

Arizona Commission on Access to Justice

Meeting Agenda (Amended)

August 12, 2015 - 10:00 a.m. to 2:00 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona

Conference call-in number: 602-452-3288 Access code: 8469

[ACAJ WEBPAGE](#) [WebEx link](#)

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks Approval of minutes from May 20, 2015 <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Hon. Lawrence F. Winthrop, Chair, Div. One, Court of Appeals</i>
10:05 a.m.	Emergency evacuation protocol	<i>Nick Olm, AOC</i>
10:10 a.m.	Chairperson's report on presentations and meetings <ul style="list-style-type: none"> • State Judicial Conference • Arizona State Bar Convention • American Association of Law Libraries Annual Meeting in Philadelphia • Outreach to county bar associations regarding the Charitable State Tax Credit 	<i>Hon. Lawrence F. Winthrop</i>
10:20 a.m.	Report from SRL-Family Court Workgroup <ul style="list-style-type: none"> • Update on Law4AZ training programs • Progress report on the FAQ development project • Maricopa County's application for AmeriCorps grant • Update on the Arizona Virtual Resource & Self-Service Center in Coconino County • Parent Information Program video-Maricopa County 	<i>Hon. Janet Barton</i> <i>Maggie Kiel-Morse, State Library of Arizona</i> <i>Janet Fisher, State Library of Arizona</i> <i>Hon. Janet Barton</i> <i>Dave Byers, AOC</i> <i>Hon. Janet Barton</i>

<https://www.youtube.com/watch?v=3TsYe2-vH68>

<https://www.youtube.com/watch?v=nLMRb2ZuMjI>

<https://www.youtube.com/watch?v=GBDT1Y9q4KQ>

The Chair may call items on this Agenda, including the Call to the Public, out of the indicated order. Please contact Kathy Sekardi (602) 452-3253 or Nick Olm (602) 452-3134 with any questions concerning this agenda. Persons with a disability may request reasonable accommodations by contacting Julie Graber at (602) 452-3250. Please make requests as early as possible to allow time to arrange accommodations.

- 10:55 a.m. **Report from SRL-Limited Jurisdiction Courts Workgroup** *Hon. Rachel Torres Carrillo*
- Forms and instructions for landlord and tenant issues
 - Update on Resources Sub-Workgroup efforts *Paul Julien, AOC*
- Formal Action/Request**
- 11:30 a.m. **Report from Pro Bono Service and Funding Workgroup** *Kevin Ruegg and Lara Slifko, Arizona Foundation for Legal Services & Education*
- Update regarding the Pro Bono Workgroup and outreach efforts
 - Arizona Charitable Tax Credit campaign work *Hon. Lawrence F. Winthrop*
 - Media plan
- 12:00 p.m. **Lunch**
- 1:00 p.m. **Information regarding non-lawyer representation issues**
- ARPOP Rule Change Petition and Amendments *Kay Radwanski, AOC*
 - Increasing the effectiveness of “Lay Legal Advocates” and information regarding the Arizona Town Hall session - August 28, 2015 *Chris Groninger, Arizona Foundation for Legal Services & Education and Merri Tiseth, Arizona Coalition to End Sexual & Domestic Violence*
 - Discussion regarding non-lawyer representation *Hon. Lawrence F. Winthrop*
- Formal Action/Request**
- 1:50 p.m. **2016 – Proposed meeting dates** *Hon. Lawrence F. Winthrop*
- | | |
|-------------------|------------------|
| February 17, 2016 | May 18, 2016 |
| August 17, 2016 | November 9, 2016 |
- 1:55 p.m. **Good of the Order and Call to the Public Adjourn** *Hon. Lawrence F. Winthrop*

Next Meeting
 November 18, 2015
 10:00 a.m. to 2:00 p.m.
 State Courts Building, Phoenix, Arizona
 Conference Room 119

Please allow extra time to park and proceed through security.

Arizona Commission on Access to Justice
DRAFT MINUTES
May 20, 2015
10:00 a.m. to 2:00 p.m., Room 119
State Courts Building, 1501 W. Washington Street
Phoenix, AZ 85007

Present: Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Millie Cisneros; Judge Marie Elena Cruz; Chris Kelly for Michael Jeanes; Ellen Katz; John Phelps; Janet Regner; Kevin Ruegg; Steve Seleznow; Judge Rachel Torres Carrillo; Lisa Urias;

Telephonic: Judge James Marnier; Anthony Young

Absent/Excused: Barb Dawson

Presenters/Guests: Colin Ahler; Kim Bernhart; Dan Christensen; Tim Eigo; Shawn Friend; Janet Fisher; Maggie Kiel-Morse; Helen Davis; Billie Jo Garcia; Chris Groninger; Paul Julien; Lara Slifko;

Administrative Office of the Courts (AOC): Dave Byers; Paul Julien; Amy Love; Heather Murphy

AOC Staff: Theresa Barrett; Julie Graber; Nick Olm; Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome, Opening Remarks and Approval of Minutes

With a quorum present, the May 20, 2015 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:06 a.m.

