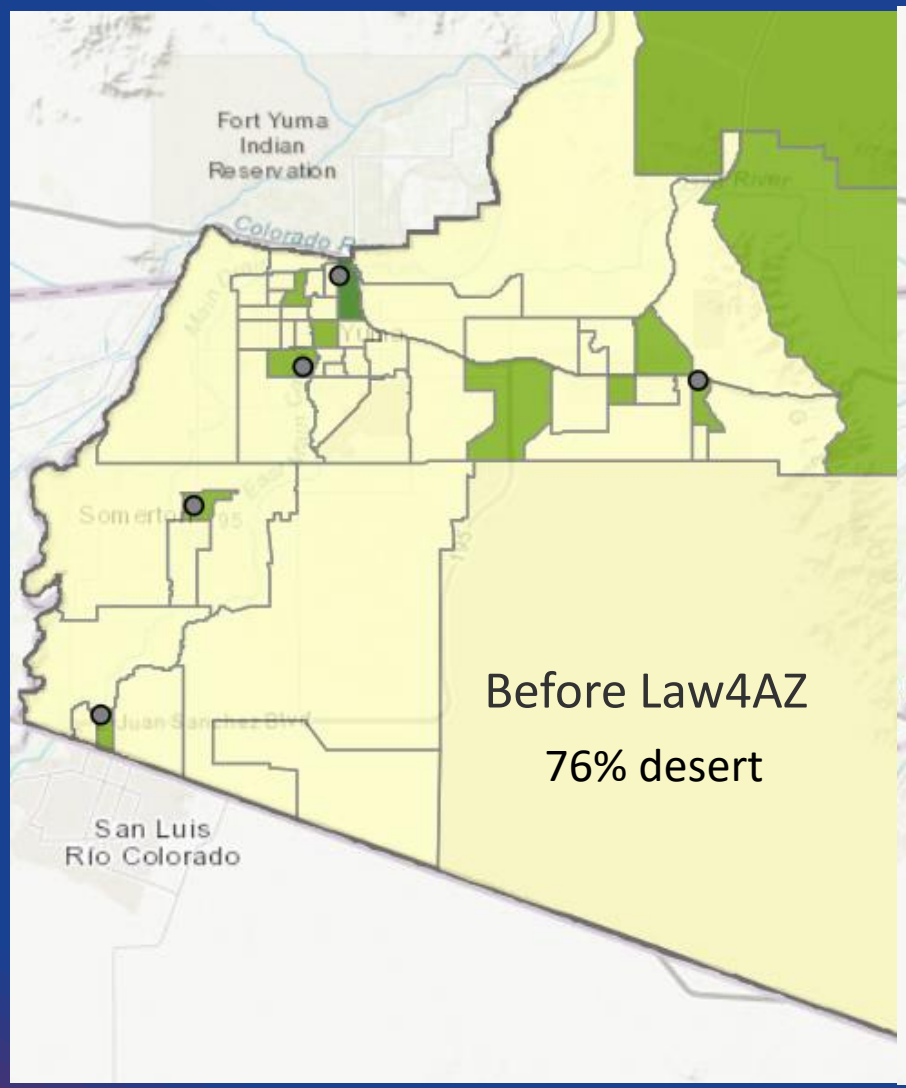
Access-to-Justice Indicators

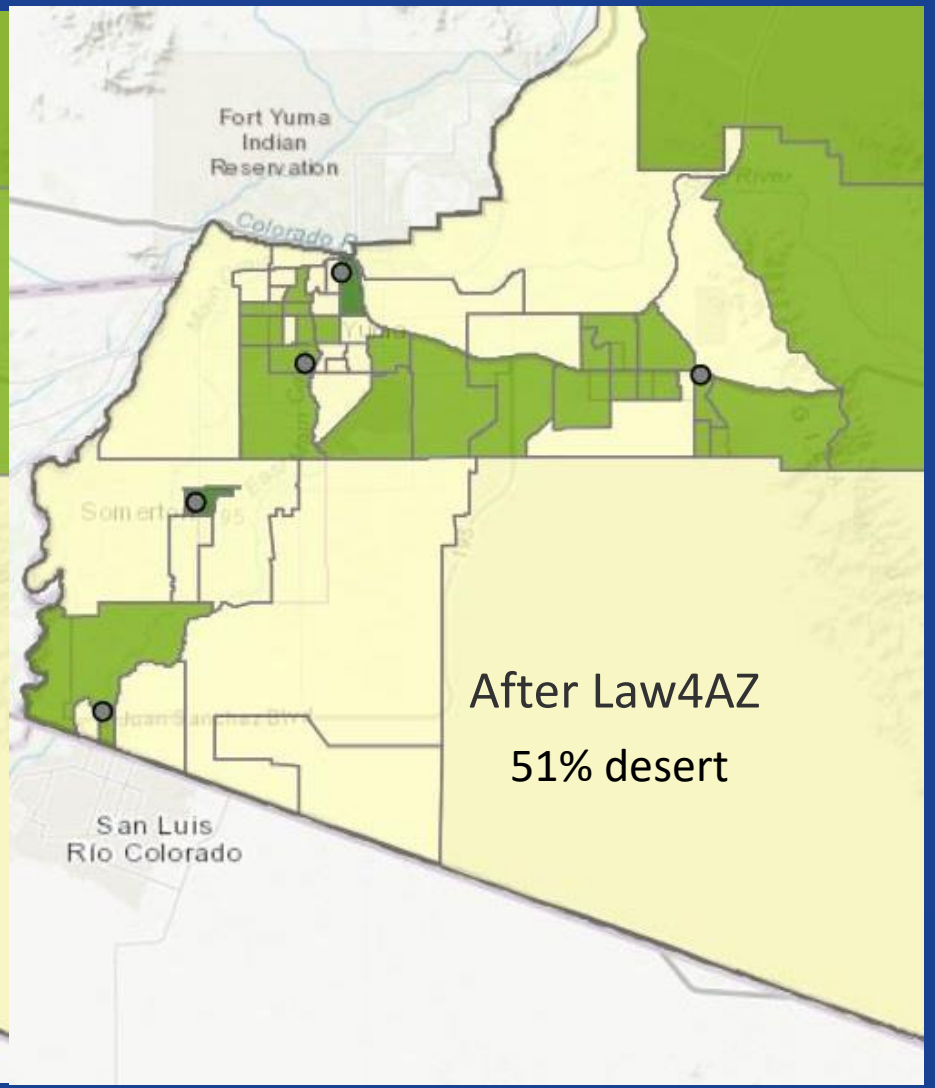
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Law4AZ Training

- Law4AZ Training Completed

The Greening of Yuma





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What's Next?

- Train another county library district
- Enjoy the wheel we've already invented
  - Program Map
  - Arizona Legal Resource List
  - Meeting Agendas
  - Zoom moderator instructions
  - Email templates
- Recruit additional Facilitators

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Gretchen Hornberger
Law Librarian
Coconino County Law Library
ghornberger@coconino.az.gov
928-679-7540

Civil Legal Justice Course:

learn.webjunction.org/course/index.php?categoryid=60

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Arizona Commission on Access to Justice Plan For Excellence

I. Vision

The Arizona Commission on Access to Justice will improve lives by working to promote and expand Arizona's civil legal services and by collaborating, educating, and advocating access to civil justice for all. **[Kevin Ruegg]**

II. Mission

The Arizona Commission on Access to Justice promotes community and court connections and creates collaborative opportunities to provide those involved in Arizona's civil justice system with a safe, accessible, trusted, fair, efficient and meaningful experience to address and resolve disputes. The Commission is an information exchange forum, and a source of information, education, and training, to help enhance Arizona's civil justice system and those involved in that system. The Commission is (1) collaborative; (2) committed to achieving results in pursuit of its vision; (3) accountable to the public and to its members; and (4) eager to innovate, remove barriers, and change to better serve the public. **[N.H. Charitable Foundation; Community Foundation Research and Training Institute]**

III. Core Values

- Increase and expand attorney engagement in pro bono civil legal services for those who cannot afford an attorney. **[AO 2014-83 at 2 ¶ 1(b); Survey Top Rank]**
- Enhance support, resources, and funding for Arizona legal aid agencies and others providing direct and adjacent civil legal services. **[Survey Second Rank; see also AO 2014-83 at 2 ¶ 1(c) (state tax credit)]**
- Expand resources for, and the availability of resources to, self-represented litigants to address their civil legal needs. **[AO 2014-83 at 2 ¶ 1(a); Survey Third Rank – Tied]**
- Collaborate with federal, state, and local governmental entities, and the public, to increase access to legal information and services and to share the benefits of expanding access to civil justice in Arizona. **[Survey Third Rank – Tied]**
- Support appropriate reforms in the delivery of legal services to expand alternative methods of helping individuals address their civil legal needs.
- Support online legal resources including AZCourtHelp.org and azcourts.gov, other virtual resource centers, public and law libraries and resource center hubs. **[2019-2024 Justice for the Future at 2]**
- Work with the Foundation for Legal Services and Education and the State Bar of Arizona to improve access to civil legal services and legal information for individuals with modest incomes. **[2019-2024 Justice for the Future at 2]**

DRAFT

Arizona Commission on Access to Justice
Five Year Audacious Goals
WILD DRAFT

1. By May 12, 2027, the Commission will have successfully championed and supported efforts to [DOUBLE/INCREASE BY 50 PERCENT/INCREASE BY XX PERCENT] the number of individuals served by Arizona legal aid agencies.

2. By May 12, 2027, the Commission will have successfully championed and supported efforts to [QUADRUPLE/TRIPLE/DOUBLE/INCREASE BY XX PERCENT] the number of individuals who access legal resources on [INSERT WEBSITES HERE].

3. By May 12, 2027, the Commission will have successfully championed and supported [INSERT DESCRIPTION HERE] that will allow funding for [INSERT DESCRIPTION HERE]

4. By May 12, 2027, the Commission will have successfully championed and supported [INSERT NUMBER HERE] new reforms to expand alternative methods of helping individuals address their civil legal needs.

5. By May 12, 2027, the Commission will have successfully championed and supported efforts to secure universal high speed internet access in Arizona to eliminate the Digital Divide and ensure that all individuals can access remote legal proceedings.

DRAFT

Arizona Commission on Access to Justice
Current Workgroup Goals

Rules Workgroup – Bruce/Sam

Identify changes to court rules or practices to reduce barriers to access, to simplify court processes and procedures, making them less costly and more efficient while maximizing use of court's resources, **[Justice for the Future at 2 Goal 1 (2019-24); AO 2014-83 at 2 ¶ 1(a)]**, including by bringing to the Commission:

1. Any rule change petition the Rules Workgroup believes the Commission should file a comment on (in favor or opposition);
2. Any rule change petition the Rules Workgroup believes the Commission should initiate.
3. Any other training, education, revision, or other rules-based effort the Rules Workgroup would like for the Commission to consider.

