

**IMPROVING PUBLIC ACCESS AND COMMUNICATIONS
IN THE NAVAJO COUNTY JUSTICE COURTS**

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Marla Randall-Widmaier

Abstract

The roles and responsibilities of the courts include providing access to the courts along with customer service to court users. With the ever increasing self-represented litigant population in the courts, providing assistance and information to court customers is essential. This research project analyzes the current practices of the Navajo County Justice Courts and looks for areas to improve both access to the court and customer service.

Ease of access to public services and information is expected by the public. Lack of information and resources causes dissatisfaction and mistrust. This project examined the need for additional access to court procedural information on court processes, and the method in which these services were being delivered and could be improved. Once the deficiencies were identified, and recommendations for a solution were recognized, a project could then be developed and designed which would address these shortfalls.

During the project, the following areas were explored:

- The current methods of communication utilized to assist court users with procedural questions.
- The types of cases for which court staff receive the most frequent requests for assistance.

- The types of cases in which Judges see the greatest number of self-represented litigants.
- Barriers identified that impact effective communication between the court and court users.
- Whether additional resources should be made available to assist courts with providing procedural information to court users.
- The most effective methods of communication for court users.

The project used three surveys to collect data, each focused on a different population. One survey was distributed to court staff, a second survey to Judges, and a third survey to members of the public who accessed the court's services. Data collected from the surveys was then analyzed for commonalities.

Analysis of the data collected revealed a number of deficits in both access to the courts and customer service. The findings suggest there are two common communication barriers court staff encounters with court users, one being legal advice vs. legal information and the other being language barriers. Other common shortfalls the project identified was the need for the development of additional resources for both court staff and court users to assist them with court processes.

The research project concluded the following:

- The courts should clarify the distinction between legal information necessary for court users to access court services versus the provision of legal advice.
- The courts should take steps to lessen the impact of language barriers on communication with court users.

- The courts should develop forms that contain standard procedural information to provide court users with the knowledge necessary to access court services.
- The courts should develop a website that offers court users access to court information, forms, and procedural information necessary to access court services.

The insufficiencies identified in the project can be addressed through continuing education training of staff on the differences of providing information on court process and legal advice; and by identifying vital court information and documents that can be produced, and translated into multiple languages to increase accessibility to the courts.

Introduction

Improving access to swift, fair justice is the goal of the Justice Courts in Navajo County. The court user's perception about easy and fair access to the court is often based upon the first experience with the court. Not understanding how to use the court system and failure by the court to provide adequate assistance could, in effect, deny customers access to the court.

The Justice Courts in Navajo County have very limited resources available to assist court users with court processes. If the courts have materials available to offer the public, these materials often vary in content from court to court, and are not regularly updated, making some resources obsolete. Adding to this problem is the lack of a website available for the public to assist with basic information, such as court addresses and hours of operation, to more complex information such as fundamental procedural information.

Consider the case of Julie¹, a young woman who was badly beaten by her former live-in boyfriend. Julie was told by police to get an order of protection at the local Justice Court. She took time off work the next day to go to court, fill out the paperwork and see a Judge. When the young woman first came to court, she spoke with a clerk and reviewed information on the antiquated court "flipper", Refer to Figure 1.

¹ This is a fictional account for illustrative purposes only.



Figure 1

As she reviewed the information, she realized that she was not fully prepared to complete the process of obtaining a protection order because she did not have the boyfriend's current physical address with her, which meant the order could not be served in a timely fashion. She left court without the order and went back to work with plans to come back the following day with all the necessary information. That night, the boyfriend threatened if she did obtain an order, he would be back to "end it." Had the local court had informational brochures available with all of the appropriate procedural information, Julie would have been afforded the opportunity to come to the courthouse fully prepared, with completed documents in hand. Instead, she now faces a new and very dangerous dilemma.

Public confidence in the judicial system is promoted by understanding the work of the courts. As the public comes to rely on technology to conduct business and obtain information, the court must continue to adapt how it interacts and communicates with the public while still providing one-on-one service for those who choose to continue to personally interact with the courts. The method of delivery is important; however, to a greater extent, the content of the communications is more important. Court communications must convey timely, relevant, and meaningful information to members of the public attempting to access the courts.

The Arizona Supreme Court's strategic agenda, *Justice for All Arizona: Courts Serving Communities*" (2014), tasks the courts with helping self-represented litigants and others navigate the judicial process and by using technology to make courts more accessible to all litigants and the public.

This project explores how the Navajo County Justice Courts can accomplish the goals established in the strategic agenda. Improving public access and communication in the Navajo County Justice Courts using options such as designing and publishing a website; creating self-service forms which provide the public with proper pleadings that contain procedural information about court processes and how to complete the forms; and perhaps creating "You Tube" type videos or webinar-based instruction are considered. Ultimately, this project seeks to modernize the Justice Courts in Navajo County through better use of technology to provide prompt, reliable information, thus improving service to the public.

Literature Review

Courts are inherently intimidating to the general public. Providing information that is clear and concise about court processes helps foster public confidence in the courts. However, consideration of various methods for delivering such information must be adequately explored.

Public dissatisfaction with the courts is nothing new; Roscoe Pound (1906) expressed concern about public dissatisfaction with the courts dating back as far as 1906 during his speech to the American Bar Association. Providing customers with what they need, especially with regard to procedural information, is an important first step toward improving the public's opinion of the courts. With modern advances in technology, there are a variety of technological solutions available for the courts to explore as part of their communications plan with the public.

Access to the Courts – Customer Service

Materials from the Institute for Court Management Court Community Communications course provide essential information on court communications with the community. The course focuses on the importance of each of the following communication fundamentals to support trust and confidence in the judicial system: a) Positive messages; b) Credibility; c) Honesty; d) Accessibility; e) Openness; and f) Understandability. The purpose of this project is to provide the public with accessibility and understanding of court processes.

Authors Waggenheim and Reurink (1991), in their article Customer Service in Public Administration, note what people expect from the public sector. They described common expectations for: a) information and communication; b) responsiveness; c)

problem resolution; d) on-time, reliable, consistent service delivery; e) competence of personnel; f) accuracy; and g) courteous and friendly service. Each of these expectations must be taken into consideration by the court when designing materials for the public's use.