B. Chairperson's Report on Presentations and Meetings

Judge Winthrop reported that he made a presentation to the Arizona Judicial Council (AJC) in March, and that the AJC voted unanimously to approve the recommendations of the Commission as contained in its written report. Judge Winthrop also reported that he had participated in the Arizona Forward and the ABA National Summit on Innovation in Legal Services, with both conferences focusing on ideas to improve the delivery of legal services. Finally, Judge Winthrop noted that he had attended the ABA National Access to Justice Chairs' meeting in Austin, a yearly event designed to share information and develop strategies on moving access to justice forward in each state and on a national level. He is also scheduled to attend the American Association of Law Libraries meeting this July in Philadelphia.

II. REPORT FROM SRL-FAMILY COURT (SRL-FC) WORKGROUP

A. Judge Barton and Janet Fisher, co-chairs of this workgroup, reported on the SRL-FC workgroup.

- Ms. Fisher reported that the LAW4AZ training has completed its training in five counties with more trainings planned for the future in other counties. The Dobson Ranch Branch of the Mesa Public Library was chosen as the site for the LAW4AZ Divorce Day and the clinic had a good turnout.
- Judge Barton reported that the application for the JusticeCorps grant was opened for proposals in March and the deadline for submissions was in May. Maricopa County submitted their grant application, however, the State Administrator of the program recently redirected the funds to be used for helping third graders read better, and for victims of sex trafficking and domestic violence, which could impact the chances of Maricopa County Superior Court receiving this grant.
- Judge Barton also informed the commission that the application form and order for deferral or waiver of court fees or costs has been updated to specifically include the Parent Education program, effective June 1, 2015.
- Ms. Fisher also reported that the workgroup is working on a list of FAQs and standard answers as well as updating and further expanding the 2007 Legal Information v. Legal Advice report from the Legal Advice—Legal Information Guidelines Task Force . In the next few months, the workgroup will draft an updated version and ask for input from legal service provider offices.

III. Report from SRL-Limited Jurisdiction Courts Workgroup:

A. Paul Julien reported on the Resources sub-workgroup and stated:

- The workgroup would like to develop computer-based training programs and other training materials for self-represented litigants in limited jurisdiction courts in civil matters regarding landlord/tenant matters and consumer debt issues.
- Southern Arizona Legal Aid (SALA) and Community Legal Services (CLS) are moving forward with funding for videoconference technology that would allow lawyers and indigent clients to connect remotely.
- The workgroup would like for all courts to be required to display and distribute legal aid information, such as brochures, pamphlets, and flyers, in their respective lobbies.
- In Tucson, SALA, Volunteer Lawyers Program (VLP) and the Pima County Justice of the Peace Court are meeting to discuss establishing an on-site clinic that would use law students and VLP attorneys to assist defendants in eviction proceedings. Judge Berning is working on proposals to increase the use of Rule 38 student interns working with the Legal Services Corporation programs in the landlord/tenant area of law.
- The Center on Court Access to Justice, a project of the National Center for State Courts, has developed a set of educational modules designed to assist trial judges in developing the skills needed to manage the increasing number of cases involving self-represented litigants more efficiently and effectively and with greater personal satisfaction.
- This workgroup has asked to work with the Court Services Division of the AOC with training for court staff regarding providing legal assistance within the ethical framework

of the Judicial Employee Code of Conduct. A member stated that the Judicial Staff Education Committee (JSEC) would help with perpetuating the legal information v. legal advice training and providing this training to field trainers.

B. Judge Carrillo reported on the Forms and Instructions sub-workgroup.

- Judge Carrillo stated the sub-workgroup and guests continue to work on the following: the 5-day Notice; 10-day Notice; Immediate Notice; General Information about Landlord and Tenant Rights and Options Before You Come to Court; Information for Tenants Who Have Been Served with Eviction Court Pleadings; Complaint; and Summons. Once completed, the forms will be presented to the commission.

