ARIZONA COMMISSION ON ACCESS TO JUSTICE
2017 ANNUAL REPORT
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Arizona Commission on Access to Justice

2017 Annual Report

“Our courts should work with others in government and our communities to assess the legal needs of modest to low-income individuals and to develop strategies to better serve those needs.”

Chief Justice Scott Bales

Advancing Justice Together: Courts & Communities

2014-2019 Strategic Agenda

Background

In August of 2014 Arizona Supreme Court Chief Justice Scott Bales established the Arizona Commission on Access to Justice. This Commission was created as an important step in achieving Goal 1 of the Judiciary’s 5-year Strategic Agenda, Advancing Justice Together.

“Arizonans look to our courts to protect their rights and to resolve disputes fairly and efficiently. To serve these ends, Arizona’s judicial branch must work to ensure that all individuals have effective access to justice. This goal is advanced not only by examining legal representation for moderate and low income persons, but also by helping self-represented litigants and others navigate the judicial process.”
What does access to justice mean? From the court’s perspective, it means reducing or eliminating barriers – real or perceived – to our courts. To a large extent, our justice system was designed for judges and litigants with lawyers. Those litigants who attempt to represent themselves face several challenges. Those challenges can be physical and practical ones, such as access for the disabled, language barriers, and court locations and facilities that are inconvenient to litigants with employment, transportation and child care challenges. Educational or communication barriers, such as the public’s unfamiliarity with legal terms and substantive law, and a lack of understanding as to the obligations they as litigants have in prosecuting or defending a civil case, are additional barriers to access. Judges and court staff are allowed under judicial ethics rules to provide meaningful information and practical assistance to self-represented litigants.

The Commission is chaired by Judge Lawrence Winthrop, and consists of 20 standing members, with staggered terms, and ad hoc members and work group members assigned and serving as needed. The Chief Justice formed the Commission to study innovative ways to promote access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. The Commission evaluates best practices within Arizona and in other states, identifies possible changes in court rules or practices to reduce barriers to access, identifies and encourages the adoption of best practices among legal service providers, and considers potential long-term funding options.

2016-2017 Membership
Hon. Lawrence F. Winthrop, Chair

Kip Anderson
Hon. Janet Barton
Mike Baumstark
Hon. Thomas Berning
Hon. Sean Earl Brearcliffe
Pamela Bridge
Hon. Rachel Torres Carrillo
Millie Cisneros
Hon. Maria Elena Cruz
Steve Hirsch – (Deceased)
Hon. Anna Huberman
Hon. Michael Jeanes

Ellen Katz
Hon. Joseph Kreamer
Michael Liburdi
Hon. James Marner
Maria Morlacci
John Phelps
Helen Purcell
Janet Regner
Dr. Kevin Ruegg
Lisa Urias
Anthony Young
The Commission’s work and priorities are set by the Chief Justice in consultation with the Chair of the Commission. As directed by Justice Bales, the Commission initially examined and made recommendations on the following:

- assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases;
- encouraging lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who cannot afford counsel;
- developing an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

Major Accomplishments to Date

**Court Navigator Program:** With support of the Commission, Maricopa County Superior Court received a three-year AmeriCorps grant to have 38 undergraduate students from Arizona State University (ASU) serve as AmeriCorps Navigators in the newly-renovated Law Library/Self-Help Resource Center. They assist self-represented litigants in family court matters (divorce, custody and child support issues) by helping them find legal information, complete court forms and accompanying self-represented litigants to the Clerk’s filing counter and to courtrooms. Structured self-help classes and volunteer lawyer clinics are planned in the future, and a long-term goal is to expand these navigator services to other types of civil cases, including probate, eviction and debt collection matters. In the last 12 months, AmeriCorps Navigators have assisted more than 100,000 self-represented family court litigants.
Program Statistics

January to August 2016

• 34 Members
• Assisted 68,242 customers
• Escorted 594 customers
• Worked 12,025 hours

September 2016 to June 2017

• 38 Members
• Assisted 86,412 customers
• Escorted 756 customers
• Worked 15,329 hours

July 2016 to June 2017

AmeriCorps members have assisted a total of 102,741 customers, of whom 2,766 were Spanish-speakers.