The Arizona Supreme Court has published a Guide to Court Customer Assistance Legal Assistance – Legal Advice for Arizona Court Personnel (2007) (<http://www.azcourts.gov/Portals/27/Legal/ManualGloss.pdf>) to assist court personnel with distinguishing between legal information and legal advice. The document addresses how to provide assistance and information to court customers without inappropriately giving legal advice. The materials contained in the document are offered as a tool chest to improve the quality of service offered to the public by the Arizona Courts.

Access to the Courts – Communication

Forms with procedural information and appropriate pleadings are an important part of communication with the public. The National Center for State Courts' (NCSC) CourTools Access and Fairness study (2005) focuses on items such as forms to enhance access to the courts. The study indicates it is important that forms are clear and easy to understand. In addition, the NCSC access and fairness web page offers a number of strategies to meet the needs of self-represented litigants, while also improving access to justice and making courts more user-friendly, such as simplifying court forms, providing one-on-one assistance, developing guides, handbooks, and instructions on how to proceed as a self-represented litigant, offering court-sponsored legal advice, developing court-based self-help centers, collaborating with libraries and

legal services, and using Internet technologies to increase access

(<http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/Resource-Guide.aspx>). Additional web sites such as www.plainlanguage.gov, www.howto.gov, and DigitalGov University (www.govloop.com) f.k.a. Web Manager University are also useful resources to identify ways to ensure information shared between the court and the public is easy to understand and is both useful and usable by the court user.

Scott Graves (2012) with the NCSC has authored a report outlining several “best practices” for Supreme Court websites (<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Technology/Web-Best-Practices.aspx>). Dr. Graves’ report outlines several items of importance, such as the ability of the navigation and design of a website to create a high-functioning, yet easily accessible website. He also incorporates recommendations regarding the various types of ‘new media’ being used by the courts.

In a recent blog, the vastly different communication style between the different generations was noted. The blog identified the communication preferences of each generation and the communication obstacles each generation is likely to experience. In addition, the blog points out that in order to reach one’s ‘full audience’ it is necessary to adopt multiple forms of communication. The following chart depicts the communication preferences and obstacles for each of the generations:

Communication Preferences and Obstacles For The Various Generations

	Communication Preferences	Communication Obstacles
Traditionalists 1925-1945	Face to face communication Formal typed or hand-written letters	E-mail Fax Cell phones (most use cell phones for emergency only) Text Social networking sites
Baby Boomers 1946-1964	Telephone Face to face Fax E-mail (and a lot of it!) Group/team meetings (and a lot of them!) Cell phones for talking (not necessarily for texting)	Social networking sites Blogging Texting Technophobia
Gen X 1965-1978	Let "me" choose my communication and how often I do it E-mail Cell phone Text Blogging Instant message Online forums	Face to face communication Formal letter writing Team discussions (better one on one or alone) Difficulty with communicating up or down a generation Some barriers with social networks
Gen Y 1979-1997	Text Online social networks E-mail (but only for work or school) Instant message	Face to face conversations Telephone conversations Professional or even casual letter writing (what's that?)

Figure 2

This literature review points out the multiple communications styles for today's society, and the importance that we keep each generation's way of thinking in mind. While the aging generations may not embrace technology as most of us know it today, we must keep in mind they may prefer to communicate verbally and/or via hard copy paper. However, as technology continues to evolve we also need to consider technological options from e-mail to blogging for court users of the generation and position of the 140 character communication style.

Methods

The purpose of this project was to identify possible improvements to access and communication within the Navajo County Justice Courts for its court users. The research method selected for this project was surveys. Three separate surveys were distributed to the following groups of individuals: a) Court Staff; b) Judges; and c) the Public (Court Users). The surveys collected information about the types of resources the courts currently utilize in daily operations to assist court users with court processes and procedures, as well as the survey respondents beliefs regarding what is needed to best assist court users in the future. Refer to Appendices A-C for copies of the survey instruments.

Court Staff and Judges Surveys.

In order to fully understand how the courts were handling inquiries into court processes by court users, it was useful to survey the court staff and Judges to gather information on what they believed was the current state of available information. They were also asked to share what, if anything, needed improvement or expansion. Survey participants were asked a variety of questions to assess existing communications between the court and court users. Questions included: a) the number of court users per day that were provided information on court process questions; b) how respondents rated the current availability of information in their court; c) the types of cases which court users inquired about; d) the current methods of communication used by their court; e) what barriers respondents believed existed for achieving effective communications with court users; f) whether respondents agreed or disagreed the court should develop additional resources for court users; g) what the potential benefits would

be to using additional means to communicate with court users; h) what, if any, drawbacks there would be of using additional means of communication with court users; i) and the method of communication they believed would be most useful. Respondents were also asked to provide basic demographic information, such as the length of time they have been employed with the court and their age. The Judges' survey asked the same questions as the court staff survey with the addition of one question which asked the number of self-represented litigant cases they preside over each month.

The surveys were pre-tested by four staff members and one Judge. The surveys were found to be easily understood and contained questions which would meet the needs of the project. The surveys took about 2 to 3 minutes to complete.

A brief meeting was held with the supervising clerk of each court so the purpose and importance of the survey could be explained and any questions could be asked. They were then requested to encourage their staff to participate in the survey. Following the meeting, the survey was distributed by the researcher to the court's entire staff by e-mail and conducted anonymously. Responses were recorded electronically using SurveyMonkey®. Staff members were given four weeks to complete the survey. An 85% response rate was recorded, with 22 staff members completing the survey.

Judges were contacted personally so the researcher could explain to each Judge the purpose and importance of the survey. The survey was distributed by e-mail. Responses were recorded electronically using SurveyMonkey®. Judges were given two weeks to complete the survey; a 100% response rate was recorded, with all six Justices of the Peace completing the survey.

Public (Court User) Survey.

In addition to the court staff and Judge surveys, a public survey was distributed in order to gather information about the public's perception of the Justice Courts. County employees were surveyed as a proxy for the general public. This group of individuals, approximately 550 persons, represented the population due to diverse demographics, such as age and education level. Survey respondents were asked: a) if they had an occasion to do business with the courts within the last year; b) the type of case; c) whether the court should develop additional resources to help court users with court processes; d) what means of communication would best suit their needs; and e) a series of demographic questions, including gender, age, and level of education. The response rate recorded was 43%, with 236 participants completing the survey.

The survey was given to two family members and two friends of the researcher to pre-test the survey prior to distribution. The testers ages ranged from 30 to 62 and both genders were represented. Pre-testing revealed the survey was understandable to individuals unfamiliar with court processes and that it took about two minutes to complete.