IV. ARIZONA CITIZEN VIRTUAL RESOURCE CENTER UPDATE

A. Dave Byers' presentation on the Arizona Citizen Virtual Resource Center (ACVRC):

- Mr. Byers reported that the proposed virtual resource center will also have a physical facility that can serve citizens throughout the state. The concept includes capacity to stream video online for any member of the public to view and, in some instances, interact within a live real-time webinar.
- Mr. Byers further stated that he and AOC staff have already met twice with the Department of Economic Security (DES) and that agency is enthusiastic about this idea and is interested in either sharing a physical location, or possibly co-locating an employee at the legal resource center so it can be a "one-stop shop" for citizens also seeking DES related social services. AOC staff will visit Yolo and Butte Counties in California to observe their Family Law Facilitator Program centers, followed by a site visit to see the proposed DES space and the space currently designated for the resource center at the Coconino County Superior Court Law Library.

V. REPORT FROM COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS (CIDVC) REGARDING REMOTE ACCESS TO ORDERS OF PROTECTION IN RURAL COUNTIES

John Lucas, IT Director for Graham County and SACCnet Project Director, presented Graham County's videoconferencing technology that Judge Wyatt Palmer, Justice of the Peace and Committee on the Impact of Domestic Violence and the Courts (CIDVC) member, will now use to issue protective orders between a local safe house and the court.

VI. REPORT FROM PRO BONO SERVICES AND FUNDING WORKGROUP

A. Daniel Christensen, Global Group Counsel for IT Privacy & Security at Intel presented on the Intel Arizona Legal Department Pro Bono Debt Clinic.

- Mr. Christensen stated that there are ten firms working with Intel Legal on pro bono matters, 71 Intel attorneys are involved in support and client engagement, and 5,683 pro bono hours were logged last year alone. The next steps Mr. Christensen would like to

take are for his volunteer lawyers to expand into fields other than just personal debt, i.e. landlord/tenant law and veteran's law. He would also like to help introduce the Intel Arizona Pro Bono program to other companies in the valley and encourage similar participation.

- Judge Winthrop welcomed his offer of assistance to be an advocate for the commission's access to justice initiatives and assist with creating other corporate liaisons.

Judge Winthrop, commission members, guest and staff all thanked Mr. Christensen for his presentation.

B. Update on Comprehensive Media Plan

- Ms. Urias and other members of the pro bono workgroup offered a potential framework for a comprehensive media plan to spread the word of the commission's initiatives, in particular the benefits of pro bono work and the tax credit campaign.
- Among other things, Ms. Urias stated that the commission should consider producing a video about the Arizona Commission on Access to Justice (ACAJ). The video could be used to introduce the ACAJ's initiatives to corporations and lawyers that would help the general public and key stakeholders have a greater understanding of the work being done by the commission and its workgroups.

VII. OTHER BUSINESS

A. Closing comments

Judge Winthrop concluded the meeting by saying the commission is in the midst of strategic planning for the future goals of this commission, which will be discussed at the next ACAJ meeting in August.

B. Good of the Order/ Call to the Public

There was no response to a call to the public.

C. Adjournment

Meeting adjourned at 2:01 p.m.

D. Next Commission Meeting Date

August 12, 2015

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

State Courts Building, Conference Room 119A/B

1501 W. Washington

Phoenix, Arizona 85007

Arizona Commission on Access to Justice

Meeting Date: August 12, 2015	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Self-Represented Litigants in Family Court Workgroup Report to the ACAJ
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From: The ACAJ Self-Represented Litigants in Family Court Workgroup

Presenter: Judge Janet Barton, Janet Fisher, and Margaret Kiel-Morse

Description of presentation: Members of the SRL-FC Workgroup will provide updates regarding:

- current accomplishments of the Law4AZ training project and future steps
- progress on the development of FAQ document
- status of the Maricopa County application to AmeriCorps
- Coconino County Virtual Court Resource and Self-Help Center
- Maricopa County's Parent Information Program videos

Recommended motion: No recommendations are being made at this time.