82,231 Information Desk
3,014 Protective Orders Center
17,496 Self-Service Center
Statewide Virtual Resource Center: A virtual legal information center, AZCourtHelp.org, is a collaboration between: the Administrative Office of the Courts (AOC); the Commission; the State Bar Foundation for Legal Services & Education; and in partnership with Coconino County, the Department of Economic Security and the Arizona Attorney General’s Office. It provides “one-stop shopping” in for legal help, court forms, informational and “how-to” videos, links to legal aid and other community resources, webinars, and online legal clinics. These resources are accessible remotely: online, from home, from an office, on a personal computer, tablet, or smart phone. The site also offers language translation and has a “live chat” feature that allows users to communicate directly with volunteer law librarians. Since January 11, 2017, the site has helped 8,278 users, hosted 11,030 sessions, and had 49,826 page views. After the home page, the top content views include:

- Frequently Asked Questions page (6,448 views)
- Forms page (6,007 views)
- Events page (3,796 views)
- Browse by Topic page (3,222 views)
- Court Finder page (1,372 views) and
- Live Chat function (659 sessions)
“Live Chat” function

“Find My Court” tool

Quick Clicks

Upcoming Legal Talks and Clinics

For more clinics, provided by legal aid agencies and/or Bar Associations, visit the Latest News section on the homepage of AZLawHelp.org.

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<td>Coconino County Law Library</td>
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<td>27</td>
<td>Advanced Directives</td>
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<td>Coconino County Law Library</td>
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Calendar of upcoming Legal Talks and Clinics and “Quick Clicks” tabs for easy navigation
The AZCourtHelp.org project was recently recognized with a 2017 Achievement Award by the National Association of Counties, and as the number one “Top Ten” Technology Solution Award Winner by the National Association of Court Management (NACM).
**Q & R Handbook:** The Commission published an updated “Question and Response” Handbook (electronic and printable options) for court staff across the state. It is a resource to help serve self-represented litigants. The handbook includes: “Resources” such as links to web pages and reference materials; a new section concerning fee waivers and deferrals; another new section that outlines the Arizona court system; a new section that provides practical examples demonstrating the difference between legal information versus legal advice, and includes a list of things court personnel can and cannot do when helping court customers. AZCourtHelp.org also incorporates this resource in its “Frequently Asked Questions” link, organized into 30 topic areas such as probate, jury service, domestic violence, and appeals. The Commission also recommends continuing education training through the Education Services Division to help judges and court staff assist self-represented litigants.

**FAQs organized by topic**

**List of FAQs on AZCourtHelp.org webpage**
Recognizing Pro Bono Service and Access to Justice: The Governor proclaimed April as Access to Justice Month in Arizona. Last year, one issue of the “Arizona Attorney” magazine, published by the State Bar of Arizona and distributed to 20,000-plus Arizona attorneys, featured a cover article honoring pro bono volunteers and highlighting the importance of Access to Justice.
**Pro Bono Opportunities Portal:** The Arizona Foundation for Legal Services & Education created an online portal for lawyers that features *pro bono* opportunities around the state. The portal is currently averaging about 300 unique users each month (high: August of 2016, 433 sessions; low: May of 2017, with 205 sessions) with 7,833 page views last year.