There were very few problems experienced in the collection of data, with one exception being the delay in disseminating the public survey. The public survey was scheduled to be released on October 4, 2013; however, the day prior, County Administration released a survey to the same group of individuals. Therefore, the researcher delayed deploying the survey until the county's survey was closed. This decision was made as an effort to reduce any confusion and also to prevent "survey overload."

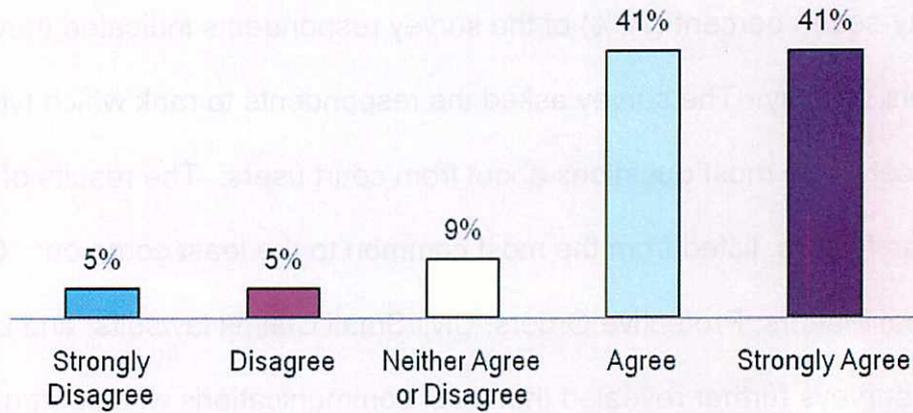
Findings

Court Staff Survey Findings.

Seventy-seven percent (77%) of the survey respondents indicated they assist 11-20+ court users per day. The survey asked the respondents to rank which types of cases they receive the most questions about from court users. The results of the question are as follows, listed from the most common to the least common: Civil Traffic; Criminal Matters; Protective Orders; Civil/Small Claims lawsuits; and Evictions Actions. The surveys further revealed that most communications with court users is verbal, followed by written materials, such as forms. Some respondents indicated they use e-mail to scan and transmit documents to court users, and that they also refer them to other Arizona Justice Court websites for forms and information.

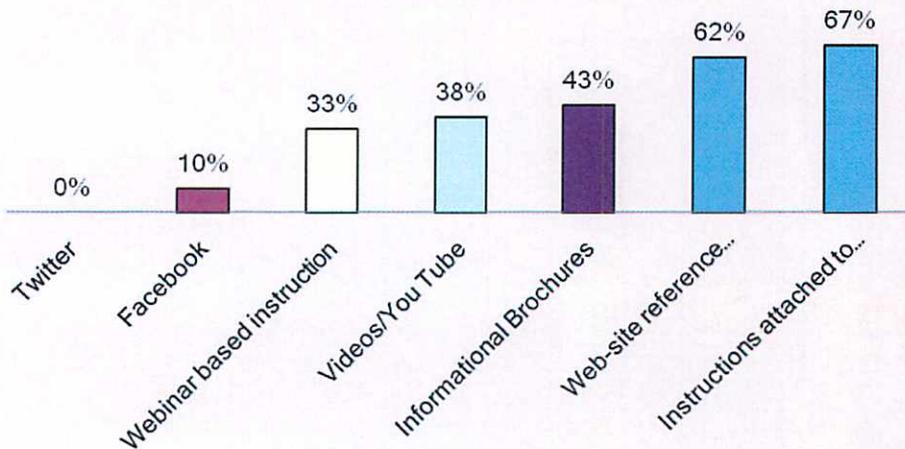
Finding 1: Staff survey respondents indicated resources should be developed for court users to assist with court processes. Survey responses indicated that 82% of the respondents agreed or strongly agreed providing resources for court users to assist with court processes would be beneficial; 9% neither agreed nor disagreed; and the remaining 9% disagreed or strongly disagreed with the concept. See Table 1.

Table 1. Percentage of court staff that agree/disagree court resources should be developed to assist court users.



Finding 2: Court staff identified methods of communication they believed would be most useful for court users. The survey asked staff to select from a list which type of communication method they felt would be most useful for court users. Respondents were permitted to select as many of the choices as they believed beneficial, or none. Twenty-two of the twenty-six staff surveyed responded as demonstrated in Table 2.

Table 2: Methods of communication identified by court staff to assist court users.



Finding 3: Court staff survey responses indicated there are some barriers which exist that impact effective communications with court users. Fourteen of the respondents indicated that barriers exist, it should be noted the most commonly noted barrier was language. The barriers identified by the survey respondents included: a) The distinction between legal information and legal advice; b) Differences between the courts and court practices/policies; c) Language barriers; d) Lack of staff time; e) Limited access to the internet by court users; f) Lack of public understanding about how the court works - "they watch too much TV"; and g) staff using legal terminology instead of words the customer understands. Eight of the 22 (36%) respondents indicated there were no barriers.

Finding 4: Court Staff survey results indicate there are benefits of using additional means to communicate with court users. Twenty of the twenty-two, approximately 95% of the survey respondents, indicated it would be more efficient use of staff time and resources to offer additional means of communication with court users. Reduction of misinterpretation between court staff and the court user along with improved customer service followed closely with each being chosen by 67%, or 14 survey respondents. Approximately half of the respondents also indicated it would improve access to the courts.

The responses indicated 55% of court staff felt they had good information available to provide to court users regarding court processes. The other 45% rated their availability as neither good nor poor; poor; or very poor. However, based on the survey results, the majority of the respondents did not indicate they felt there was a drawback to utilizing additional means to communicate with court users.