Public Information and Messaging Workgroup Goals: - Alberto

1. Expand the information campaign to inform lawyers and the public about the Arizona tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona. **[AO 2014-83 at 2 ¶ 1(c)]**
2. Develop on a central directory for legal services and, in cooperation with the State Bar of Arizona Public Service Center, host the legal aid directory on the Bar's website.
3. Develop a bench card for the judiciary providing information about resources available online that could be provided to individuals in need of such services who appear in court and provide educational information about such resources at new judge orientation and the judicial conference. **-Sam**

Self-Represented Litigants in Limited Jurisdiction Court Workgroup Goals: - Charles

1. Continue to inform and educate self-represented litigants with possible additional videos and legal information webpages to include the following: warrants; restoration of rights; civil traffic; specialty courts; technology and virtual court appearances; sources of law; and eviction court navigators.
2. Identify and add additional members committed to the mission who can contribute to goals.
3. Identify the need for, and write petitions to commence, the rule-making process to assist self-represented litigants and access to justice; for example, how to replace a "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.

Justice in Government Workgroup: - Chris

1. Enhance and expand relationships with federal and state agencies, including to help secure resources to support access to justice with legal services agencies.
2. Support the Housing Stability Court Navigator program.

Judicial and Attorney Engagement Workgroup – Joe

1. Coordinate and enhance relationship with public lawyers, both state and federal, to engage public attorneys in pro bono participation in designated areas of legal need.
2. Continue to encourage senior lawyers to help provide pro bono services, including assist and support the State Bar of Arizona's efforts to simplify Supreme Court Rule 38(D) requirements that allow retired attorneys to participate in pro bono activities.
3. Establish a portal for pro bono opportunities.

DRAFT

ACAJ Suggestions from Members (1242022)

Commission Priorities

One:

1. Assist SRLs as they navigate into the future of virtual technology and court appearances.

2. Expand the Commission's mission and vision to recognize that the vast majority of misdemeanor defendants also do not have access to counsel (appointed only if jail time is mandatory or requested by the state or in the interests of justice).

3. In accord with the previous priority, defendants can begin to have their records sealed beginning on January 1, 2023, so we should assist SRL criminal defendants obtain post-conviction relief.

Two:

1. Continue to find ways to enhance funding and services to the local legal aid agencies
2. Promote and enhance information regarding how to provide pro bono services to individuals
3. Improve education about the legal system and look for opportunities for more outreach to local schools.

Three:

1. Advance Mission Statement
2. Submit an excellent report to the Arizona Judicial Council
3. Study results of past programs

Four:

1. To remove barriers to justice for tenants in evictions. These barriers include but not limited to the lack of legal representation for tenants, answer fees, the lack of the ability to clear tenants' credit and record after judgment.

2. To ensure that virtual hearings are accessible and fair for pro per litigants who may not have the technology or resources to present their cases virtually.

3. To remove barriers to justice for litigants of color and who are living with disabilities. The Commission should analyze the number of tenants facing evictions and debtors in debt claims who are members of these populations and then decide if there are disparate numbers based upon AZ population. The Commission should remove barriers to these populations through outreach and changing policies and procedures that unfairly hinder these populations.

Five:

1. Diversify Commission membership to include leaders from other sectors and lived experience experts from the low-income community

2. Conduct a justice needs analysis for the state to identify baseline and collect metrics that can inform priorities

3. Create a strategic plan similar to the December 2020 Michigan "Strategic Plan and Inventory Report."

Six:

1. How can we address and improve upon cases where one side is represented by counsel and the other is not. There are numerous issues, such as distrust from the self-represented litigant, differential application of procedural rules, and perception from represented litigants that courts are assisting the self-represented litigant.

2. [Continue] working on the Child Support Prison Project, which the Commission has fully supported [and ensure] that it remains on the radar.

3. Early case intervention programs in family court cases where there are mental health or substance abuse issues. This goes along with the Chief's Task Force on Mental Health and the Courts.

Seven:

1. Improve unjust impediments in the judicial system

2. Increase Attorney Engagement in Pro Bono

3. Improve access to justice for all

Eight:

1. Update and refine legal help factsheets.

2. Present benefits of legal assistance to minimum of three state agency leaders.

3. Increase funding opportunities for legal assistance via state or federal agency funds.

Nine:

1. Create a portal through the Arizona Foundation for Legal Services and Education website for judicial officers to learn about pro bono and public service opportunities that are appropriate for judicial officers;

2. Collaborate with the new United States Attorney and his leadership team to engage U.S. Attorneys in pro bono work;

3. Engage senior lawyers via specific outreach and modifications to how Rule 38 applications are processed.

Ten:

1. More engagement with Law Schools re Legal Assistant programs and how they are working in the communities, especially rural areas.
2. More emphasis on legal assistance in rural areas.
3. Look for opportunities to replicate the Maricopa County Court Navigator program
4. Continued partnerships between Legal Service Organizations and local Community Action Agencies in order to better coordinate services to vulnerable populations.
5. Continued partnership with the current Executive Branch and education of the 2022 newly elected Governor and their staff.
6. Explore new opportunities for collaboration between Legal Services and the AZ Department of Housing and AZ Department of Economic Security in order to better coordinate services to vulnerable populations.
7. Continue and expand the Azcourthelp.com hotline.

Eleven:

1. Promote access to free and reduced cost legal service, ensuring statewide access through initiatives to increase funding, such as but not limited to:
    a. Tax credit promotion
    b. Cy pres awards and exploring possibility of rule change as developed in other states
    c. Support of Justice in Government workgroup efforts
2. Promote an increased recruitment and promotion of volunteer lawyers
    a. Support Judicial & Attorney Engagement workgroup
    b. Recognize volunteer lawyers exemplary efforts
3. Promote self-help materials for SRL
    a. Continue and enhance library efforts to increase access
    b. AZCourtHelp – continue work to review rules, create help materials

Twelve:

1. Making the commission meetings working meetings rather than opportunities for dissemination.

2. Engaging the commission with AZ's legal services regulatory reforms: how can the commission to work to encourage nonprofits and for-profits that serve low income people to take advantage of opportunities opened up by these changes – both paralegals and the changes to 5.4

3. Engaging the commission in supporting research in AZ about AZ access to justice. We can't fix what we don't understand.

Vision

One:

Add criminal misdemeanor SRLs and post-conviction relief to the vision.

Two:

Enhancing legal services to those less fortunate.

Three:

To concretely remove barriers to pro per litigants and be able to successfully measure this goal.

Four:

Re-think how the judiciary and the legal profession engages with community to advance access to justice. Diversify the membership of the commission to include voices from other sectors, such as social services, the medical community, educational institutions, other branches of government at the local, regional and state levels, and lived experience experts from the low-income community. Conduct a justice needs assessment that can inform a strategic plan for improving access to justice particularly within high need areas. Leverage interdisciplinary membership and their network to increase resources to support A2J efforts. Collect data for evaluation of A2J Commission efforts so that work that is not effective can be adjusted, and work that is highly effective can be amplified.

Five:

With a refreshed perspective looking broadly, we will implement innovative solutions to improve Access to Justice and make our system more just.

Six:

The development of a partnership between the private sector and the legal services providers to modernize the delivery of legal services. This would involve an overhaul of technology and a shift to an emphasis on virtual services.

Seven:

The Arizona Commission on Access to Justice will be recognized as an entity who guides and empowers the expertise of all stakeholders to collaborate, educate, and advocate for statewide promotion of access to justice.

Eight:

Over the next five years the commission should pursue evidence-based improvements in access to justice. These should include more than courts – for example, community legal extenders or navigators, engaging with community organizations of different types, trainings for community members and

organizations. This would mean the commission would need to (a) seek evidence to inform its work; (b) encourage people/organizations to do the same; (c) encourage research.

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

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A. Welcome and Opening Remarks

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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.
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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

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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:

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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.

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- 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:

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Call to the Public:

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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.

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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.
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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

Thursday, November 3, 2022; 9:00 a.m.
Hybrid Meeting – Room 119 A/B

Commission Home Page

Zoom link
Webinar ID: 981 4797 3851
Passcode: 780332
Dial: 602 753-0140
Toll-free: 877 853 5247

NOTICE: The ACAJ meeting will be held via Zoom webinar. Anyone from the public who wishes to submit comments on any item on this agenda or wishes to speak during the Call to the Public should email comments or requests to speak to ACAJ Committee Staff no later than **9:00 a.m. on **November 1, 2022**.

Time*	Agenda Items	Presenter
9:00 a.m.	Welcome and Opening Remarks Approval of Minutes as presented — May 12, 2022	*Judge Sam Thumma, Chair*

- *Well-Being in Domestic Relations Court – NCSC, National Judicial Task Force to Examine State Courts' Response to Mental Illness*
- *HB2484 Time of payment of fees*
- *HB2485 Eviction action; dismissal; sealed records*
- *R-22-0004 – Filed by Wildfire Igniting Community Action to End Poverty in Arizona*
- *R-22-0027 – Filed on behalf of David Byers, Administrative Office of the Courts*

9:15 a.m.	New Mexico - Report on the Foreclosure Settlement Program	*Chris Peck, Director, Foreclosure Settlement Program, Susie Widner, Managing Attorney, Civil Div.*
9:45 a.m.	Legislative Update	*Liana Garcia Government Affairs Director*
10:00 a.m.	Update on the Four-Corners A2J Commission	*Sam Thumma*
10:05 a.m.	Open discussion of the Commission's Plan of Excellence and Audacious Goals ☐ **Vote/A*ction item***	*Sam Thumma*
10:35 a.m.	Update on AZCourtHelp.org	*Dr. Kevin Ruegg, Cathleen Cole Arizona Bar Foundation*
10:45 a.m.	**10-minute break – Please mute your microphones and return in 10 minutes**	
10:55 a.m.	Call to the public	*Sam Thumma*
11:00 a.m.	Update on Legal Service Provider efforts aka	*Sam Thumma, Pam Bridge,*

	"The Sandwich Campaign" ☐ *Informal action item*	*Wendy Ascher, Rudolfo Sanchez*
11:10 a.m.	Medical Debt Policy Scorecard https://medicaldebtpolicyscorecard.org/	*Erin Weaver* *Innovation for Justice*
11:25 a.m.	**Rules** Workgroup Report	*Judge Bruce R. Cohen*
11:30 a.m.	**Public Information and Messaging** Workgroup Report	*Alberto Rodriguez,* *Communications Director, AOC*
11:35 a.m.	**Intergovernmental Collaboration** Workgroup Report	*Chris Groninger,* *Arizona Bar Foundation*
11:40 a.m.	**Self-Represented Litigants in Limited Jurisdiction Courts** Workgroup Report	*Charles Adornetto*
11:45 a.m.	**Attorney and Judicial Engagement** Workgroup Report	*Judge Joseph Kreamer*
12:00 p.m.	Good of the Order Adjournment	*Sam Thumma*

Next Meeting: Thursday, February 2, 2023; 9 a.m.
Conference Room 119 A/B (subject to change)
Arizona State Courts Building
1501 W. Washington, Phoenix, AZ 85007

Upcoming 2023 Meeting Dates
February 2
May 3
November 2

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III. OTHER BUSINESS

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Next Meeting Date: November 3, 2022

Adjourned at 12:04 p.m.