Parent Information Program Resource Menu

HEARING-EVENT-TOPIC	RESOURCES
<p>SERVICE – Means giving legally required notice to the other parties that you have filed documents with the court to request a court order that may affect them. The court papers can ONLY be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.</p>	<p><u>Service Information:</u> http://www.superiorcourt.maricopa.gov/sscDocs/packets/gn2z.pdf</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=3TsYe2-vH68</p>
<p>RESPONSE – A written answer to the paperwork that has been filed. An individual who has been served with a petition is the respondent. If the respondent does not agree with the content of the petition, that person should file a response within the appropriate time frame, usually 20 days from the date of service. If no response is filed, the Court assumes that the responding party is in agreement with the requests in the petition. A default may be entered and a decree or judgment signed.</p>	<p><u>Locations:</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/FamilyCourt/locations.asp</p> <p><u>Filing a Response:</u> <u>Paternity:</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_drp3.asp <u>Divorce:</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_drdc3.asp <u>Filing for Default, Setting a Hearing:</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_drd6.asp</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=nLMRb2ZuMjI</p>
<p>EARLY RESOLUTION CONFERENCE – Parties without attorneys meet with a Family Law Case Manager to try to reach agreements on the issues. A Proposed Resolution Statement should be filed and provided to the other side at least 5 days before the Conference. If parties are able to agree on all issues, a Consent Decree or Judgment</p>	<p><u>Proposed Resolution Statement</u> <u>Paternity:</u> https://www.superiorCourt.maricopa.gov/sscDocs/pdf/drpr10fz.pdf</p> <p><u>Divorce:</u> https://www.superiorCourt.maricopa.gov/sscDocs/pdf/drmcr10fz.pdf</p>



<p>will be signed by the parties. If the parties are not able to agree on all issues, a hearing will be scheduled for a Judge to resolve any remaining issues.</p>	<p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=KHBj-Abdgvk</p>
<p>RESOLUTION MANAGEMENT CONFERENCE – Cases that involve at least one attorney have this short initial conference with a Judge. Parties and attorney(s) should meet 5 days prior to this conference to attempt to settle issues, if possible. A Proposed Resolution Statement should be filed and provided to the other side at least 5 days before the Conference. If any agreements have been reached, the Judge will enter those agreements as orders at this Conference. If there are remaining disputes, the Judge will set a trial or hearing to hear each party’s position on the dispute and decide the disputed issue.</p>	<p><u>Proposed Resolution Statement</u> <u>Paternity:</u> https://www.superiorCourt.maricopa.gov/sscDocs/pdf/drpr10fz.pdf</p> <p><u>Divorce:</u> https://www.superiorCourt.maricopa.gov/sscDocs/pdf/drmcr10fz.pdf</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=KHBj-Abdgvk</p>
<p>TEMPORARY ORDERS – A Motion for Temporary Orders may be filed along with a petition or shortly after a petition is filed. A short hearing is held within 30 days. These orders are only temporary until the final judgment or decree is issued.</p>	<p><u>Motion for Temporary Orders</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_group_5.asp</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=KHBj-Abdgvk</p>
<p>LEGAL DECISION MAKING – Legal Decision making refers to non-emergency decisions regarding the child’s education, healthcare, religious training and personal care. <i>Joint legal decision</i> making means that parents make decisions together. <i>Sole legal decision</i> making allows one parent to make all non-emergency decisions. <i>Joint legal decision making with final decision maker</i> means parents make decisions together, with one parent having final say if they are unable to agree on the decision.</p>	<p><u>Legal Decision Making</u> http://www.superiorCourt.maricopa.gov/sscDocs/packets/drcv1z.pdf</p> <p><u>Family Court Workshops:</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/FamilyCourt/workShopsEvents.asp</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=xnmnO3g40eQ</p>

<p>PARENTING TIME – A parenting time schedule provides specific days and times for when the child is with each parent. During each parent’s scheduled parenting time he or she is responsible for providing the child with food, clothing and shelter, and may make routine decisions concerning the child’s care. If the parents cannot agree on a parenting plan, each parent will be asked to provide the Court with their proposed schedule. If you need schedule ideas, refer to the Parenting Time Guidebook.</p>	<p><u>Parenting Plan</u> http://www.superiorCourt.maricopa.gov/sscDocs/pdf/drcvg11fz.pdf</p> <p><u>Parenting Time Guidebook</u> http://www.azcourts.gov/portals/31/parentingtime/ppwguidelines.pdf</p> <p>http://www.azCourts.gov/Portals/31/ParentingTimeSpanish.pdf</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=xnmnO3g40eQ</p>
<p>CHILD SUPPORT – Child Support is calculated by using the Arizona Child Support Guidelines.</p> <p>Child Support Factors include, but are not limited to: number and ages of children; how much each parent earns; the time each parent has with the child or children according to the parenting plan; and, whether the parents support other children.</p>	<p><u>Child Support Guidelines:</u> http://www.azcourts.gov/Portals/31/Child%20Support/2015CSGuidelinesRED.pdf</p> <p><u>Child Support Worksheet Instructions:</u> http://www.superiorCourt.maricopa.gov/sscDocs/pdf/drs12iz.pdf</p> <p><u>Child Support Worksheet/Calculator:</u> http://www.azcourts.gov/familylaw/2015-Child-Support-Calculator</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=xnmnO3g40eQ</p>
<p>SETTLEMENT CONFERENCE – A pre-trial meeting between the parties in an attempt to settle issues and avoid a trial. Settlement conferences are available for dissolution cases before the decree is entered, and other pre-judgment cases as determined by the judge.</p>	<p><u>FAQs regarding Settlement Conferences:</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/AlternativeDisputeResolution/faq.asp</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=iVeaxMO3O6A</p>