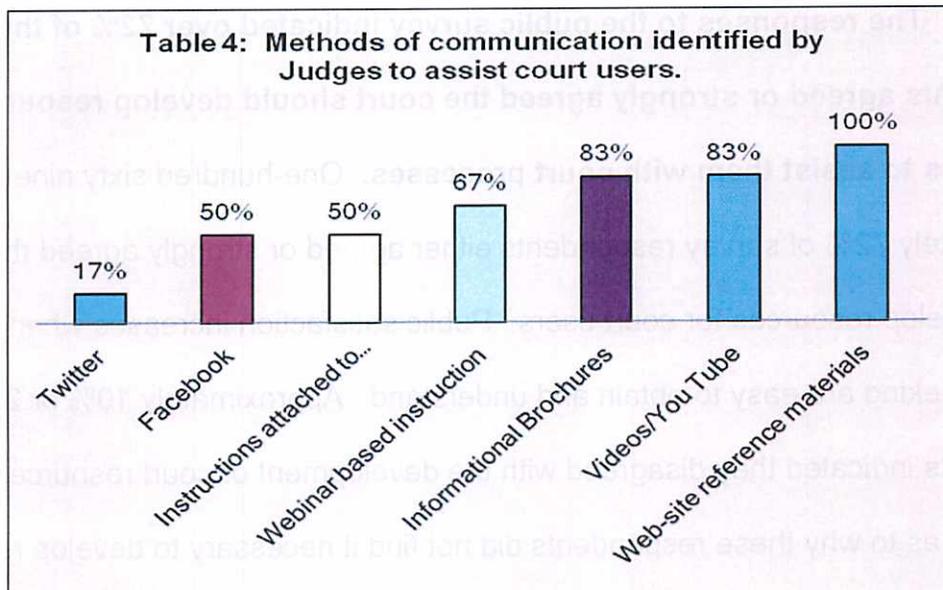
Judge Survey Findings.

Survey results indicated four of the six Justice Court Judges preside over more than 41 self-represented litigant cases per month. One Judge responded that 31-40 self-represented litigant cases occur per month, and the remaining Judge responded that 0-10 self-represented litigant cases occur per month. The survey respondents were asked to rank the case type for which the most self-represented litigation occurs. The results were as follows (ranked highest to lowest): Civil Traffic, Protective Orders, Criminal Matters, Eviction Actions, and Civil/Small Claims lawsuits.

Finding 5: The Judges survey responses indicated resources should be developed for court users to assist them with court processes. All of the Judges responded that they agreed or strongly agreed resources should be developed for court users to assist with court processes. See Table 3. The responses further indicated the Judges did not feel there were any drawbacks to using additional means to communicate with court users.

Table 3: Judge's response in agreement/disagreement that resources should be developed for court users.	
	Response %
Strongly Disagree	0%
Disagree	0%
Neither Agree or Disagree	0%
Agree	67%
Strongly Agree	33%

Finding 6: The Judge’s survey identified methods of communication believed to be most useful for court users. The survey allowed the Judges to choose from a list of communication types to identify the method they felt would be most useful for court users. Respondents were permitted to select as many of the choices as desired or to select none. All six, or 100% of the survey respondents indicated web-site reference materials would be useful to assist court users. Informational brochures and Video/YouTube were selected by 5 (83%) of the respondents, with webinar-based instruction selected by 4 (67%) of the respondents as an effective resource for assisting court users. Facebook was selected by 3 of the respondents and Twitter was selected by 1 of the respondents as being a means of communication. Refer to Table 4.



Additional responses to the Judge’s survey indicated that 67% of the Judges believed the court had good information available to provide to court users regarding court processes. The remaining 33% rated the availability of information in the court as

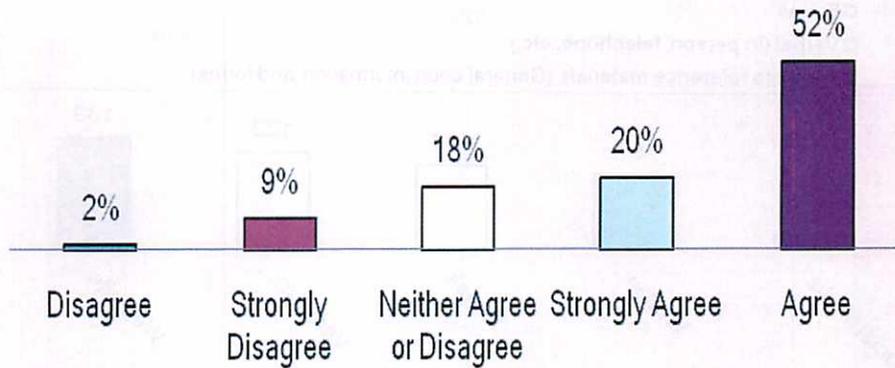
neither good nor poor. However, the survey results indicated the judges perceived some benefit to additional methods of communication with court users. For example, the judges indicated additional methods of communication would improve customer service, be an efficient use of staff time and resources, improve access to the courts, and reduce misinterpretation between court staff and court users.

Public Survey Findings.

Respondents were asked if they had an occasion to have interaction with the Justice Courts in Navajo County. Eighty percent responded affirmatively. Of those 80%, the respondents indicated the case type for which they had contact with the court. The responses were as follows: Criminal Matter 50%; Civil Traffic 40%; Civil/Small Claims lawsuit 20%; Jury Service 17%; and Eviction Action 5%.

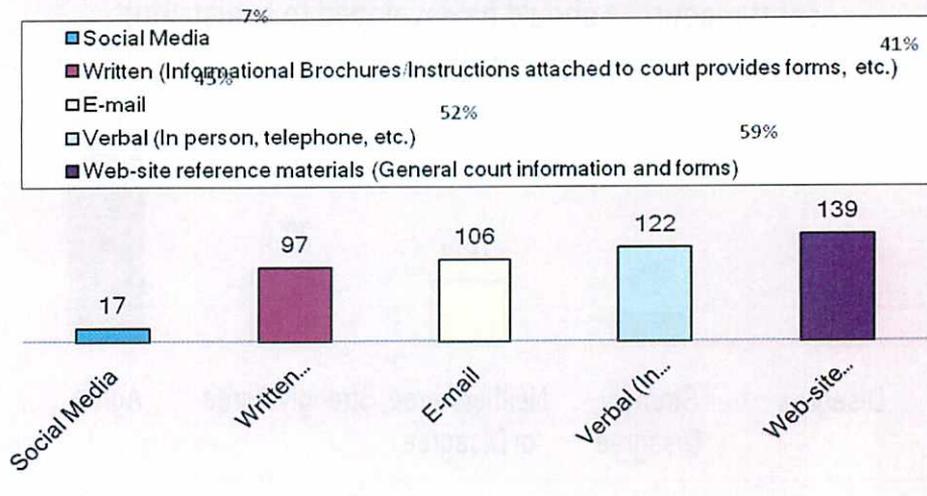
Finding 7: The responses to the public survey indicated over 72% of the respondents agreed or strongly agreed the court should develop resources for court users to assist them with court processes. One-hundred sixty nine (169), or approximately 72% of survey respondents either agreed or strongly agreed the court should develop resources for court users. Public satisfaction increases when services they are seeking are easy to obtain and understand. Approximately 10% or 26 of the respondents indicated they disagreed with the development of court resources. A conclusion as to why these respondents did not find it necessary to develop resources to assist with court processes cannot be determined. Refer to Table 5.