Understanding Series: Foreword

Divorce, the legal dissolution of a relationship, or child custody-related litigation is one of life's most stressful events, especially when abuse or domestic violence is an element. The process itself can induce trauma not just in the children and parties, but also in judges and court staff who deal with these situations daily. It is common that participants experience a range of mental health conditions during the litigation process, some of which may be situational or temporary, but many of which may already be present and may be exacerbated by the process. In such cases the court should take the responsibility for helping all involved to move through the process as comfortably, calmly and expeditiously as possible.

Experience has shown that judges need better, deeper understanding of the various elements that impact the well-being of individuals and families, as well as themselves and their staffs, in order to be most effective at dealing with such cases. This "Understanding Series" is an effort to give judges and staff the knowledge and tools that will make their work in domestic relations cases more fulfilling and less stressful while improving family well-being in such cases.

The series represents the work of the Promoting Well-Being in Domestic Relations Court Committee, a collaboration between the Cady Initiative for Family Justice Reform and the National Judicial Task Force to Examine State Courts' Response to Mental Illness, formed to:

> *Promote the well-being of families, including implementation of trauma-responsive practices for families and staff, throughout the life of their case and as the primary desired case outcome.*[1]

The committee comprises a multidisciplinary, expert panel of judges, social workers, behavioral health specialists, researchers, attorneys, anti-domestic-violence advocates, and court administrators.

The goal of this series is to advance judges' and staff's knowledge and to set forth best practice approaches to helping judges and staff recognize and address most effectively to the trauma, mental health conditions and domestic violence that are evident in the cases before them. Organizations such as the National Council of Juvenile and Family Court Judges, the National Center on Domestic Violence, Trauma and Mental Health, the National Child Traumatic Stress Network and others have studied trauma extensively.

[1] CCJ/COSCA (2020). Resolution 4: In Support of a Call to Action to Redesign Justice Processes for Families. Recommendation 6. Retrieved from https://ccj.ncsc.org/__data/assets/pdf_file/0023/51197/Resolution-4-In-Support-of-a-Call-to-Action-to-Redesign-Justice-Processes-for-Families.pdf

The Understanding Series is not a comprehensive treatise but a point of entry. Each chapter addresses an aspect of the knowledge that judges should acquire to perform at their best when dealing with such cases. The chapters also contain resource links where readers can deepen their understanding and application of various concepts or techniques.

Chapters

- Chapter 1: Understanding Well-Being in Domestic Relations Court
- Chapter 2: Understanding Trauma, its Impacts and How to Create a Trauma-Responsive Court
- Chapter 3: Understanding the Spectrum of Mental Health Conditions
- Chapter 4: Understanding the Impact of Mental Health Conditions on Parenting Capacity
- Chapter 5: Mitigating the Risk of Children's Adverse Experiences During and Following Divorce
- Chapter 6: Understanding the Benefits of Early Case Intervention

Professionals Involved

Systems change at the intersection of Domestic Relations, Domestic Violence and Behavioral Health requires the input of a broad convening of professionals from various disciplines. We are grateful to the partners of the Cady Initiative for Family Justice Reform for contributing their knowledge in this area, and their recommendations for its success: IAALS, the Institute for the Advancement of the American Legal System; the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Association of Family and Conciliation Courts (AFCC).

The Understanding Series would not be possible but for the contributions of these professionals:

Chairs: Hon. Bruce R. Cohen, Family Department Presiding Judge, Maricopa County Superior Court, Phoenix, Arizona; and Kent Batty, National Judicial Task Force to Examine State Courts' Response to Mental Illness, Arizona Administrative Office of the Courts, Tucson, Arizona.

- Hon. Gayl Branum Carr, District Court Judge, Fairfax, Virginia
- Janice Garceau, Deputy Director, Deschutes County Behavioral Health, Bend, Oregon
- Joi Hollis, PhD, Director, Family Center of the Conciliation Court, Arizona Superior Court in Pima County, Tucson
- Andrea Jones, MSW, RSW, Office of the Children's Lawyer, Toronto, Canada
- Anadelle M. Martinez-Mullen, JD, Director of SAFeR, Battered Women's Justice Project, Jacksonville, Florida
- Hon. Amy McFarland, District Court Judge, McClean, Illinois
- Mindy Mitnick, EdM, MA, Licensed Psychologist, Minneapolis, Minnesota
- Hon. Keven O'Grady, District Court Judge, Olathe, Kansas
- Michael Saini, PhD, Professor, University of Toronto, Canada
- Dawn Stover, Executive Director, Alliance of Tribal Coalitions to End Violence, Norman, Oklahoma
- Gene Valentini, Director, Office of Dispute Resolution for Lubbock County, Texas

- Carole Warshaw, MD, Director, National Center on Domestic Violence, Trauma and Mental Health, Chicago, Illinois

NCSC Staff

- Alicia Davis, JD, Project Director, Cady Initiative for Family Justice Reform, Boulder, Colorado
- Miguel Trujillo, MPP, Court Consultant, Denver, Colorado

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 97

HOUSE BILL 2484

AN ACT

AMENDING SECTIONS 12-301 AND 22-281, ARIZONA REVISED STATUTES; RELATING TO COURT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-301, Arizona Revised Statutes, is amended to read:

12-301. Time of payment of fees; effect of failure to collect; alternative payment methods

A. All fees are payable at the time the service is rendered, unless otherwise provided by law. An officer may refuse to perform any service in any action or proceeding, criminal proceedings excepted, until the fees are paid.

B. Failure to collect the fee shall not affect the validity of the act or service.

C. The court may allow fees to be paid by alternative methods, including credit cards, charge cards, debit cards and electronic funds transfers.

D. NO COURT SHALL EITHER IMPOSE OR COLLECT A FEE FOR FILING AN ANSWER TO A COMPLAINT FOR FORCIBLE ENTRY OR DETAINER.

Sec. 2. Section 22-281, Arizona Revised Statutes, is amended to read:

22-281. Fees and deposits

A. Justices of the peace shall receive fees established and classified as follows in civil actions:

Class	Description	Fee
A	Initial case filing fee	
	Civil filing fees	$ 73.00
B	Subsequent case filing fee	
	Civil filing fees – defendant	$ 40.00
C	Initial case filing fee	
	Forcible entry and detainer filings	$ 35.00
	Small claims filing	25.00
D	Subsequent case filing fee	
	Small claims answer	$ 15.00
	~~Forcible entry and detainer filings - defendant~~	~~18.00~~
E	Minimum clerk fee	
	Document and transcript transfer on appeal	$ 28.00
	Certification of any documents	28.00
	Issuance of writs	28.00
	Filing any paper or performing any act for which a fee is not specifically prescribed	28.00
	Subpoena (civil)	28.00
	Research in locating a document	28.00
	Seal a court file	28.00
	Reopen a sealed court file	28.00
	Record duplication	28.00

F	Per page fee		
	Copies of any documents per page	$	0.50
G	Special fees		
	Small claims service by mail	$	8.00

B. This section does not deprive the parties to the action of the privilege of depositing amounts with the justice, in addition to those set forth in this section, for use in connection with the payment of constable's and sheriff's fees for service of process, levying of writs and other services for which fees are otherwise provided by law.

C. Excluding the monies that are kept by the court pursuant to subsection D of this section, justices of the peace shall transmit monthly to the county treasurer all monies collected pursuant to subsection A of this section. The county treasurer shall distribute or deposit all of the monies received pursuant to this subsection as follows:

1. To the state treasurer for deposit in the judicial collection enhancement fund established by section 12-113, in the following percentages:

(a) 14.80 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) 16.23 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

2. To the state treasurer for deposit in the alternative dispute resolution fund established by section 12-135, in the following percentages:

(a) 1.69 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) 1.89 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

3. To the elected officials' retirement plan fund established by section 38-802, either of the following percentages, which shall be distributed to the fund pursuant to section 38-810:

(a) 21.91 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) 14.09 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

4. To the county general fund, in the following percentages:

(a) 49.95 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) 55.51 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

5. 6.00 percent to the elected officials' retirement plan fund established by section 38-802 for the purpose of funding a portion of the employers' contributions required pursuant to section 38-810.

D. In counties with a population of more than five hundred thousand persons, 5.65 percent of the monies transmitted pursuant to subsection C of this section shall be kept and used by the court collecting the fees in the same manner as the ~~seven dollars~~ $7 of the time payment fee prescribed by section 12-116, subsection B.

E. In counties with a population of five hundred thousand persons or less, 6.28 percent of the monies transmitted pursuant to subsection C of this section shall be kept and used by the court collecting the fees in the same manner as the ~~seven dollars~~ $7 of the time payment fee prescribed by section 12-116, subsection B.

F. The supreme court may increase the fees prescribed in subsection A of this section in an amount not to exceed the ~~per cent~~ PERCENT of change in the average consumer price index as published by the United States department of labor, bureau of labor statistics between that figure for the latest calendar year and the calendar year in which the last fee increase occurred.

APPROVED BY THE GOVERNOR MARCH 30, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2022.

New Mexico
Rural Justice Initiative

A Plan to Recruit Attorneys for Rural New Mexico



Report to the New Mexico Supreme Court of the Rural Justice Initiative Ad Hoc Committee

September 2022

CHAMBERS OF
DONNA J. MOWRER
District Court Judge
Division IV

Roosevelt County Courthouse
109 W. First Street, Suite 202
Portales, New Mexico 88130
Ph: 575-359-6922

STATE OF NEW MEXICO

Ninth Judicial District Court

September 9, 2022

New Mexico Supreme Court
Post Office Box 848
Santa Fe, NM 87504-848

Dear Chief Justice Bacon, Justice Vigil, Justice Thomson, Justice Vargas and Justice Zamora:

Enclosed please find the report ordered by this Court on April 25, 2022. This committee met multiple times and developed this three-tiered approach to recruiting and retaining attorneys in rural areas of New Mexico.
Our report recommends that the Court adopt the creation of a Rural Justice Externship, a Rural Practice Externship and a Rural Practice Incubator geared specifically to rural New Mexico.
This Committee understands that there is no panacea to the shortage of attorneys in rural New Mexico. However, we believe that a genuine quality of life exists in rural New Mexico that once experienced, cannot be duplicated in a metropolitan setting.
It is this committee's hope that these efforts will reduce the access to justice gap that many New Mexicans face.