<p>TRIAL – Prior to trial, each party must submit a Pretrial Statement to the Court to explain his or her position on the issues. At trial, the Judge will determine which issues remain; listen to what the parties have to say on each of those issues; and review evidence and testimony from witnesses presented by the parties. After trial, the Judge will issue orders to settle the disputes in the case. This may be immediate, or may take up to two months.</p>	<p><u>Pre-trial Statement</u> http://www.superiorcourt.maricopa.gov/sscDocs/pdf/drpts16fz.pdf</p> <p><u>Divorce - Trial Preparation Documents</u></p> <p>With children: http://www.superiorcourt.maricopa.gov/SuperiorCourt/FamilyCourt/docs/trial-preparation-with-children.pdf</p> <p>Without children: http://www.superiorcourt.maricopa.gov/SuperiorCourt/FamilyCourt/docs/trial-preparation-without-children.pdf</p> <p><u>More information on preparing for trial may be found online at</u> http://www.superiorCourt.maricopa.gov/SuperiorCourt/FamilyCourt/preDecree.asp</p> <p><u>Link to Chapter:</u> https://www.youtube.com/watch?v=P2WYnY6yhdM</p>
<p>CONSENT DECREE/STIPULATED ORDER OF PATERNITY – If both parties agree on all issues in their case, parties can submit a Consent Decree (in a Divorce Case) or a Stipulated Order of Paternity (in a Paternity Case). These documents identify the agreements you have reached on each of the issues. If the document contains all the required parts, the Court will sign the document and your case will be over.</p>	<p><u>Consent Decree</u></p> <p>Divorce with Minor children http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_dr7.asp</p> <p>Divorce without Minor Children http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_group_3.asp</p> <p><u>Stipulated Order of Paternity</u> http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_drp7.asp</p>

Playlist of all the chapters:

https://www.youtube.com/playlist?list=PLh-xFB5ObJz75YvxZkVv4aIott_Z0a_cp

For any other forms, please refer to the Court’s Self Self Service Center or online at:
<http://www.superiorCourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/>



Arizona Commission on Access to Justice

Meeting Date: August 12, 2015	Type of Action Requested: <input type="checkbox"/> Formal action or request <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Other	Subject: SRL-LJC Workgroup Presentation
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From: Nick Olm

Presenters: Judge Rachel Torres-Carrillo and Paul Julien

Description of presentation: Judge Carrillo will be presenting on the progress of the SRL-LJC Forms sub-workgroup. The sub-workgroup has met several times since the last meeting and would like their work to be examined by the commission. Paul Julien will also be presenting on the status of the SRL LJC Resources sub-workgroup.

Recommended motion: To be determined

Notice for Failure to Pay Rent

(5 Day Notice to Move | A.R.S 33-1368B)

() - _____
Tenant(s) Name / Address / Phone

() - _____
Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You have not paid your rent. If you do not pay the total owed within 5 calendar days of receiving this Notice your landlord may file an eviction action requiring you to move.

Total owed \$ _____ as of this date: _____. If late fees are allowed in the rental agreement, this amount will increase by \$ _____ each day the rent is not paid. The total includes:

- A. Rent \$ _____**
1. Current month/week \$ _____
 2. Prior month \$ _____
 3. Other \$ _____ why _____
 4. Other \$ _____ why _____
 5. Other \$ _____ why _____

(Other means: Items listed as rent in your rental agreement paid monthly to your landlord.)

B. Late Fees (if allowed in rental agreement) are \$ _____ per day for _____ days, which is a total of \$ _____ as of the date of this notice.

You may settle this matter before any eviction is filed. Your options are:

- A. Pay the total owed within 5 calendar days of receiving this notice.
- B. Move out of the rental and **return the keys** to the landlord within 5 calendar days of receiving this notice.
- C. Contact the landlord and settle this matter, in writing signed by both you and the landlord.