Table 5. Public survey response to agree/disagree court resources should be developed to assist court users.



Finding 8: The public survey identified methods of communication that would be useful for court users. The survey allowed the respondent to choose from a list of communication methods they felt would be most useful for court users. Respondents were permitted to select as many of the choices as they felt were applicable, or none. The highest response was for web-site reference materials having been selected 139 times; verbal (in person) was selected by 122 survey respondents, and 106 respondents selected e-mail as a preference. Written materials were selected by 97 respondents, and the method of social media was selected least with only 17 respondents choosing it. Refer to Table 6.

Table 6: Preferred methods of communication identified in the public survey.



Conclusions and Recommendations

Most members of the public are not familiar with courts or court processes. Inasmuch, courts have an obligation to be accessible and understandable to the public. Providing good customer service enhances access and promotes public confidence in the courts.

Communicating with our constituents through both traditional means and newly evolving technological means is necessary to improve ease of access to the courts. The internet has changed the way many individuals conduct business and interact with each other. Therefore, Courts must accept these changes and offer services which include evolving technological methods while still providing traditional means of communication.

Addressing issues such as language access is imperative. The non-English speaking population seems to be expanding within the court system and communicating court processes that are possibly foreign to their culture pose additional problems. Courts must recognize and address this issue so justice can be properly provided to all people that have interactions with the court.

CONCLUSION 1: The courts should develop resources, such as court forms, which include standard procedural information on how to complete and file documents with the court.

The Navajo County Justice Courts lack resources such as forms that include procedural information or instructions regarding how to complete and file forms with the court.

Survey results illustrated the Justice Courts in Navajo County currently use multiple types of communications to assist court users with procedural related questions. However, much of these communications are verbal (in-person or via telephone). This means responses are not standardized, and that court users may receive different responses. Survey respondents indicated they believe the most useful method of communication to best assist court users would be providing court forms with procedural instructions.

RECOMMENDATION 1: Court forms with procedural information and instructions regarding how to complete and file forms with the court should to be developed and consistently used by the Navajo County Justice Courts.

Survey respondents agreed that forms with procedural information need to be developed, however, some respondents indicated that inconsistencies in information provided from court to court often cause confusion and customer dissatisfaction. Development of standardized court forms which include procedural information regarding how to complete and file forms with the court will improve access to the courts, customer service, and reduce misinterpretation between court users and court staff. A sample of this type of documentation has been developed and is attached as Appendix D.

CONCLUSION 2: The Navajo County Justice Courts lack web-based services which would be an effective and efficient means of providing services.

Survey results indicated access to a website which contains procedural information, tutorial videos, and webinar-based instruction would also be an effective means of communication.

Unfortunately, Justice Courts do not have a website to which they can refer court users for assistance. The courts should develop a website which provides court users access to court information and services at their convenience.

Providing access to the same forms and information identified above, along with other tutorial resources to help guide court users through court processes would provide better access to the courts and improve customer service.

RECOMMENDATION 2: The Navajo County Justice Courts should provide web-based services and information.

Survey respondents indicated there was a need for website reference materials and tutorials, such as help files and videos to assist court users. Developing a Justice Court website which contains basic court information, such as court location and hours of operation, along with standardized forms and procedural information, and on-line tutorial videos, and webinar-based instruction would also be an effective means of communication and increase services currently offered by the courts.

CONCLUSION 3: Steps need to be taken to address the barriers court employees feel impact effective communications with court users.

Survey responses identified two main barriers court staff believe affects communications with court users. The first barrier specified was a concern about the distinctions between providing legal information and providing legal advice. The second barrier was related to language.

With the increasing numbers of self-represented litigants the demand on court staff to provide assistance and information to court customers without giving legal advice is concerning to court staff. Court staff is confronted numerous times daily with

questions about cases, policies, procedures, forms, terms and court process.

Therefore, staff must decide what information they can provide to customers without providing legal advice in the process. In addition to the demands on staff to provide court process information is language barriers. Without the resource of court information and forms that have been translated into the most commonly identified languages other than English, staff and court customers are often frustrated further because the proper assistance cannot be achieved.

RECOMMENDATION 3A: Court staff should be properly trained on a continuing basis regarding the distinction between providing legal information and providing legal advice.

Court personnel are confronted every day with questions on court processes; this requires them to separate legal information from the unlawful provision of legal advice. With the ever increasing self-represented litigant population, providing the appropriate amount of information and assistance to court staff is critical to ensure access to the court is not unintentionally denied to members of the public.

When staff becomes confused about the difference between providing legal information versus legal advice, they tend to hide behind the phrase “I can’t give legal advice.” Court staff should be trained on the types of information court personnel can and cannot provide. The training should highlight the benefits of providing procedural explanations to court customers and the positive impacts it can have on the court such as improved public perception of the court.

The Arizona Supreme Court’s website has a *Guide to Court Customer Assistance* (2007); and local training can be improved by offering the training on a

continual basis to ensure confidence and understanding about providing court procedural information.

RECOMMENDATION 3B: Vital information and documents need to be identified and translated into multiple languages to increase accessibility of the Navajo County Justice Courts to its users.

Navajo County has a diverse population consisting of four Native American Tribes and immigrants from several countries, such as Mexico, China and Vietnam. In compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112), the courts in Navajo County have implemented a Language Access Plan which outlines a plan for timely provision and reasonable assistance to limited English proficient persons who come into contact with the courts.

In order to address the language barrier concern raised by court staff, a focus group should be developed to identify vital information and standardized forms that should be translated into languages spoken by the peoples identified above to ensure proper access to the courts. Instructional brochures and forms developed as a part of this project for use in hard copy and placement on the website should also be translated and made available to assist court users who are not proficient in the English language.

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Court Staff Survey

1. On average, how many court users per day do you assist with court process questions?

- 0-5
- 6-10
- 11-15
- 16-20
- 20+

2. Please rank from 1 to 5 (5 being the highest) the type of case you receive the most questions about from court customers.