Respectfully Submitted,

Donna J. Mowrer

Honorable Donna J. Mowrer,
Chief Judge
Ninth Judicial District Court Judge, Div. IV
Rural Justice Initiative Ad Hoc Committee Chair

Introduction

Since July 2020, the New Mexico Supreme Court has received reports and made recommendations to address an access to justice gap prevalent in rural New Mexico. In April 2022, the Court created the Rural Justice Initiative Ad Hoc Committee and tasked this committee with making recommendations regarding summer judicial externships and the creation of a rural law opportunity program. The committee is recommending the creation of a program entitled the Rural Justice Initiative with three components addressing rural judicial externships, rural practice externships and rural practice incubators.

Spend any time with an attorney familiar with access to justice and you may hear a phrase such as "equal access to justice is woven into the fabric of our system." That axiomatic phrase itself may be part of our vernacular and an aspirational goal, yet in reality, the fabric has shrunk and is not adequately covering all of our state and its rural residents. Approximately 97% of the land in the United States is considered rural according to one definition of rural[1]. The federal government alone has more than twelve definitions of "rural."[2] While no universal definition of "rural" exists, different definitions can impact resource distributions, research and funding.[3] No

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[1] The U.S. Census Bureau defines rural America as an area or population that is outside of an urban area and has less than 2,500 residents. Michael Ratcliffe et. al., DEFINING RURAL AT THE U.S. CENSUS BUREAU 1 (Dec. 2016) https://www2.census.gov/geo/pdfs/reference/ua/Defining_Rural.pdf. *See also* Press release, U.S. Census Bureau, New Census Data Show Differences Between Urban and Rural Populations- (Dec. 2016). https://www.census.gov/newsroom/press-releases/2016/cb16-210.html; CONF. OF STATE COURT ADMINISTRATORS, COURTS NEED TO ENHANCE ACCESS TO JUSTICE IN RURAL AMERICA (2018), https://cosca.ncsc.org/~/media/Microsites/Files/COSCA/Policy%20Papers/Policy-Paper-1-28-2019.ashx

[2] Defining rural America: The consequences of how we count, July 20, 2022 (last accessed September 2, 2022), https://ruralinnovation.us/blog/defining-rural-america/#defining-rural-america-3.

[3] Long, J. C., Delamater, P. L., & Holmes, G. M. (2021). Which definition of rurality should I use? The relative performance of 8 federal rural definitions in identifying rural-urban disparities. Medical Care, 59 (Supp 5), S413–S419. https://doi.org/10.1097/MLR.0000000000001612.

matter the definition of rural, it is clear that urban areas outpace rural areas in growth.[4]

The Court is aware of the difficulties facing rural communities as attorneys age out of practice and practice only in urban areas, leaving rural areas of New Mexico with few attorneys.[5]

After much discussion, this committee has developed the framework for a recruitment program which we feel will begin to address the lack of attorneys in rural New Mexico. We have taken a holistic approach and believe a three-pronged process is best. This committee specifically did not address any loan forgiveness as that recommendation was made and discussed in the *New Mexico Rural Justice Initiative, Recruiting and Retaining Attorneys for Rural New Mexico, Report to the New Mexico Supreme Court* in September, 2021. While we believe that student loan forgiveness for those choosing to work and practice civil law in rural areas of our state would be an additional benefit, ultimately the committee recommends that stipends for work be the focus.

Additionally, this committee recognizes at the outset that this recommendation is large and will require a significant investment of funds and labor. The potential rewards to our rural communities are equally impressive. This committee believes that we must begin with students completing their first year of law school at the University of New Mexico (UNM) School of Law or Texas Tech School of Law and continue to encourage participating in the second and third levels of the program.

Emplify, an employee engagement software company, recently theorized that employees should continually be recruited in order to prevent them from leaving the

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[4] 2010 CENSUS URBAN AND RURAL CLASSIFICATION AND URBAN AREA CRITERIA, U.S. Census Bureau (2010), https://www.census.gov/geo/reference/ua/urban-rural-2010.html.

[5] See, e.g., *Innovation to Address the Access to Justice Gap, Report to the New Mexico Supreme Court of the Ad Hoc Licensed Legal Technicians Workgroup*, December, 2019 and *New Mexico Rural Justice Initiative, Recruiting and Retaining Attorneys for Rural New Mexico, Report to the New Mexico Supreme Court of the Ad Hoc Committee for the Recruitment and Retention of Attorneys for Rural New Mexico*, September 2021.

company.[6] The same theory can be applied to recruiting attorneys to practice in rural areas. Recruitment should be continuous from the moment someone enters the Rural Justice Initiative. Our goal should be to shepherd them through all stages and into a successful rural practice. Our approach would build strong connections to rural communities and encourage a community based approach to the access to justice issue. Recently, the Sixth Judicial District experienced the problem of recruiting to fill a staff attorney position in their rural district with no prior connections to the area. According to Chief Judge Jennifer Delaney, the process took two years from job opening to finally filling the position. The committee believes that by utilizing this program, participants will build connections to the rural communities and ultimately to the people that will be their neighbors and potential clients, and give them social connections to community organizations, churches and other rural activities.

We have developed the framework for the program with the continuous recruitment theory in mind. The first stage of the Rural Justice Initiative would be a Rural Justice Externship [hereinafter referred to as "RJE"] after the first year of law school has been completed. The second stage, a Rural Practice Externship [hereinafter referred to as "RPE"], would occur after the second year of law school and be followed by a Rural Practice Incubator [hereinafter referred to as "RPI"] after graduation. Each of the phases is explained below.

Rural Judicial Externship (RJE)

- Open to those who have completed their first year of law school at either the University of New Mexico (UNM) School of Law or the Texas Tech School of Law[7].

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[6] *Why Re-Recruitment is the Key to Improving Employee Retention*, (last accessed Aug. 26, 2022), https://emplify.com/blog/improving-employee-retention/.

[7] In future years, the program could potentially be open to other ABA accredited law schools. However, this would require coordination with other law schools prior to the expansion to ensure that they were capable of handling the externship credit class, etc. This committee recommends that law schools in contiguous states be considered first for possible expansion as some New Mexico students go to Texas, Arizona or Colorado law schools and have the hope to return to New Mexico to practice.

    - Limit the number of participants per year to ten.
    - Preference will be given to New Mexico residents.
    - Placements would occur in the districts demonstrating the most need, for example, the Sixth, Fourth, Seventh, Tenth, Ninth and portions of the Eighth Judicial District, or as otherwise identified by the New Mexico Supreme Court.
- Duration - 10 weeks from May to August (approximately 40 hours per week).
    - A combined three credit hour course (20 hours per week of non-compensable work for school credit). This course would be a Judicial Externship administered through the UNM Law School or Texas Tech Law Schools in a fashion that fits within their existing externship program.
    - 20 hours per week paid at $25.00 per hour.
- Tuition reimbursement for three credit hours at a maximum of $1800.00.
- Stipend of $7,000.00 for participating in and completing the program.
- Salary of $25.00 per hour for 20 hours per week for 10 weeks of the program ($5,000.00 plus benefits = $6,750.00).
- Housing Benefit – University supplied housing at participating universities in rural communities at no cost to participants (ENMU/WNMU etc.).
- If there is no University in the rural community or the University is unable to provide housing, a $4,000.00 housing stipend could be offered.

Cost Break Down

RJE Stipend	$7,000.00	10 cohorts	$70,000.00
Salary	$5,000.00	10 cohorts	$50,000.00
Benefits	$6,750.00	10 cohorts	$67,500.00
Housing	$4,000.00	10 cohorts	$40,000.00[8]

Maximum Total Cost per year for RJE: $227,500.00

As our rural districts continue to lose attorneys and continue to have difficulty attracting new attorneys, now is the time for the judiciary and the local bar to begin

[8] It is not anticipated that there will be a need for all 10 cohorts to have housing costs if the university housing option is utilized by some cohorts.

selling rural practice, or to begin continuously recruiting as Emplify suggests. The RJE will require supervision by a judge that is passionate about his/her community and willing to mentor new attorneys. The local bar must also participate by meeting the extern and be willing to demonstrate and share the benefits of rural life.

This committee envisions that the RJE participant will spend time observing Court hearings, reviewing pleadings, as well as attending community meetings with the judge and local attorneys and being introduced to members of the community who can help sell their town as a place where the student can envision being part of the fabric of the community.

In addition, the RJE participant will prepare briefs for the Court and may conduct legal research for the Court.

Rural Practice Externship (RPE)

- Open to those who have completed their second year of law school at UNM or Texas Tech School of Law[9]
    - Must also have completed CLIP (Criminal Law in Practice Class)[10] or completed the RJE.
    - Limit ten participants per year.
    - Placements would again occur in the districts demonstrating the most need, for example, the Sixth, Fourth, Seventh, Tenth, Ninth and portions of the Eighth Judicial District, or as otherwise identified by the New Mexico Supreme Court.
    - A supervising attorney must actively participate and supervise the RPE students.
- Duration - 10 weeks from May to August (approximately 40 hours per week).

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[9] Future expansion could occur with other law schools as outlined in the RJE.

[10] This committee suggests that the administrator of the Rural Justice Initiative work with the participating law schools to create a class aimed at students understanding the requirements of law practice management, to include trust accounting, bookkeeping, succession planning, etc.

    - A combined three credit hour course (20 hours per week of non-compensable work for school credit). This option would only be available to students who work for a state entity or non-profit employers.
    - 20 hours per week paid at $25.00 per hour if the student is working at a state entity or a non-profit. However, if a student participates through an existing private firm or solo practitioner, that entity would have the opportunity to pay the additional 20 hours per week at $25.00 per hour or if that entity is unable, the RJE would pay the student.
- Tuition reimbursement for three credit hours at a maximum of $1800.00.
- Stipend of $7,000.00 for participating in and completing the program.
- Salary of $25.00 per hour for 20 hours per week for 10 weeks of the program ($5,000.00 plus benefits = $6,750.00).
- Housing Benefit – University supplied housing at participating universities in rural communities at no cost to participants (ENMU/WNMU etc.).
- If there is no University in the rural community offering housing or the University is unable to provide housing, a $4,000.00 stipend could be offered.
- RPE participants can work with local District Attorney Offices, Law Offices of the Public Defender, contracted Public Defenders, Legal Aid Offices or a private practitioner or rural law firm. This is another form of continuous recruitment – engaging other areas of the community.
- RPE participants working under the District Attorney, LOPD, or Legal Aid Offices would be able to appear in court under the supervision of a local attorney and handle small cases, or assist with larger cases, as these participants could meet the requirements of Rule 5-110, NMRA 1978.