Receiving means: If hand-delivered – you have 5 calendar days to act from the date you or members of your household received the notice. If sent by certified mail – you have 5 calendar days to act from the date you signed the postal service green card or 10 calendar days from the date the envelope was post-marked, whichever comes first.

Failure to pay the amount owed, move out of the rental and return the keys, or settle this matter in writing may result in the landlord filing an Eviction Action. You have the right to appear in Court and dispute the Eviction Action. If a judgment is entered against you, you may remain in the rental property only if the landlord agrees in writing to let you stay.

Date: _____ Signature: _____
 Landlord Agent

This notice is served by:

- Hand delivery to (name): _____ who is the tenant occupant
- By certified mail (mail receipt #): _____

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://Housing.AZ.Gov>, the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov or www.AZLawhelp.org

**Notice of Health and Safety Violation(s)
(5 Day Notice to Move | A.R.S. 33-1368A)**

() - _____
Tenant(s) Name / Address / Phone

() - _____
Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You have violated your rental agreement. The following is what happened, where it happened and when. Attach additional sheet(s) if needed.

If you do not fix the violation(s) within 5 calendar days of receiving this Notice your landlord may file an Eviction Action requiring you to move.

You may settle this matter before an eviction action is filed. Your options are:

- A. Fix the violation(s) within 5 calendar days of receiving of this notice.
- B. Move out of the rental and **return the keys** to the landlord within 5 calendar days of receiving his notice.
- C. Contact the landlord and settle this matter in writing signed by both you and the landlord.

Receiving means: If hand-delivered – you have 5 calendar days to act from the date you or members of your household received the notice. If sent by certified mail – you have 5 calendar days to act from the date you signed the postal service green card or 10 calendar days from the date the envelope was post-marked, whichever comes first.

Failure to fix the violation(s), move out or settle this matter may result in an Eviction Action. You have the right to appear in court to dispute the Eviction Action. After a Hearing, the Judge may order you to move. A Writ of Restitution (a court order to have you removed from the rental) may be issued. If a judgment is entered against you, you may remain in the rental property only if the landlord agrees in writing to let you stay.

WARNING: If there is **another or similar violation** during the rest of the rental agreement, your landlord may give you a Notice requiring you to move within 10 calendar days. If you do not move, the landlord may file an Eviction Action.

Date: _____ Signature: _____

Landlord Agent

This notice is served by

- Hand delivery to (name): _____ who is the tenant occupant
- By certified mail (mail receipt #): _____

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

**Notice of Material Breach
(10 Day Notice to Move | A.R.S. 33-1368A)**

() -

Tenant(s) Name / Address / Phone

() -

Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You have violated your rental agreement. The following is what happened, where it happened and when. Attach additional sheet(s) if needed.

If you do not fix the violation(s) within 10 calendar days of receiving this Notice your landlord may file an Eviction Action requiring you to move.

You may settle this matter before any legal action. Your options are:

- A. Fix the violation(s) within 10 calendar days of receiving this notice.
- B. Move out of the rental and **return the keys** to the landlord within 10 calendar days of receiving this notice.
- C. Contact the landlord and settle this matter in writing signed by both you and the landlord.

Receiving means: If hand-delivered – you have 10 calendar days to act from the date you or members of your household received the notice. If sent by certified mail – you have 10 calendar days to act from the date you signed the postal service green card or 15 calendar days from the date the envelope was post-marked, whichever comes first.

Failure to fix the violation(s), move out or settle this matter may result in an Eviction Action. You have the right to appear in court to dispute the Eviction Action. After a Hearing, the Judge may order you to move. A Writ of Restitution (a court order to have you removed from the rental) may be issued. You may remain in the rental property but only if the landlord agrees in writing to let you stay.

WARNING: If there is **another or similar violation** during the rest of the rental agreement, your landlord may give you a Notice requiring you to move within 10 calendar days. If you do not move, the landlord may file an Eviction Action.

Date: _____ Signature: _____

Landlord Agent

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

This notice is served by:

- Hand delivery to *(name)*: _____ who is the tenant occupant
- By certified mail *(mail receipt #)*: _____

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

**Notice of Material and Irreparable Breach
(Immediate Notice to Move | A.R.S. 33-1368A)**

() - _____
Tenant(s) Name / Address / Phone

() - _____
Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You have violated your rental agreement. **The violation(s) cannot be fixed. You must move out now.** The following is what happened, where it happened and when. Attach additional sheet if needed.

Please move out of the rental and return the keys to the landlord immediately. An Eviction Action may be or has been filed against you. You have the right to appear in court to dispute the Eviction Action. After a Hearing, the Judge may order you to move. A Writ of Restitution (a court order to have you removed from the rental) may be issued between 12-24 hours from the date a judgment is signed.