**Arizona State Tax Credit Funding Support**  Every dollar invested in civil legal aid returns almost seven dollars to the community in terms of increased revenues and decreased costs. The Commission has developed model scripts and videos for use in presentations describing the work of the Commission and promoting the use of the Arizona Tax Credit donations to support civil legal aid. The organized promotion of the charitable tax credit to assist non-profits that provide legal assistance to the poor started in 2014. That year, the promotion netted $55,000 in donations to legal aid providers. In 2015, the total rose to $133,545. In 2016, that number increased again, to a total of **$263,018**, representing a greater than 400 percent increase since organized promotion of the tax credit began in 2014.
Partnership with Public Libraries: Law4AZ Project. Public librarians and public libraries are now sources of legal information for patrons in their community. They have been trained to assist in accessing social services/community resources, legal information and forms, and are hosting volunteer law clinics. Additionally, a statewide group of volunteer law librarians serve as a resource for public librarians if they need additional assistance in helping their library patrons.
Improved Access to Justice for Domestic Violence Victims: Concerned about providing more timely access to obtaining Orders of Protection, particularly in rural areas, the Commission referred this issue to the Committee on the Impact of Domestic Violence and the Courts (CIDVC), which has just completed and issued two guides for conducting *ex parte* Orders of Protection hearings by remote video access. These guides are (1) Remote Petition Process for Order of Protection *Ex Parte* Hearing; and (2) Safe Communications for *Ex Parte* Protective Order Hearings. The step-by-step Remote Petition Process guide provides direction for courts, victim advocates, and law enforcement agencies that wish to work together to establish remote video procedures. The process includes best practices regarding the flow and transmission of documents among the partners. Law enforcement agencies can be involved when courts or advocates work with the victim to facilitate service of the protective order. The Safe Communications guide provides basic information about Internet security and the protection of documents traveling among the partners.
Current and Anticipated Initiatives in 2017-2018

Instructional Videos, Webpage Improvements and Development of “Legal Info Sheets”: Through the efforts of the Self-Represented Litigants in Limited Jurisdiction Courts Work Group (SRL-LJC), the Commission will continue to develop informational videos for self-represented litigants in housing-related litigation. These videos will be located on the AZCourtHelp.org website. Additionally, based on SRL-LJC recommendations, improvements are being made to the AZCourts.gov webpage that improve the self-represented litigant’s experience using the eviction action section. People can now easily access the specific eviction action notice information by clicking on user-friendly, self-explanatory tiles. Each tile corresponds to a “Legal Info Sheet” that explains the process and procedure in plain language for a variety of housing notices.

Reconfiguration of the AZCourts.gov Eviction Action webpage that includes user-friendly, self-explanatory tiles that correspond to “Legal Info Sheets” shown below.
Mobile Home Park Evictions

The following applies to mobile home park evictions where you own the mobile home and rent the lot your home sits on. The information below may be helpful to you, but it is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in eviction actions.


1. NOTICE
   - Your landlord may not terminate or refuse to renew your tenancy rental agreement without good cause.
   - Good cause means:
     1. Nonpayment of rent
     2. Noncompliance with the rental agreement
     3. Breach of lease
     4. Damage to property
     5. Failure to pay for utilities
   - Notice of termination must be in writing and serve to inform you of the problem and the problem will terminate in 30 days or more if you don't fix the problem in 15 days.
   - If your landlord has not followed the rental agreement affecting health and safety, you may break the rental agreement and the problem that is affecting health and safety shall be terminated in 30 days or more if you don't fix the problem in 15 days.

2. SERVICE
   - Generally, an eviction action consists of:
     1. Notice
     2. Complaint
     3. Summons
     4. Answer
     5. Motion

Section 8 Information Sheet

The following applies to Housing Choice Vouchers (“Section 8 Vouchers”). Below is information that may be helpful to you but is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in eviction actions.

1. TENANT’S PORTION OF THE RENT
   - An individual or family with a Section 8 voucher is only responsible for their portion of the rent.
   - Your landlord may not make any changes to your Section 8 voucher.

2. SECTION 8’S PORTION OF THE RENT
   - Your landlord can evict you for nonpayment of the rent.
   - Your landlord must file a notice to quit in accordance with Section 8.
   - If you receive a section 8 voucher, you must file a complaint with the Section 8 program.
   - Your landlord can make changes to your Section 8 voucher if you do not pay the rent.