Cost Break Down

RPE Stipend	$7,000.00	10 cohorts	$70,000.00
Salary	$5,000.00	10 cohorts	$50,000.00
Benefits	$6,750.00	10 cohorts	$67,500.00
Housing	$4,000.00	10 cohorts	$40,000.00[11]

[11] Supra, note 2.

Maximum Total Cost per year for RPE: $227,500.00

After the first year of the Rural Judicial Externship, both the RJE and the Rural Practice Externship would operate simultaneously during summer sessions at a total potential cost per year of: $455,000.00, excluding any administrative and overhead costs.

Post law degree - Rural Practice Incubator (RPI)

- Open to graduates from an ABA accredited School of Law.
- Individual participants must relocate and reside in an underserved rural area.
- Firm participants can create a satellite office in an underserved rural area and provide attorney representation. The committee recognizes that the pandemic has taught us that attorneys may live and work in diverse areas. However, access to an attorney is still an issue for rural New Mexico.
- Individual participants must open a general law practice within one month of acceptance into the program, and be willing to offer affordable rates at or below the customary rates in the area for civil practice cases.
- Individual participants may join or purchase an interest in an existing firm as an associate, or as part of succession planning.
- Participants must be willing to serve the community and commit to a rural practice for a minimum of five years
- Limit of ten initial cohorts and then add up to ten additional as needed and recommended by the NM Supreme Court.

The Program would offer the following per participant:

- Stipends in the following amounts:
  - $10,000 for completing one year of rural practice
  - $15,000 for completing two years of rural practice
  - $20,000 for completing three years of rural practice
  - $25,000 for completing four years of rural practice
  - $30,000 for completing five years of rural practice
- Increasing the stipend yearly will encourage longevity in the rural community.
- Participants will be required to sign a contract. Stipends would be paid at the end of every year of service. If the contract is broken, the

stipend would not be paid for that year, however prior years' stipends need not be repaid.

- Utilize State Bar Bridge the Gap Mentorship program to support the rural attorney. Require weekly meetings (remote) with mentor attorneys.
- Work with the State Bar to consider provisional licenses for those who have not sat for a UBE Bar Examination
- Program would require the attorney to remain in good standing with the bar, have no findings of misconduct and be subject to termination from the program for findings of misconduct, being placed on suspension, etc.
- This program would not prohibit a participant from taking on a case in a larger community. However, more than 50% of the caseload needs to be from individuals in underserved areas.
- RPI participants would have to annually report to the administrator of the program.
- Rural communities can further incentivize participants by offering local tax incentives, chamber of commerce memberships, economic development funding through the Local Economic Development Act, and other grant funding.
- Participants could be referred to the Small Business Development Center for a loan for the first year of operation.

- **Initial Startup costs $1,000,000. This figure does not include community participation or community incentives.**

Total Legislative Request: $3 million

The committee recognizes that a total legislative request of approximately $3 million dollars is significant. However, this funding would cover the first five years, including overhead, personnel and administration costs.

The committee believes that the Administrative Office of the Courts is in the best position to run the program. The Administrative Office of the Courts could hire someone to create and operate the program as well as monitor the needs of the rural jurisdictions. If additional personnel and associated costs are required for the program it would be an allowable expense from any funding received for the program.

Rural Justice Initiative Ad Hoc Committee

Honorable Donna J. Mowrer, Chief Judge, Ninth Judicial District Court, Div. IV, Portales, NM

Honorable Briana Zamora, Justice, New Mexico Supreme Court

Honorable James B. Foy, Judge, Sixth Judicial District Court, Div. III, Silver City, NM

Honorable Flora Gallegos Vance, Chief Judge, Fourth Judicial District Court, Div. III, Las Vegas, NM

Joseph F. Sawyer, San Juan County Attorney, Farmington, NM

Dr. Jamie Laurenz, Vice President for Academic Affairs, Eastern New Mexico University, Portales, NM

Joseph A. Schremmer, Assistant Professor of Law, University of New Mexico School of Law, Albuquerque, NM

Dr. Joseph Shepard, President, Western New Mexico University, Silver City, NM

Jared Morris, Partner, Harmon Barnett and Morris, P.C., Clovis, NM

Erinna Atkins, Attorney, S. Bert Atkins Law Office, Alamogordo, NM and Secretary-Treasurer, State Bar of New Mexico

Meeting Date: November 3, 2022

Subject:

Type of action requested:
☐ Formal action or request
☒ Information only
☐ Other

From: Sam Davis

Presenters: Liana Garcia

Discussion: 2023 Legislative Slate Update

Recommended motion: Discussion only.

Proposal #1: Certificate of Second Chance

Problem and Proposed Solution: To benefit court operations and provide clarity as to when a certificate of second chance will be issued. As currently drafted, ARS 13-905 is ambiguous but can be read in a way that creates a scenario where a defendant would be entitled to an unlimited number of certificates of second chance for felony convictions set aside but would be entitled to a certificate of second chance on a misdemeanor set aside only if he or she had not previously received a certificate of second chance in his or her lifetime.

Draft:

13-905. Setting aside judgment of convicted person on discharge; application; release from disabilities; certificate of second chance; firearm possession; exceptions

A. Except as provided in subsection ~~N~~ P of this section, every person convicted of a criminal offense, on fulfillment of the conditions of probation or sentence and discharge by the court, may apply to the court to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of sentencing. The court may issue an order that includes a certificate of second chance to a person whose judgment of guilt is set aside pursuant to subsection K or ~~L~~ N of this section.

B. The person or the person's attorney or probation officer may apply to set aside the judgment. The clerk of the court may not charge a filing fee for an application to have a judgment of guilt set aside.

C. The court shall consider the following factors when determining whether to set aside the conviction:

1. The nature and circumstances of the offense that the conviction is based on.

2. The applicant's compliance with the conditions of probation, the sentence imposed and any state department of corrections' rules or regulations, if applicable.

3. Any prior or subsequent convictions.

4. The victim's input and the status of victim restitution, if any.

5. The length of time that has elapsed since the completion of the applicant's sentence.

6. The applicant's age at the time of the conviction.

7. Any other factor that is relevant to the application.

D. If the application is granted, the court shall set aside the judgment of guilt, dismiss the complaint, information or indictment and order that the person be released from all penalties and disabilities resulting from the conviction except those imposed by:

1. The department of transportation pursuant to section 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319.

2. The game and fish commission pursuant to section 17-314 or 17-340.

E. A conviction that is set aside may be:

1. Used as a conviction if the conviction would be admissible had it not been set aside.

2. Alleged as an element of an offense.

3. Used as a prior conviction.

4. Pleaded and proved in any subsequent prosecution of the person by this state or any political subdivision of this state for any offense.

5. Used by the department of transportation in enforcing section 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319 as if the judgment of guilt had not been set aside.

F. The clerk of the court must notify the department of public safety if a conviction is set aside. The department of public safety must update the person's criminal history with an annotation that the conviction has been set aside and, if applicable, a certificate of second chance has been issued but may not redact or remove any part of the person's record.

G. This section does not:

1. Require a law enforcement agency to redact or remove a record or information from the record of a person whose conviction is set aside.

2. Preclude the department of public safety or the board of fingerprinting from considering a conviction that has been set aside when evaluating an application for a fingerprint clearance card pursuant to section 41-1758.03 or 41-1758.07.

H. If the state or the victim objects to an application to have a judgment of guilt set aside, an objection to the application must be filed within thirty days after the application is filed with the court. If an objection is filed, the court may set a hearing.

I. If the court denies an application to have a judgment of guilt set aside, the court shall state its reasons for the denial in writing and on the record.

J. A victim has the right to be present and be heard at any proceeding in which the defendant has filed an application to have a judgment of guilt set aside pursuant to this section. If the victim has made a request for postconviction notice, the attorney for the state shall provide the victim with notice of the defendant's application, whether the person is eligible for a certificate of second chance and of the rights provided to the victim in this section.

K. If the court grants the application to set aside the judgment of guilt, the court's order must include a certificate of second chance if the person ~~has not previously received a certificate of second chance and the person~~ was:

1. Convicted of a misdemeanor,

2. ~~if the person was~~ Convicted of a class 4, 5 or 6 felony and at least two years have elapsed since the person fulfilled the conditions of probation or sentence, ~~or if the person~~ was

3. Convicted of a class 2 or 3 felony and at least five years have elapsed since the person fulfilled the conditions of probation or sentence.

L. A PERSON IS NOT ELIGIBLE TO RECEIVE A CERTIFICATE OF SECOND CHANCE IF THE PERSON PREVIOUSLY RECEIVED A CERTIFICATE UPON THE SET ASIDE OF A FELONY CONVICTION.

M. The certificate of second chance:

1. Unless specifically excluded by this section, releases the person from all barriers and disabilities in obtaining an occupational license issued under title 32 that resulted from the conviction if the person is otherwise qualified.

2. Provides an employer of the person with all of the protections that are provided pursuant to section 12-558.03.

3. Provides another person or an entity that provides housing to the person with all of the protections limiting the introduction of evidence that are provided to an employer pursuant to section 12-558.03, subsection B.

4. Is not a recommendation or sponsorship for or a promotion of the person who possesses the certificate of second chance when applying for an occupational license, employment or housing.

~~L~~ N. UNLESS OTHERWISE PRECLUDED BY THIS SECTION, if the court does not issue an order that includes a certificate of second chance when the person's conviction is set aside, the person may apply to the court for a certificate of second chance after meeting the requirements prescribed in subsection K of this section. If a victim has made a request for postconviction notice, the attorney for the state shall provide the victim with notice of

the person's application for a certificate of second chance and the victim's rights under this section.

~~M~~ O. Notwithstanding section 13-910, if a conviction is set aside, the person's right to possess a firearm is restored. This subsection does not apply to a person who was convicted of a serious offense as defined in section 13-706.

~~N~~ P. This section does not apply to a person who was convicted of any of the following:

1. A dangerous offense.

2. An offense for which the person is required or ordered by the court to register pursuant to section 13-3821.

3. An offense for which there has been a finding of sexual motivation pursuant to section 13-118.

4. A felony offense in which the victim is a minor under fifteen years of age.

Proposal #2: Fee Waivers & Deferrals

Problem and Proposed Solution Increasing threshold for fee deferral applicant's income from 150% to 225% of poverty level established by the United States department of health and human services to automatically defer fees to end of case.

Adding the special supplemental nutrition program for women, infants, and children ("WIC") and the Arizona health care containment system ("AHCCCS") to the list of government assistance programs that may qualify applicant for a fee waiver.

Allowing applicant to establish they receive government assistance by affidavit or with supporting documentation.

Draft:

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

A. The court or any judge may for good cause shown extend the time for paying any court fees and costs required by law or may relieve against a default caused by nonpayment of a fee within the time provided by law, but no fees paid shall be refunded.