Date: _____ Signature: _____
 Landlord Agent

This notice is served by	
<input type="checkbox"/> Hand delivery to (name): _____	who is the <input type="checkbox"/> tenant <input type="checkbox"/> occupant
<input type="checkbox"/> By certified mail (mail receipt #): _____	

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

**Notice of Repeat Material or Health and Safety Breach
(10 Day Notice to Move | A.R.S. 33-13868A)**

() - _____
Tenant(s) Name / Address / Phone

() - _____
Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You have violated your rental agreement again. **This violation cannot be fixed. You need to move.**

The first violation was on this date _____. Attached is a copy of the 1st notice.

You committed the same or similar violation again. This is what happened, when it happened and where it happened (Attached are additional sheet(s) if needed):

This is a second material violation during the term of your rental agreement. Your landlord is ending your rental agreement and your right to live in the property. Because the repeat violation cannot be fixed, **you must move out of the rental and return the keys within 10 calendar days of receiving this Notice.**

If you do not move out within 10 calendar days of receiving this Notice your landlord may file an eviction action against you. You have the right to appear in court to dispute the Eviction Action. After a Hearing, the Judge may order you to move. A Writ of Restitution (a court order to have your removed from the rental) may be issued. You may remain in the rental property only if the landlord agrees in writing to let you stay.

Receiving means: If hand-delivered – you have 10 calendar days to act from the date you or members of your household received the notice. If sent by certified mail – you have 10 calendar days to act from the date you signed the postal service green card or 15 calendar days from the date the envelope was post-marked, whichever comes first.

Date: _____ Signature: _____

Landlord Agent

This notice is served by

- Hand delivery to (name): _____ who is the tenant occupant
 By certified mail (mail receipt #): _____

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

**NOTICE OF NON-RENEWAL OF RENTAL AGREEMENT
(THIRTY DAY NOTICE TO MOVE | A.R.S. § 33-1375)**

() -

Tenant(s) Name / Address / Phone

() -

Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

Your rental agreement will not be renewed by your Landlord. In addition (check one box below),

Your rental agreement is month-to-month. This notice will end your rental agreement on _____ (end date). The end date is the last day of that month-to-month period. You must have received this notice at least 30 days before the end date.

Your rental agreement is oral written. It has an end date of _____. Your possession of the rental will end on this date. You must have received this notice at least 30 days before the end date.

You must move out of the rental by the end date. **Under Arizona law, your landlord does not have to provide a reason for not renewing the rental agreement.**

Received means: If hand-delivered to you by the landlord, the date it was given to you. If by certified mail, it is the date the post office gave it to you or five days after the post mark date, whichever comes first.

The failure to move out of the rental by the end date may result in an Eviction Action being filed against you. You may remain in the rental only if the landlord agrees in writing to let you stay.

Date: _____ Signature: _____
 Landlord Agent

This notice is served by <input type="checkbox"/> Hand delivery to (name): _____ who is the <input type="checkbox"/> tenant <input type="checkbox"/> occupant <input type="checkbox"/> By certified mail (mail receipt #): _____
--

The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://housing.az.gov>, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org



Maricopa County Justice Courts

GENERAL INFORMATION ABOUT LANDLORD AND TENANT RIGHTS AND OPTIONS BEFORE YOU COME TO COURT

– Draft 8.03.15 –

Introduction

This is general information about the rights, obligations and options landlords and tenants have before an eviction case is filed. This information is not a substitute for an attorney and does not cover every situation.

A landlord cannot lock a tenant out of the rental or force the tenant out.

The information refers to sections of the Arizona Residential Landlord and Tenant Act. The Act may be found at www.housing.az.gov.

The topics covered are:

[Fill in all major headings – with links]

Tenant Obligations (what is expected of tenants)

A tenant must do the following: A.R.S. §§ 33-1341 & 33-1344.

- Pay rent on time
- Keep the residence clean and safe
- Remove and dispose of trash
- Keep all plumbing fixtures clean
- Use electrical appliances, heating and air-conditioning systems and plumbing in a reasonable manner
- Not deliberately or negligently damage the property or allow someone else to do so
- Use the property only as a residence, unless there is a different agreement
- Allow reasonable access to the landlord to inspect the rental or make needed repairs with at least 2 days' notice, unless there is an emergency or entry is in response to a tenant request for repairs – A.R.S. § 33-1343

- Follow the rules of the property and the rental agreement
- Require all guests to follow the rules of the property and the rental agreement
- Promptly notify the landlord in writing of needed maintenance or repairs
- Do not knowingly move property into the rental that has bedbugs. A.R.S. § 33-1319
- Give written or electronic notice to the landlord of any bedbugs in the rental

Landlord Obligations (what is expected of landlords)

A landlord must do the following: A.R.S. §§ 33-1322 – 1324.