3. HOUSING QUALITY STANDARDS (HQS)
   - Your landlord must comply with the standards set forth in Section 8.
   - If you receive a section 8 voucher, your landlord must comply with the standards set forth in Section 8.

4. LANDLORD’S ACCEPTANCE OF RENT
   - Your landlord must accept rent in the form of cash or check.
   - Your landlord can accept rent in the form of cash or check.

5. After an Eviction Judgment
   - Your landlord must comply with the standards set forth in Section 8.
   - Your landlord must accept rent in the form of cash or check.

Claims Against Your Landlord

The following does not apply to mobile home park evictions, recreational vehicle park evictions, or certain other evictions. Below is information that may be helpful to you, but it is not a substitute for legal advice. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in eviction actions.


1. COUNTERCLAIMS
   - Counterclaims can be filed in an eviction action.
   - Counterclaims must be filed within 20 days of the complaint.

2. RETALATION
   - If your landlord retaliates against you, you may have a claim for damages.
   - Your landlord retaliated if:
     1. You made a complaint about the landlord or the landlord’s agents
     2. The landlord retaliated for the complaint

3. COUNTERCLAIMS
   - Counterclaims can be filed in an eviction action.
   - Counterclaims must be filed within 20 days of the complaint.

After an Eviction Judgment

The information below may be helpful to you but is not a substitute for legal advice.


1. JUDGMENT
   - If your landlord has been awarded a judgment, the court can order the landlord to pay you damages.
   - The court can order the landlord to pay you damages.

2. WRIT OF RESTITUTION
   - In most cases, your landlord can go to the court to get a writ of restitution.
   - Your landlord can go to the court to get a writ of restitution.

3. ESToppel
   - If your landlord sues you in court, you may be estopped from suing your landlord.
   - If your landlord sues you in court, you may be estopped from suing your landlord.

4. PDE
   - Your landlord must comply with the standards set forth in Section 8.
   - Your landlord must comply with the standards set forth in Section 8.
Continue to Support and Promote Adequate Legal Aid Funding: The Legal Service Corporation (LSC) was created by Congress in 1974 to provide uniform standards and federal funding for legal aid agencies in each state. Current budget recommendations from the White House/Office of Management and Budget propose eliminating all federal funding for civil legal aid. Arizona’s current share of LSC funding ranges from $11 to 13 million, and constitutes approximately 70 percent of the total funding that allows these already-overtaxed entities to provide legal services to Arizona’s poverty population. Elimination of federal funding would seriously disrupt an already-fragile legal aid system in Arizona, and would jeopardize meaningful access to justice for well over 20 percent of Arizona’s citizens. National court and legal organizations and national business organizations are publicly united in opposition to any federal cuts to legal aid. Meetings with our elected federal representatives thus far have been encouraging in that they all recognize the importance of civil legal aid and the value such services provide to people across Arizona. The latest Congressional budget retains funding for LSC, but proposes a 24 percent reduction. A Senate committee has recommended maintaining the current level of LSC funding. The Commission, with the approval of the Supreme Court, will continue to raise public awareness and advocate for maintaining or increasing federal funding for legal aid services.

“Justice in Government” Project: With the approval of the Governor’s office, Arizona is participating in a pilot project bringing together the various state agencies that provide services to our poverty population, sharing information and best practices and, through accessing existing and potential state, federal or foundation block grants, looking for ways to add civil legal aid services to the menu of services these agencies provide to their constituents. Statistical data indicate that, when legal services are provided, the affected agency’s mission is advanced. Additionally, this project will look at steps to improve meaningful participation in agency administrative hearings for self-represented litigants. Wisconsin, California, and Mississippi are also participating in the pilot.
Public Lawyer Pro Bono: The Commission and the Attorney General's office co-sponsored a public lawyer pro bono program in February 2017, exploring the existing statutory limitations on public lawyers and describing a multitude of pro bono opportunities that exist within those restrictions. In follow up, the Attorney General’s office is helping to develop a model public law agency pro bono policy, and we anticipate sponsoring a statewide education program in the fall or winter of 2017 for public lawyers to encourage adoption of such a policy and to provide additional guidance for pro bono participation.