B. The supreme court shall adopt forms and procedures for deferral or waiver of court fees and costs.

C. Except as provided in subsection ~~E~~F of this section, the court shall grant an application for deferral of court fees and costs if the applicant establishes by affidavit that the applicant~~,~~ ~~including supporting documentation, that the applicant either:~~

~~1. Is receiving benefits pursuant to one or more of the following programs:~~

~~1. The temporary assistance for needy families program established by section 403 of title 4 of the social security act as it exists after August 21, 1996.~~
~~2. The food stamp program (7 United States Code sections 2011 through 2029).~~

~~1. Is receiving benefits pursuant to the supplemental security income program (42 United States Code sections 1381 through 1385).~~

2. ~~H~~HAs an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. In considering insufficient income pursuant to this paragraph, the court may consider the following as evidence of insufficient income:

(a) The applicant has a gross income that as computed on a monthly basis is TWO HUNDRED TWENTY-FIVE ~~one hundred fifty~~ percent or less of the current poverty level established by the United States department of health and human services. Gross monthly income includes the applicant's share of community property income.

(b) The applicant's income is considered to be sufficient, but the applicant provides proof of extraordinary expenses, including medical expenses, costs of care for elderly family members or family members with disabilities or other expenses that are deemed extraordinary, that reduce the applicant's gross monthly income to at or below TWO HUNDRED TWENTY-FIVE ~~one hundred fifty~~ of the current poverty level established by the United States department of health and human services.

D. UPON RECEIVING AN APPLICATION FOR DEFERRAL, THE COURT SHALL REVIEW THE APPLICATION AND MAKE A DETERMINATION BASED ON THE INFORMATION PROVIDED WHETHER COURT COSTS AND FEES SHOULD BE WAIVED ENTIRELY OR IN PART. THE COURT SHALL WAIVE COSTS AND FEES IF THE APPLICANT ESTABLISHES BY AFFIDAVIT OR PROVIDES SUPPORTING DOCUMENTATION THAT THE APPLICANT IS RECEIVING BENEFITS FROM ONE OF THE FOLLOWING:

1. THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM ESTABLISHED BY SECTION 403 OF TITLE 4 OF THE SOCIAL SECURITY ACT AS IT EXISTS AFTER AUGUST 21, 1996.

2. THE FOOD STAMP PROGRAM (7 UNITED STATES CODE SECTIONS 2011 THROUGH 2029).

3. THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (42 UNITED STATES CODE SECTION 1786).

4. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (ARIZONA REVISED STATUTES SECTIONS 36-2901 THROUGH 36-2999).

5. THE SUPPLEMENTAL SECURITY INCOME PROGRAM (42 UNITED STATES CODE SECTIONS 1381 THROUGH 1385).

~~D.~~ E. On proof that the applicant is permanently unable to pay fees or costs, the court shall waive them. For the purposes of this subsection, "permanently unable to pay" means the applicant's income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and the income and liquid assets are unlikely to change in the foreseeable

future.

~~E.~~ F. Except in cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support, and notwithstanding subsection A of this section or chapter 9, article 4 of this title, if the applicant is an inmate who is confined to a correctional facility operated by the state department of corrections and who initiates a civil action or proceeding, the inmate is responsible for the full payment of actual court fees and costs. On filing the civil action or proceeding, the clerk of the court shall assess and, when monies exist, collect as a partial payment of any court fees and costs required by law a first time payment of twenty percent. Thereafter the state department of corrections shall withhold twenty percent of all deposits into the prisoner's spendable account administered by the department until the actual court fees and costs are collected in full. The state department of corrections shall annually forward any monies withheld to the clerk of the court of each court of jurisdiction before January 31. If a prisoner is released before the full fees and costs are collected, the state department of corrections shall forward the amount of fees and costs collected through the date of the prisoner's release. The clerk of the court of each court of jurisdiction is responsible for sending the state department of corrections a copy of the order mandating the amount of fees and costs to be paid. This subsection does not prohibit an applicant from filing a civil action or proceeding if the applicant is unable to pay the filing fees.

~~F.~~ G. At the time an applicant signs and submits the application for deferral to the court, the applicant shall acknowledge under oath and sign a consent to judgment. By signing the consent to judgment, the applicant consents to judgment being entered against the applicant for all fees and costs that are deferred but that remain unpaid after thirty calendar days following the entry of final judgment or order. A consent judgment may be entered against the applicant unless one of the following applies:

1. The applicant has an established schedule of payment in effect and is current with payments.
2. A supplemental application for further deferral or waiver has been filed and is pending.
3. In response to a supplemental application, the court orders that the fees and costs be further deferred or waived.
4. Within twenty days of the date the court denies the supplemental application, the applicant either pays the fees or requests a hearing on the court's final order denying further deferral or waiver. If the applicant requests a hearing, the court shall not enter a consent judgment unless a hearing is held, further deferral or waiver is denied and payment has not been made within the time prescribed by the court.

~~G.~~ H. An applicant who is granted a deferral or waiver or a party to the action who knows of any change in the financial circumstances of the applicant shall promptly notify the court of the change in the applicant's financial circumstances during the pendency of the action that affects the applicant's ability to pay court fees and costs. If within ten days after notice and a hearing the court determines that the applicant's financial circumstances have changed and that the applicant no longer meets the eligibility requirements of this section, the court shall order the applicant to pay the deferred or waived fees and costs.

~~H.~~ I. The following court fees and costs may be deferred or waived, except that the county shall pay the fees and costs in paragraphs 6 and 7 of this subsection on the granting of an application for deferral or waiver and an applicant who has been granted a deferral shall reimburse the county for the fees and costs in paragraphs 6 and 7 of this subsection:

1. Filing fees.

2. Fees for issuance of either a summons or subpoena.

3. Fees for obtaining one certified copy of a temporary order in a domestic relations case.

4. Fees for obtaining one certified copy of a final order, judgment or decree in all civil proceedings.

5. Sheriff, marshal, constable and law enforcement fees for service of process if any of the following applies:

(a) The applicant established by affidavit that the applicant has attempted without success to obtain voluntary acceptance of service of process.

(b) The applicant's attempt to obtain voluntary acceptance of service of process would be futile or dangerous.

(c) An order of protection or an injunction against harassment in favor of the applicant and against the party sought to be served exists and is enforceable.

6. The fee for service by publication if service is required by law and if the applicant establishes by affidavit specific facts to show that the applicant has exercised due diligence in attempting to locate the person to be served and has been unable to do so.

7. Court reporter's fees for the preparation of court transcripts if the court reporter is employed by the court.

8. Appeal preparation and filing fees at all levels of appeal and photocopy fees for the preparation of the record on appeal pursuant to sections 12-119.01, 12-120.31 and 12-2107 and section 12-284, subsection A.

~~I.~~ J. If the case is appealed, the initial deferral or waiver remains in effect unless there is a change in the applicant's financial circumstances. If a case is appealed an applicant may be required to submit to the appellate court a new application for a deferral or waiver of the court fees and costs.

~~J.~~ K. J. If a judgment is rendered for court fees and costs, the court fees and costs deferred but unpaid and the expenses paid by the county under this section shall be included in the judgment and shall be paid directly to the clerk of the court by the party against whom the court fees and costs were assessed.

~~K.~~ L. A waiver of court fees or costs shall not be granted for:

1. Matters that are filed as class actions pursuant to rule 23 of the Arizona rules of civil procedure.

2. Civil actions other than cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support that are filed by persons who at the time of filing the application are incarcerated as a result of a felony conviction in an out-of-state correctional facility or in a jail waiting to be transported to a state department of corrections facility.

3. Civil actions other than cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support filed by a pro se litigant who has been previously declared a vexatious litigant by any court.

~~L.~~ M. This section does not limit the court's discretion in deferring, waiving or ordering the county to pay any fees and costs as may be necessary and appropriate.

~~M.~~ N. If an applicant who is granted a deferral or waiver is found to be a vexatious litigant by any court during the pendency of the action, the court shall order the applicant to pay the deferred or waived fees and costs.

~~N.~~ O. For the purposes of this section:

1. "Deferral" means either postponement of an obligation to pay fees or establishment of a schedule for payment of fees.

2. "Further deferral" means the establishment of a schedule for payment of fees.

Arizona Commission on Access to Justice Plan For Excellence

I. Vision

The Arizona Commission on Access to Justice will improve lives by working to promote and expand civil legal services in Arizona and by collaborating, educating, improving, and advocating for access to civil justice for all.

II. Mission

The Commission promotes community and court connections and creates collaborative opportunities to provide those involved in Arizona's civil justice system with a safe, accessible, trusted, fair, efficient, and meaningful experience to address and resolve disputes. The Commission is an information exchange forum, and a source of information, education, and training, to help enhance and improve Arizona's civil justice system and the experience of those involved in that system. The Commission is collaborative; committed to making a difference; accountable; and eager to innovate and remove barriers to better serve the public.

III. Core Values of the Commission

- Expand resources for those potentially involved in, or affected by, legal issues to prevent those issues from involving the civil legal system, and to self-represented litigants to address their civil legal needs.
- Support reforms in the delivery of legal services to expand alternative methods of helping individuals address their civil legal needs.
- Support and collaborate with courts to improve the self-represented litigant experience in navigating the civil legal system and encourage awareness among judges and judicial staff on best practices in creating accessible and available court systems for self-represented litigants.
- Increase and expand attorney engagement in pro bono civil legal services for those who cannot afford an attorney.
- Enhance support, resources, and funding for civil legal service providers and others providing direct and adjacent civil legal services and assistance.
- Work with organizations that serve the public, including the Foundation for Legal Services and Education and the State Bar of Arizona, to improve

legal information and access to civil legal services for individuals with modest incomes.

- Collaborate with federal, state, and local governmental entities, and the public, to increase access to legal information and services and to share the benefits of expanding access to civil justice.
- Support online legal resources including AZCourtHelp.org and azcourts.gov, other virtual resource centers, public, and law libraries and resource center hubs and efforts to reduce the Digital Divide as well as collecting and sharing data to improve civil access to justice.