<input type="text"/>	Criminal
<input type="text"/>	Civil/Small Claims
<input type="text"/>	Civil Traffic
<input type="text"/>	Evictions
<input type="text"/>	Protective Orders

3. What methods of communication are currently used within your court to assist court users with court process questions? (mark all that apply)

- E-Mail
- Social Media
- Verbal (In person, telephone, etc.)
- Web-site materials
- Written (Informational Brochures, Instructions attached to court provided forms)

Other (please specify)

4. What barriers, if any, do you believe exist which impact effective communications with court users? If None, please mark NONE.

- None

Other (please specify)

Court Staff Survey

5. Please indicate your agreement/disagreement with the following statement: The court should develop resources for court users to assist them with court processes.

- Strongly Disagree
- Disagree
- Neither Agree or Disagree
- Agree
- Strongly Agree

6. What do you believe would be the benefit of using additional means to communicate with court users? (mark all that apply)

- Improved access to the courts.
- Improved customer service.
- More efficient use of staff time and resources
- Reduced misinterpretation between court staff and the court customer.

Other (please specify)

7. What, if any, do you believe would be the drawbacks of using additional means to communicate with court users? If None, Please mark NONE.

- NONE

Other (please specify)

8. What method of communication do you feel would be most useful for court users? (mark all that apply)

- Facebook
- Informational Brochures
- Instructions attached to court provided forms
- Twitter
- Web-site reference materials
- Videos/You Tube
- Webinar based instruction

Other (please specify)

Court Staff Survey

9. Based upon your experience, how would you rate the availability of information your court has to provide to court users regarding court process?

- Very Poor
- Poor
- Neither Good nor Poor
- Good
- Excellent

10. Length of time you have been employed in Arizona Courts?

- 0-3 years
- 4-6 years
- 7-10 years
- 11-13 years
- 14+ years

11. What is your age?

- 18-34
- 35-48
- 49-67
- 68+

Judge Survey

1. About how many cases per month do you preside over that involve self-represented litigants?

- 0-10
 11-20
 21-30
 31-40
 41+

2. Please rank from 1 to 5 (5 being the highest) which case types have the most self-represented litigants?

<input type="text"/>	Criminal
<input type="text"/>	Civil/Small Claims
<input type="text"/>	Civil Traffic
<input type="text"/>	Evictions
<input type="text"/>	Protective Orders

3. What barriers, if any, do you believe exist which impact effective communications with court users? If None, please mark NONE.

4. Please indicate your agreement/disagreement with the following statement: The court should develop resources for court users to assist them with court processes.

- Strongly Disagree
 Disagree
 Neither Agree or Disagree
 Agree
 Strongly Agree

Judge Survey

5. What do you believe would be the benefit of using additional means to communicate with court users? (mark all that apply)

- Improved access to the courts.
- Improved customer service.
- More efficient use of staff time and resources
- Reduced misinterpretation between court staff and the court customer.

Other (please specify)

6. What, if any, do you believe would be the drawbacks of using additional means to communicate with court users? If None, Please mark NONE.

7. What method of communication do you feel would be most useful for court users? (mark all that apply)

- Facebook
- Informational Brochures
- Instructions attached to court provided forms
- Twitter
- Web-site reference materials
- Videos/You Tube
- Webinar based instruction

Other (please specify)

8. Based upon your experience with self-represented litigants in court, how would you rate the availability of information your court has to provide to court users regarding court process?

- Very Poor
- Poor
- Neither Good nor Poor
- Good
- Excellent

Judge Survey

9. Length of time you have been a Justice of the Peace?

- 0-3 years
- 4-6 years
- 7-10 years
- 11-13 years
- 14+ years

Improving Public Access and Communication

Improving Public Access and Communication

Please take a moment

***1. Please indicate if you have had an occasion to interact with the Justice Courts in Navajo County?**

Yes

No

***2. Please indicate the reason (type of case).**

- Civil Traffic
- Civil/Small Claims
- Criminal
- Evictions
- Jury Service
- Protective Orders

Other (please specify):

***3. Please indicate your agreement/disagreement with the following statement: The court should develop resources for court users to assist them with court processes ("How do I ...").**

Strongly Disagree

Agree

Disagree

Strongly Agree

Neither Agree or Disagree

4. What methods of communication would you prefer to assist you with court process questions?

- E-mail
- Social Media
- Verbal (In person, telephone, etc.)
- Web-site reference materials (General court information and forms)
- Written (Informational Brochures/Instructions attached to court provides forms, etc.)

Other (please specify):

Improving Public Access and Communication

5. What is your gender?

- Female
 Male

6. What is your age?

- 18 to 34
 35 to 48
 49 to 67
 68 or older

7. What is the highest level of education you have completed?

- High School or Equivalent
 Some College
 2 or 4 Year College Degree
 Masters
 Professional Degree (MD, JD, Ph.D)

8. Thank you for taking the time to complete this survey. Your feedback is important to us in how we can better improve our services. If you would like to participate in the drawing for a gift card, please put your employee number in the box below.



NAVAJO COUNTY JUSTICE COURTS

INFORMATION FOR FILING SMALL CLAIMS CASES IN JUSTICE COURT

This is your case. You have a responsibility to yourself and to the court to acquire sufficient knowledge to complete the forms properly and to follow your lawsuit to conclusion. There are certain steps you must follow to pursue it properly. This information is provided to assist you in general procedure. You may also want to refer to the Arizona Revised Statutes (ARS) and Arizona Rules of Court (ARCP) for additional information. The statutes may be viewed online at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp> or may be found at your local library.

CLERK DUTY. The clerks in the Justice Court are not attorneys and cannot give legal advice. The clerks' responsibility is to take your court filing and to provide forms and explain court procedures. It is not the clerks' responsibility to advise you if you have a legal claim. The clerk is not responsible for any error you may make in asserting or defending the claim. The court does not take sides or render an opinion regarding the merits of a claim. ARS 22-507

COURT FEES. Fees are payable at the time of the filing. Refer to the Court's posted schedule of fees. ARS 22-281, 22-522

JURISDICTIONAL LIMIT. The plaintiff may file for any amount not to exceed \$3,500.00. A larger claim may be reduced to \$3,500.00 and any remaining amount waived. A claim may NOT be split by filing two separate actions. The plaintiff may ask for reimbursement of court costs in addition to the \$3,500.00 maximum. Court costs include, but are not limited to filing and service fees. A prevailing defendant may also ask for reimbursement of court costs. ARS 22-503A

YOU MAY NOT FILE IN SMALL CLAIMS IF:

The case involves a claim of defamation by libel or slander. The case is for forcible entry, forcible detainer or unlawful detainer.
 The case involves a claim for specific performance. The case is brought or defended on behalf of a class. The case requests relief by or involves prejudgment remedies. The case is seeking injunctive relief. The case involves traffic violations or criminal matters.
 The case is against this State, its political subdivisions or is against its officers or employees, acting in an official capacity. ARS 22-503B

VENUE means the proper geographical area (precinct) in which a lawsuit may be filed. You must file the lawsuit where the defendant resides or does business or where the cause of the lawsuit occurred. ARS 12-401

MOTION FOR CHANGE OF VENUE. A motion for change of venue is one of only two motions allowed in a small claims action. A motion for change of venue for improper venue must be filed prior to filing the answer, or venue is waived. If a motion is filed alleging that the lawsuit is filed in the wrong precinct and the court orders a change of venue, the case will be transferred to the proper precinct. If you oppose a motion for change of venue you must file an objection in writing within ten days after service of the motion. ARS 12-404A

Venue may be proper in more than one precinct, however if, after hearing, the original venue is found to be wrong additional fees may be assessed to the plaintiff. ARS 12-407

TRANSFER TO REGULAR CIVIL DIVISION OF JUSTICE COURT. Either party may transfer a small claims case to the court's civil division up to TEN (10) working days before trial. The party requesting the transfer will be assessed the civil filing fee. ARS 22-504A

ATTORNEYS. An attorney cannot appear or represent either party in the small claims division unless:

- He/she is representing himself or herself.
- Both parties agree to the use of attorneys and file a STIPULATION TO USE OF ATTORNEYS, a form the court can provide. A stipulation to use attorneys must be filed at least 24 hours before the scheduled court date. However, any party has the right to choose to be represented by counsel and may file a request to transfer the case to the civil division of the Justice Court for that purpose. The case will then be transferred to the civil division and appropriate fees charged to the party requesting the transfer.

After entry of judgment, the prevailing party has a right to employ an attorney to pursue available rights and remedies for the purpose of collecting the judgment award. ARS 22-512B, C,D,E

PARTIES. The statutes governing small claims procedures set forth who may file a small claims action or appear or represent on behalf of such an action. ARS 22-512A, B

The plaintiff must be the original owner of a claim and may not sue on an assigned claim. However, after judgment a party may make an assignment of the judgment. ARS 22-512

An individual shall represent himself. Either spouse or both may represent a marital community.
An active general partner or an authorized full-time employee shall represent a partnership.
A full-time officer or authorized employee shall represent a corporation.
An active member or an authorized full-time employee shall represent an association.
Any other organization or entity shall be represented by one of its active members or authorized full-time employees.
If you are representing a partnership, an association, or any other organization please provide the court with a letter stating your position and authority to represent an action on behalf of the partnership, association or organization.
If you are a full time employee representing a corporation please provide the court with a letter stating your position and authority to represent the corporation. The letter must be signed by a corporate officer.

However, any party has the right to choose to be represented by counsel and may file a request.

PLEADINGS shall set forth a short and plain statement.

- 1) Upon which the court's jurisdiction depends.
- 2) Upon which the court's venue depends.
- 3) Showing the pleader is entitled to relief.
- 4) A demand for judgment for the relief sought.

EXAMPLE

I am claiming damages against the defendant in the amount of \$3,500.00. (jurisdictional limit)
The defendant resides in the Pinetop Precinct, (or, The lawsuit occurred in the Pinetop Precinct). (venue)
The defendant owes me money because ... (legal entitlement to claim)
Wherefore, the plaintiff requests that the court enter judgment in his favor in the sum of ... (demand)

METHODS OF SERVICE. In addition to any other available methods of service ARCP Rule 4, the plaintiff may serve the summons and complaint by registered or certified mail. Service is deemed complete upon the delivery of the mailing to the defendant and signed by the defendant (as evidenced on the return receipt filed with the court).
Each named defendant must be served a copy of the COMPLAINT SUMMONS. To ensure the named party defendant signs the return receipt, restricted delivery should be used.
If the postal service does not enter a date of delivery or the date is not legible, service is deemed complete on the date the return receipt is filed with the court. The plaintiff may file the return receipt (the green card) with the court in person or by first class mail.
If the defendant refuses to accept the mailing, or a person other than the named defendant signs for the registered or certified mailing, then service has NOT been properly accomplished.
If the defendant cannot be served by registered or certified mail, personal service by a licensed process server must be used.
If the claim is against a corporation, the statutory agent, or an officer of the corporation must be served on behalf of the corporation named in the complaint. You may obtain the name and address of a statutory agent or corporate officer by calling the Arizona Corporation Commission 602-542-3135.

YOU HAVE 120 DAYS TO SERVE THE SUMMONS AND COMPLAINT OR YOUR CASE IS SUBJECT TO DISMISSAL
ARCP 4(i)

SERVICE AFTER APPEARANCE. A copy of all pleadings filed with the court must be mailed or delivered to the opposing party. IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form is available at the court and must be filed with the court when a party changes their address.

DEFAULT. If the defendant does not file an answer to the complaint within twenty (20) days after service is complete, the plaintiff may apply for any entry of default against the defendant. If a counterclaim has been filed and the plaintiff fails to file a reply to the counterclaim within the time allowed, the counter-claimant (defendant) may apply for an entry of default against the counter-defendant (plaintiff) on the counterclaim. The party seeking the default must mail a copy of the APPLICATION FOR ENTRY OF DEFAULT form to the defaulting party. If the party claimed to be in default fails to file an answer or pleading or otherwise defend in the lawsuit within ten (10) judicial days of the filing of the application, the default will take effect and a default judgment will be entered against the party or parties in default.

DISMISSAL. The plaintiff may dismiss the claim at any time prior to defendant filing an answer or other pleading. Once the defendant has filed an answer both parties must stipulate to a dismissal (agree in writing).