Online Dispute Resolution: As facilitated by the Commission, the Administrative Office of the Courts is studying the viability of an online dispute resolution option for self-represented litigants. Such a program could offer an option to effectively resolve traffic/parking offenses, misdemeanor warrants, debt collection and other disputes without having to physically appear in a courtroom. The online program would be accessible from a smart phone, tablet or personal computer, and could be accessed off-hours, at night, or on weekends. Pilot programs in Michigan and other states suggest that online options encourage greater citizen participation, efficiently clear dockets, result in better collections of applicable fines and fees, and are more convenient for all participants, including law enforcement and court personnel.
**Corporate Counsel Pro Bono Initiative:** We expect to continue working with the Arizona Chapter of the Association of Corporate Counsel (ACAC) to develop meaningful *pro bono* programs and targeted opportunities/marketing designed to increase participation of corporate counsel attorneys and their outside law firm partners. To date, these efforts have resulted in corporate counsel serving as volunteer mediators in Arizona’s business court, the creation and staffing of a Veteran’s Entrepreneurship Clinic in downtown Phoenix, and a statewide partnership between ACAC and the James E. Rogers College of Law and the Sandra Day O’Connor College of Law to create an entrepreneurship clinic to assist low-income individuals with business start-up legal services. Additionally, some corporate law departments – notably, Intel, Arizona Public Service and Salt River Project – are collaborating with legal aid providers and have created monthly clinics to help low-income individuals with debt consolidation and to assist veterans with civil legal issues.

**Promote Medical-Legal Partnerships:** Arizona has several medical-legal partnership programs in greater Phoenix and Tucson. In those collaborative settings, legal aid providers and volunteer lawyers assist low-income individuals who are already participating in a community medical clinic, and who have a legal issue that may be affecting the individual’s health or otherwise affect their wellbeing and access to necessities, such as housing, medical care, education, protection from consumer fraud, protection from domestic violence or access to appropriate government benefits. With encouragement from our Congressional representatives, the Commission may seek to expand these medical-legal clinics into Arizona’s existing Veterans hospital locations, and encourage the Veterans Administration fund those clinics for the benefit of their patients.

**Continue to Build Community Partnerships:** The Commission will continue its efforts to build community-based partnerships with all groups involved or interested in enhancing access to justice, including the executive and legislative branches, and within the judicial branch. We intend to develop joint educational programs with the business community and state/local bar associations concerning access to justice and related initiatives.

**Uniform Court Forms:** The Commission will continue efforts to improve plain-language family law and housing-related forms and instructions. In response to rule changes proposed by the Commission related to eviction matters, the legislature passed a law prohibiting mandating the use of such forms. In the face of such legislation, the Court continued resolution of some pending rule changes proposed by the Commission, and we anticipate providing revised recommendations in that regard.
**Lay Legal Advocates for Domestic Violence Victims:** The Commission will continue to support collaborative efforts to increase availability of non-lawyer advocates on a statewide basis for victims of domestic violence.

**Judicial Officer and Staff Training:** The Commission recommends and will continue to develop and support specific training of judges and court staff in both general and limited jurisdiction courts for dealing with and assisting self-represented litigants.