Arizona Commission on Access to Justice Five Year Audacious Goals

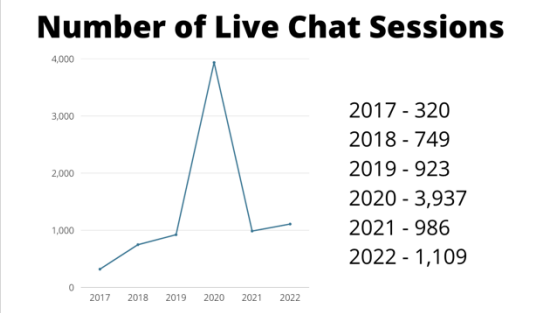
By May 2027, the Commission will have successfully:

1. Reduced the need for civil legal services by having championed and supported efforts to educate and empower those potentially involved in, or affected by, legal issues to prevent those issues from involving the civil legal system.
2. Engaged with those potentially involved in, or affected by, legal issues to ensure that they receive helpful legal information, including education and assistance so that they understand how the civil justice system works, how it can help them, and the benefits and risks associated with various alternatives, including expanding and constantly improving an access to justice website.
3. Championed and supported reforms to simplify the civil legal system and process, including for self-represented litigants, to help further ensure fair, equitable and understandable systems and processes for all.
4. Championed and supported efforts to increase access to universal high-speed internet and other technology to reduce the Digital Divide and ensure all individuals can access remote legal proceedings and services.
5. Championed and supported efforts to aggregate and share data to promote awareness and understanding among all branches of government, public services and the public regarding the role of the civil legal system, including how it relates and impact other systems and services.
6. Championed and supported efforts to increase, by 25 percent, (1) individual, corporate, and governmental support for legal aid agencies serving low-income users of Arizona's legal services; (2) the number of individuals served by legal self-help websites and self-help clinics and (3) pro bono support for low-income individuals.

AZCourtHelp Analytics 2022

FY 23 Highlights

- 315 forms were published to the site, 24,355 forms were downloaded.
- AZCourtHelp's YouTube Channel has had 1,700 views, for a total of 85 hrs.
- 86,277 people used the Find My Court Feature; Pima Superior Court being the highest searched at 1,328 views.
- Developing a jurisdictional boundary map with the State Cartographer's Office.



*2020 – Usage increase due to COVID-19 court closures

Live Chat Usage

January 1, 2022 – October 21, 2022

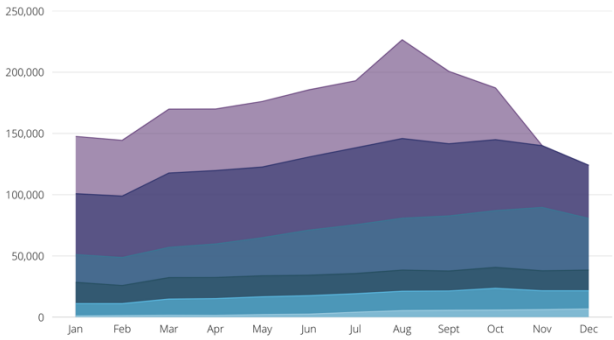
Top topic areas include:

- Orders of Protections
- Landlord/Tenant
- Traffic

There are 8 chat operators who have volunteered over 150 hours this year, assisting 1,109 users

Website Usage

2017-2022



January 1, 2022 – October 23, 2022

Users: 518,205
New Users: 515,048
Pageviews: 1,389,772

Arizonans account for 64% of all users. They tend to stay within the site a minute longer than non-Arizona users.

Of the 518,205 users, 6% used Spanish as their browser language.

Top Pages Viewed

1 – Find My Court
2 – Electronic Court Records
3 – Court Forms
4 – Legal Aid Resources
5 – Marriage Licenses

There have been 74,802 documents downloaded since January 2022. *Petition for Adult Name Change*, *Dissolution of Marriage with Minor Children,* and *Eviction Complaint* are the most popular forms.

The Sandwich Campaign

The Sandwich Campaign ("TSC") is a wild hair idea Arizona Commission on Access to Justice Chair Sam Thumma dreamed up during a night sweat. The purpose of TSC is to encourage communication, education, and innovation, on any scale large or small, for services provided or operations of the three Legal Services Corporation entities in Arizona: (1) DNA Peoples Legal Services; (2) Community Legal Services and (3) Southern Arizona Legal Aid. The TSC "prize" is a sandwich lunch for each of the three Arizona LSC entities each year. TSC hopes to have fun, exchange information, and learn. Here's how it will work.

At least 10 days before each of the three Arizona Commission on Access to Justice meetings held each year (traditionally, but not always, held in February, May, and November), each LSC entity may submit a written description (no longer than one page) of an innovation that it has developed that has helped and that can be adopted or adapted by the other Arizona LSC entities.

At the first Arizona Commission on Access to Justice meeting following the submissions, each LSC entity submitting an innovation will have no more than 3 minutes to present their innovation to Commission members, who will then vote on the one they like the best. The submission that receives the most Commission member votes will be the TSC winner for that meeting. Each LSC entity can win only one time a year, so each LSC entity will win one time a year ***if*** they submit a timely entry.

The "prize" awarded to the LSC entity that submits the winning innovation selected at a Commission meeting is a sandwich lunch at the agency's office, on a day to be determined, for those individuals working for and with the winning entity. Sam is footing the bill, so don't think that things will be fancy. And the catch is that Sam will join the group for lunch, to thank the group, better get to know those involved, and learn and eat (and he is very good at eating).

These are all the rules. Anyone who wants to debate them, find a gap, omission, ambiguity, etc., or otherwise, make a legal argument about them, probably has great cause to do so, but so it goes. The hope in all of this is that we will be breaking bread together, once a year, recognizing individuals who are doing good, exchanging information, and having some fun.

SOUTHERN ARIZONA
LEGAL AID, INC.®

October 21, 2022

All of federally funded LSC providers are required to determine financial eligibility, whether a case is within Board approved case priorities, and level of service. Every qualified applicant becomes a client and receives advice, limited assistance, or representation in court.

Over the years, the process at Southern Arizona Legal Aid has evolved, in particular for divorce and paternity cases. Potential clients contact us online, by telephone, via referrals from partner organizations, or through in-person applications. Using our case management system as the primary tool, we gather basic eligibility information (income, assets, expenses, immigration status) and demographics. We have developed structured interviews for most legal problem codes—these help us gather consistent information and assess how complicated the client's problem is, how complicated their legal situation is, and especially if there are safety concerns.

For each applicant, we determine if they are best served by our family law advocates with direct or limited representation or if the person is likely to be able to manage as a pro per litigant with guidance and advice by VLP attorneys. We often get enough information from our structured interviews. We may also arrange an attorney consult to gather additional details or provide timely advice when deadlines are looming.

The real innovation is how we manage pro per family law litigants. If nothing has been filed with the courts and there are no immediate safety concerns, we schedule them for a class. In the not-too-distant past, we used to schedule appointments for one-on-one explanations of the process. This meant that either a staff person or a volunteer had to say the same thing every time. In addition, we began to prepare their family law paperwork, sometimes filing it, only to have the client discontinue their case. Resulting in a waste of program resources. The purpose of the class is to give people an overview of the family law process, so they get the basics, gain a better appreciation for what they are getting into, and can make an informed decision as to if or when they want to file. Our outcome data is showing that more pro pre litigants are obtaining final orders are a result.

Pre-covid, these classes were in person and limited to about 20 people per class. During covid, and here is the real innovation, we began to do these 'live' but via zoom (or a zoom equivalent). For all practical purposes, this meant that there was no limit to the number of participants at any session, so the wait time for the class is minimized. We also have recorded versions of the classes and can provide a link to anyone who cannot attend 'live'. People no longer have to miss work or arrange childcare, or transportation to get our initial services. People can 'attend' the class using any device that can connect to the internet or has phone service because the audio is sufficient. We've also made video phones available at the office for anyone who does not have a suitable device. This has worked so well that even as return to a more 'normal' workflow, we have continued to offer the classes via zoom.

The class is offered to any applicant, regardless of income. For persons not eligible for legal aid, we provide other resources to them, such as lawyer referral services, court service center providers, and nonlegal service providers. We open a case and provide the necessary packets for those who are eligible for our services and decide that they want to proceed. The case is placed in our VLP Clinic where volunteer lawyers teach them each step to complete their case.

memo

To: Honorable Samuel Thumma, Arizona Commission on the Access to Justice

From: Pam Bridge, Community Legal Services

Date: October 26, 2022

Re: Sandwich Campaign- INNOVATION #1: TENANT EVICTION ASSISTANCE PROJECT

- On January 31, 2020: CLS sent Letter to Mayor requesting right to counsel eviction pilot project.
- Spring, 2020, City of Phoenix contacts CLS and begins discussions for program.
- July 2020, City of Phoenix signs contract with CLS to begin Tenant Eviction Assistance Project. County of Maricopa later also signs contract with CLS.
- Currently, TEAP can assist any tenant facing in Maricopa County regardless of their income who is at risk of evictions for nonpayment of rent or who already have judgment. Significantly increases the number of tenants CLS can assist.
- TEAP consists of 5 additional attorneys and 5 advocates (in addition to our normal Housing attorneys).
- Referrals can come from the public and from the County th which allows employees who are working with tenants witl assistance to send direct referrals to us. We can also send c referrals to the County for rental assistance.
- TEAP recently assisted in stopping evictions of an entire mobile home park who had a new landlord and raised rents.
- Program is slated to go into 2023- but we are looking for other funding currently.

SANDWICH CAMPAIGN

TO: Arizona Commission on Access to Justice
FROM: Rodolfo D. Sanchez, Executive Director DNA- People's Legal Services
DATE: October 24, 2022

DNA People's Legal Services is a nonprofit civil legal aid program that provides a full range of free legal services to low-income individuals in a jurisdictionally, culturally, and socio-economically complex landscape. DNA provides services in Arizona, New Mexico, and Utah. DNA's Arizona service area includes the Navajo and Hopi Nations, as well as the Native American nations situated in Northern Arizona, and all of Coconino County. Though we don't serve Native Americans exclusively (rather, income and assets are the primary eligibility factors for our services), approximately 75% of our clients are Native American.

DNA's overarching mission is to expand sustainable, ongoing, and equitable access to legal services, information, and tools for low-income residents living in remote, rural areas, especially those living in tribal nations. In these under-resourced communities, it takes extra effort to address needs in meaningful ways, due to the number of barriers people face and have very little ability to change on their own. Enhancing the delivery of legal services, information, and tools in ways that are meaningful, relevant, and effective for the communities and the individuals who live there, considering the myriad, and lived-experience and challenges that exist is one of our primary goals.

Over the last couple of years, DNA has taken a multi-pronged approach to increasing access to our services. In 2021 DNA set up a Central Intake Unit (CIU) in our Flagstaff office. The CIU allows individuals to apply for services by calling a toll free number or by submitting a preliminary application via on online portal. Because many individuals living in the rural parts of our service lack reliable cell or internet services, we continue to accept applicants onsite at each of our offices. Finally, because many people do not have the means to apply for services online or at one of our offices, we stepped up community outreach, and offsite intake, in the most remote portions of DNA's service area, for both state and tribal court matters, through mobile offices (we purchased a travel trailer and vehicles equipped with electronic upgrades suitable for running office equipment) that take attorneys and support staff into rural and remote tribal communities. Providing in-person access to attorneys significantly improves the administration of justice in meaningful ways for those who historically have had less access to legal resources, including attorneys. We learned, however, that even with the use of mobile hot spots, cell phone internet connectivity services, and vehicle internet plans, we are not able to access reliable internet services. Our idea to address this need, a need that is critical to run conflict checks, conduct basic legal research, and to search internet data bases, is to investigate the purchase of Starlink, a pay as you go satellite internet system that provides satellite internet access coverage throughout the rural parts of our service area.