FILING AN ANSWER. The defendant has twenty calendar days to file an answer to the complaint with the court. The answer should respond to each allegation of the complaint. The case will then be set for a hearing. Failure to file an answer will result in a default judgment. ARS 22-514

FILING A COUNTERCLAIM. A counterclaim is a claim made by the defendant against the plaintiff (a counter lawsuit within a lawsuit). A counterclaim may be filed at the same time the answer is filed. If the defendant files a counterclaim, the plaintiff has twenty (20) days to file an answer. A default judgment may be entered against the plaintiff for failure to answer the counterclaim. If the defendant files a counterclaim and the amount claimed exceeds \$3,500.00, the court shall transfer the case to the civil division. If the court determines that the amount of the counterclaim in excess of the small claims jurisdiction was filed for the sole SC 8150-313.02 R: 7/9/10 purpose of avoiding the small claims proceedings, the court may award the plaintiff court costs, plus reasonable attorney fees for defending the counterclaim. ARS 22-517

MOTIONS . Only two motions are allowed in the small claims division: a Motion for Change of Venue (filed before an Answer) and a Motion to Vacate Judgment (filed after a judgment). ARS 22-505

HEARING OFFICERS. Either a Justice of the Peace or an appointed Volunteer Hearing Officer may hear your case. Any party may object to the use of a hearing officer prior to the hearing date. The court can provide you with a form to make this objection. The case will then be referred to and heard by the Justice of the Peace. ARS 22-506

SETTING FOR HEARING. The trial will be set for a date within sixty (60) days after the answer has been filed with the court. All parties will be notified by mail of the date and time of the hearing. ARS 22-515A

THE HEARING: YOU CANNOT HAVE YOUR SMALL CLAIMS CASE HEARD BEFORE A JURY. ARS 22-518

REQUEST TO CONTINUE COURT DATE. If for some reason you find that you are unable to appear for trial on the date and time scheduled, you may file a REQUEST FOR CONTINUANCE with the court, showing good cause why you are unable to appear. The Judge will consider the merits of your request and either grant or deny it. Continuances are granted only for the most serious reasons. The request for continuance must be in writing and should be timely filed, at least ten (10) days prior to the trial date. ARS 22-515C

Bring to the trial anything necessary or relevant to establish or defend the claim or counterclaim. Examples: books, papers, bills, pictures of damages, or other exhibits. Both parties may also bring witnesses to testify in their behalf to substantiate your position. You will only be allowed a limited amount of time to present your claim or your defense. Be concise. Be prepared. If the case is settled before the scheduled trial date, be sure to notify the court. A stipulated DISMISSAL or Judgment form must be filed. Within ten (10) days after the trial, a copy of the Judgment Order will be mailed to each party.

APPEAL. You **DO NOT** have the right to appeal. The decision of the hearing officer or justice of the peace is final AND BINDING ON BOTH PARTIES. If you wish to preserve your right to appeal, you may have the case transferred to the civil division of the justice court. You may do this at any time up to ten (10) days before trial. ARS 22-519

IF YOU ARE AWARDED JUDGMENT refer to the court's handout COLLECTING A MONEY JUDGMENT.

MOTION TO VACATE THE JUDGMENT. A motion to vacate a judgment is one of only two motions allowed in a small claims action. A motion to vacate judgment can be filed by either party to vacate a default judgment or a judgment of the court following a hearing. The motion must be served on the other party in the same manner as if serving a summons and complaint. If you oppose a motion to vacate the judgment you must file a response in writing ten days after service of the motion. If the motion to vacate judgment is the defendant's first filing the defendant must pay a filing fee. The motion must be served in the same manner as if serving a summons and complaint. ARCP 5(c)2

When paid in full the Judgment creditor must file a SATISFACTION OF JUDGMENT with the court. This form is available from the court.

Visit us at <http://www.navajocountyaz.gov/justicecourts/> for additional filing information and online forms.

INSTRUCTIONS FOR COMPLETING COMPLAINT

1. Insert the name of the Justice Court you are filing in.
2. **Plaintiff** (the person starting the case). Insert Name(s), address and phone number.
3. **Defendant** (the individual, company or institution being sued). Insert Name(s), address and phone number.
4. The **Notice & Summons** section will be completed by the Clerk at the Court.
5. **Plaintiff's Claim.** See **Pleadings** above and refer to the **Example**.
6. Date & Sign your Complaint.

JUSTICE COURT, NAVAJO COUNTY ARIZONA

PLAINTIFF _____ (Name/Address/Phone)	CASE NO. SUMMONS/COMPLAINT/ANSWER SMALL CLAIMS DIVISION	DEFENDANT _____ (Name/Address/Phone)
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NOTICE AND SUMMONS

TO DEFENDANT:
 You are directed to answer the claim of the plaintiff within twenty (20) days at the Customer Service Department of this court. If you do not appear and defend yourself, a judgment may be entered against you.
 If you wish to defend against the Plaintiff's claim, you **must** file an **Answer** and pay a **\$13.00** Answer Fee.
Requests for reasonable accommodation for persons with disabilities must be made to the court parties at least three (3) working days in advance of a scheduled court proceeding.

_____ Date _____ Clerk/Judge {SEAL}

PLAINTIFF'S CLAIM

The defendant owes me \$ _____ for the following reasons: _____

WHERE FORE, Plaintiff requests the court enter judgment in their favor in the amount of \$ _____

Date: _____ Plaintiff's Signature: _____

CERTIFICATE OF SERVICE OF MAILING BY PLAINTIFF

I, _____, Plaintiff in this action, certify that a copy of this form was sent by Registered/Certified Mail, Return Receipt requested, to the Defendant named at the above-listed address on _____, 20____.

Plaintiff's Signature Date

DEFENDANT'S ANSWER

TO DEFENDANT: If you dispute this claim, you must write your Answer below. File this form and pay a **\$13.00** Answer fee at the Customer Service Department of this court **within twenty (20) days** of the date of service of the Claim or **you may lose by default.**

I do not owe the Plaintiff because: _____

Date: _____ Defendant's Signature _____

CERTIFICATE OF SERVICE OF MAILING BY DEFENDANT

I, _____, Defendant in this action, certify that I have mailed or delivered a copy of this form to the Plaintiff at the above-listed address on _____, 20____.

Defendant's Signature Date

WARNING: - YOU DO NOT HAVE THE RIGHT TO APPEAL THE DECISION OF THE HEARING OFFICER OR THE JUSTICE OF THE PEACE IN A SMALL CLAIMS COURT. IF YOU WISH TO PRESERVE YOUR RIGHT TO APPEAL, YOU MAY HAVE YOUR CASE TRANSFERRED TO THE JUSTICE COURT PURSUANT TO 22-504, SUBSECTION A, ARIZONA REVISED STATUES, IF YOU REQUEST SUCH TRANSFER AT LEAST TEN DAYS PRIOR TO THE DAY OF THE SCHEDULED HEARING.