**Increase Awareness of and Encourage Limited Scope Representation:** Members of the Commission continue to work with the State Bar and local bar associations to educate attorneys about recent changes in the ethical rules and to encourage lawyers to provide limited scope legal services for self-represented individuals.
## Public Information and Messaging

**Co-chair Heather Murphy**

**Co-chair Rick DeBruhl**

**Workgroup Goals**

- Create and manage a media plan
- Publicize ATJ issues and opportunities, and Commission initiatives and recommendations
- Monitor and assist in enhancing AZCourtHelp.org information
- Promote state tax credit
- Design and work on annual report

**Members**

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<th>Members</th>
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<tr>
<td>Kip Anderson</td>
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<td>Cari M. Gerchick</td>
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<td>Michael Jeanes</td>
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<td>Helen Purcell</td>
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<td>Judge Lawrence Winthrop</td>
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## Self-Represented Litigants in Limited Jurisdiction Courts

**Chair Judge Anna Huberman**

**Workgroup Goals**

- Continue work on eviction-related issues
- Consideration of a “navigator” project in the Maricopa County consolidated justice courts concerning housing and debt collection cases
- Script and produce eviction-related informational videos and other resources

**Members**

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<td>Judge Janet Barton</td>
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<td>Mike Baumstark</td>
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<td>Judge Thomas Berning</td>
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<td>Pamela Bridge</td>
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<td>Jeff Fine</td>
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<td>Paul Julien</td>
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<td>Judge Bill Rummer</td>
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<td>Anthony Young</td>
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Judicial and Attorney Engagement
Chair Judge Joseph Kreamer

Workgroup Goals
- Create, coordinate, and sponsor CLE programs for private and public attorneys regarding pro bono opportunities
- Evaluate potential for coordinating statewide legal service triage programs
- Make recommendations on engaging retired lawyers and judges in pro bono clinics and projects
- Finalize and promote a public law agency pro bono policy

Members
- Judge Thomas Berning
- Pamela Bridge
- Millie Cisneros
- Dan Christensen
- Judge Maria Elena Cruz
- Pat Gerrich
- Kevin Groman
- Cheryl Kulas
- Jennifer Perkins
- John Phelps
- Dr. Kevin Ruegg
- Lara Slifko

Intergovernmental Collaboration
Chair Judge Lawrence Winthrop

Workgroup Goals
- Participate in a four-state pilot project to encourage inter-agency collaboration, including enhancing opportunities for legal assistance for agency constituents
- Promote best practices and sponsor training for hearing officers concerning dealing with self-represented litigants
- Develop a strategy for engaging appropriate legislative leaders on access to justice issues and opportunities

Members
- Judge Janet Barton
- Judge Sean Brearcliffe
- Beth Broeker
- Christina Corieri
- Kevin Groman
- Chris Groninger
- Michael Liburdi
- Maria Morlacci
- Helen Purcell
- Janet Regner
- Dr. Kevin Ruegg
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<tr>
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<td>Mohave County Bar Association</td>
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<td>April 14, 2016</td>
<td>Committee on Civil Justice Reform</td>
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<td>April 19-20, 2016</td>
<td>Coconino County Bar Association</td>
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<td>Meetings with Arizona Congressional leaders</td>
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<td>June 21, 2016</td>
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<td>July 21, 2016</td>
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<td>November 4, 2016</td>
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<td>December 1, 2016</td>
<td>Bowman &amp; Brooke Law Firm</td>
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<td>February 1, 2017</td>
<td>Meet with Glen Hamer</td>
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<td>April 4, 2017</td>
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Commission Membership

Honorable Lawrence F. Winthrop  
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Arizona Court of Appeals, Div. 1

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Court Administrator  
Superior Court in Mohave County

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Federal Public Defender’s Office

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Office of the Governor

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Attorney  
Assistant Attorney General

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State Bar of Arizona

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Coconino County Community Services

Dr. Kevin Ruegg  
Executive Director  
Arizona Foundation for Legal Services & Education

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Attorney  
Southern Arizona Legal Aid

Administrative Office of the Courts

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Senior Court Policy Analyst  
Court Services Division

Julie Graber  
Court Policy Analyst  
Court Services Division

Theresa Barrett  
Manager, Court Programs Unit  
Court Services Division
Commission on Access to Justice
2017 Annual Report

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September 1, 2017

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