Meeting Date: November 3, 2022

Subject: Medical Debt Policy Scorecard

Type of action requested:
☐ Formal action or request
☒ Information only
☐ Other

From: Stacy Butler

Presenters: Erin Weaver and Gabriela Elizondo-Craog

Discussion: How does Arizona rank on the Medical Debt Scorecard, and what is being done to advocate change?

Recommended motion: Information only

The Medical Debt Policy Scorecard

THE UNIVERSITY OF ARIZONA
James E. Rogers College of Law

David Eccles School of Business
THE UNIVERSITY OF UTAH

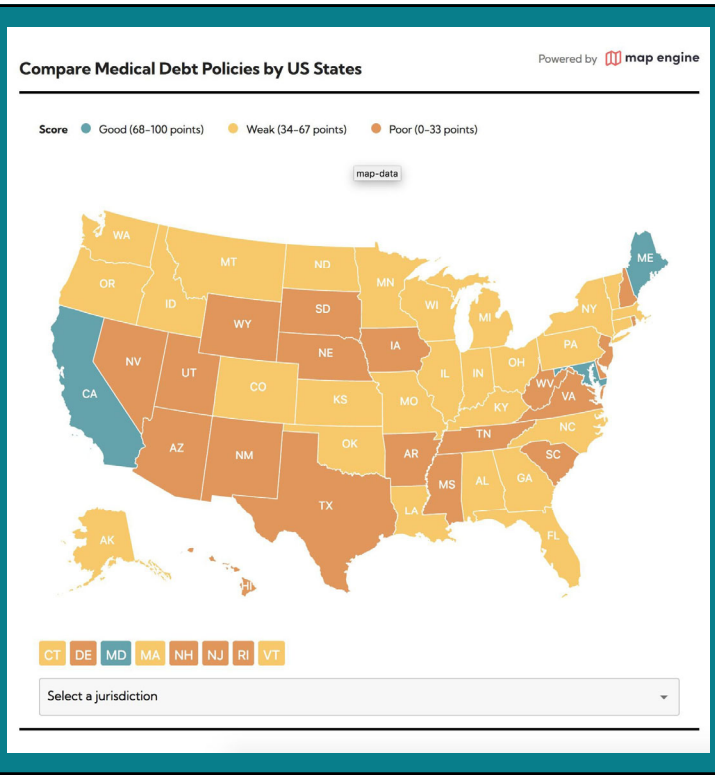
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Meet the Research Team

The i4J Medical Debt Policy Scorecard was created by Innovation for Justice and an interdisciplinary research team at the University of Arizona and the University of Utah:



2



3

What are we expecting?

- Advocates utilizing the Scorecard to promote change in state legislatures
- Researchers utilizing the data set to arm advocates

4

State Scoring Criteria

States were scored based on the policies that interviewed subject matter experts identified as important and helpful in achieving four policy goals. **The full list of policies discussed in subject-matter expert interviews is available here.**

Subject matter experts were given the opportunity to discuss policies that were not on our list; universal healthcare at the federal level was the most commonly discussed additional policy that would be the most effective at reducing how often people incur medical debts. Because the Scorecard focuses on state-level interventions, state-level expansion of Medicaid eligibility was the closest analogue to state-level universal healthcare and was added to the Scorecard policy list.

Policies are listed in order from highest to lowest weight within each policy goal below.

POLICY GOAL #1
Reduce how often people incur medical debts.

POLICY GOAL #2
Increase the ability of patients to resolve debt out of court.

POLICY GOAL #3
Improve the openness, efficiency, and equity for people navigating medical debt court cases without a lawyer.

POLICY GOAL #4
Reduce the negative consequences for debtors after court.

Legal research confirming which policies from our list exist in each state was conducted through October 19, 2021 and included bills introduced on or before that date.

- ✕ No credit if the state did not have the Scorecard policy.
- ⊖ Half credit if the state has a policy that partially advances the Scorecard policy.
- ✓ Full credit if the state has a policy that fully advances the Scorecard policy, or is even more protective of consumers.

5

Step 2: Research and Coding

Completed:

- 28 interviews with medical debt experts
- 15 interviews with people experiencing medical debt
- Qualitative interview coding and 50-state survey of medical debt policies

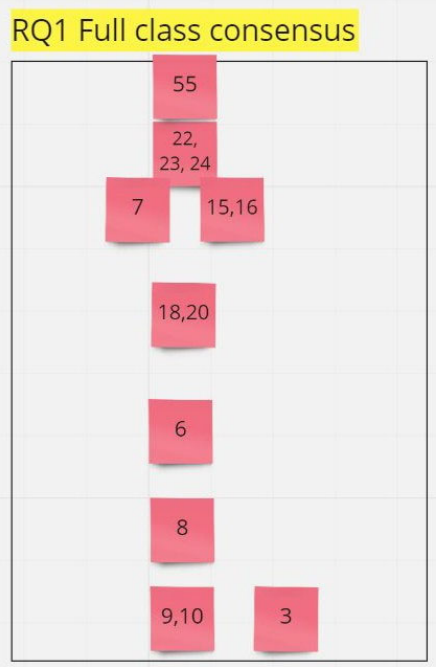


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Step 3: Weighting and Scoring

Completed:

- Identified which policies SMEs discussed as important for our 4 research questions
- Ranked policies within each research question to give higher weight to policies that are more helpful/impactful for the policy goal



7

Arizona

POOR 0-33 POINTS



How is this ranking calculated?

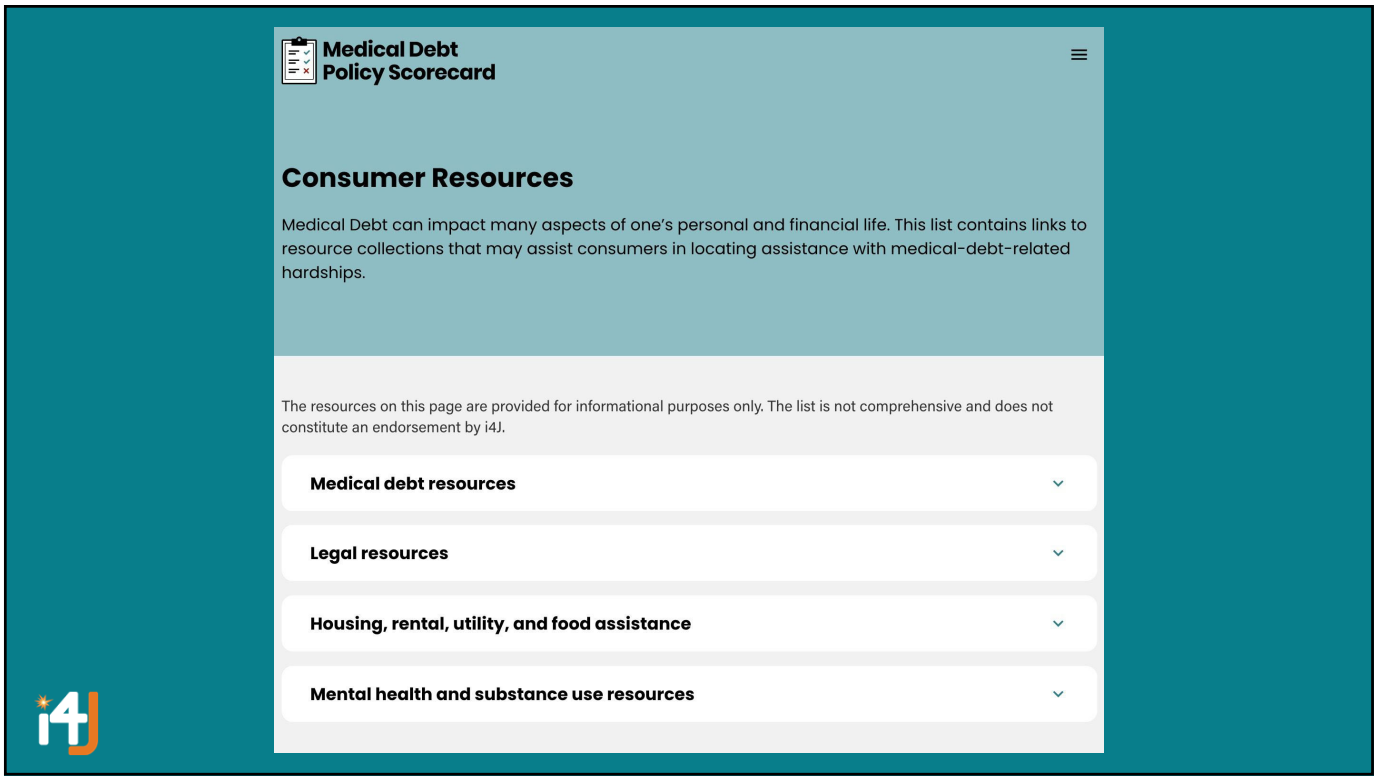
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How can Arizona do better?

Arizona has only implemented

- 4 of the 9 policies that were weighted for Policy Goal #1 (reducing how often people incur medical debt)
- 2 of the 4 policies that were weighted for Policy Goal #2 (increasing the ability of patients to resolve debt out of court)
- 0 of the 3 policies that were weighted policies for Policy Goal #3 (improving the openness, efficiency and equity for people navigating medical debt cases without a lawyer)
- 2 of the 5 policies that were weighted for Policy Goal #4 (reduce the negative consequences for debtors after court)

9



10

The Scorecard is Making News!

- Study says Arizona isn't doing enough to protect consumers from high medical debt
- North Carolina considers new laws to 'de-weaponize' medical debt and protect patients
- South Carolina ranks 49th out of 50 in new study ranking states medical debt collection policies
- A wonky Arizona ballot measure could unlock a new path to easing medical debt
- 5 Things Texas: 1925 abortion ban, Child health policy recommendations, Medical debt guidance
- Report: Colorado is 5th best state for consumer protections from medical debt collections
- From 28th to 2nd: New bill would make NC near best nationwide at protecting patients from medical debt collection
- i4J's Innovative Online Scorecard Ranks States by Their Medical Debt Policies, Offers Policymakers a Path Forward
- The 15 states with the best and worst medical debt collection protections

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Thank you!

For more information visit
www.medicaldebtpolicyscorecard.org or
www.innovation4justice.org

Questions? Reach us at
info@innovation4justice.org

12

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. Kreamer, 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

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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.