- Make necessary repairs so that the rental is fit and habitable
- Keep common areas clean and safe
- Give the tenant the name and address of the rental’s manager and owner (or another person who can receive notices, requests or court papers on behalf of the owner)
- Explain where the tenant may get a free copy of the Arizona Residential Landlord and Tenant Act
- Give the tenant a signed copy of the rental agreement, if there is a written agreement
- Give the tenant keys to and possession of the rental
- Give the tenant a form to list any damage to the rental at time of move-in
- Keep the rental up to the building codes
- Keep all electrical, plumbing, heating, and air-conditioning equipment in good working condition
- Provide trash removal
- Supply running water and reasonable amounts of hot water
- Give the tenant at least 2 days’ notice before entering the rental in order to inspect or make needed repairs, unless there is an emergency or there is a request by the tenant for repairs – A.R.S. § 33-1343
- Give the tenant educational materials about bedbugs – A.R.S. § 33-1319
- Not lease a rental that is known to have bedbugs

Tenant's Options for a Landlord's Violations

- **Tenant Options if Landlord Fails to Make Needed Repairs – Self-Help for Minor Repairs (when not caused by tenant or tenant's guest) – A.R.S. § 33-1363**
 - This option applies to repairs that cost less than \$300 or half of a month's rent
 - If the tenant wants the landlord to make any repairs, the tenant must put the request in writing
 - If the landlord does not make the repairs quickly if it is an emergency or within 10 days of the notice for other repairs, the tenant may:
 - Hire a licensed contractor to make the repairs
The licensed contractor must give a waiver of lien. This is a signed statement that the contractor will not put a lien on the property for the work done. [link]
 - Give the repair bill and the lien waiver to the landlord, and
 - Deduct the cost of the repair from the rent
 - Sample notices are available at www.AZLawHelp.org.

- **Tenant Options for Landlord's Failure to Provide Essential Services (when not caused by tenant or tenant's guest) – A.R.S. § 33-1364**
 - If a landlord fails to provide running water, hot water, gas, electrical services, heat, air conditioning or cooling or other essential services, required by the rental agreement or statute, the tenant may give a reasonable written notice to the landlord about the failure to provide the service and do one of the following:
 - Get the service, such as bottled water or a space heater and deduct the cost from the rent
 - Put the utilities in the tenant's name and deduct the cost from the rent
 - Pay the past due utility bill and deduct it from the rent
 - Get other housing and not pay rent while the utilities or services are not provided
 - Sue for damages either in a separate lawsuit or as a counterclaim to an eviction for the reduced value of the rental
 - Get an injunction for the landlord to provide the services or utilities

- Sample notices are available at www.AzLawHelp.org.
- **Tenant Options for Other Violations by the Landlord (not covered above) – A.R.S. § 33-1361**
 - If a landlord violates the rental agreement, a tenant may give the landlord one of the following written notices:
 - A notice for health and safety violations. The notice shall give the landlord 5 days to fix the problem.[link]
 - A notice for other violations. The notice shall give the landlord 10 days to fix the problem. [link]
 - In each of the above situations, if the landlord does not fix the problem, the tenant can end the lease and sue for damages and injunctive relief.
 - Unlawful Access: If the landlord enters the rental without 2 days’ notice, unless it is an emergency, or in response to a repair request, or enters in an unreasonable manner or makes requests that unreasonably harass the tenant, the tenant may
 - Sue for an injunction to keep the landlord out or
 - End the lease
 - In either situation, the tenant may sue for actual damages of not less than 1 month’s rent. A.R.S. § 33-1376(B).
 - Unlawful Removal for Rental: (needs to be developed)
 - Reduction in Essential Services: (needs to be developed)
 - Sample Notices also are available at www.AzLawHelp.org

Landlord’s Options for Tenant Violations

- Tenant Does Not Pay All Rent Owed:
 - The landlord may give the tenant a written notice asking for payment of the rent owed within 5 days and telling the tenant that the lease will end if all rent and reasonable late fees (if in the rental agreement) are not paid. [Sample 5 day notice with link].
- Health and Safety Violations:
 - If a tenant’s actions affect health and safety, the landlord may give a written notice asking the tenant to fix the violation within 5 days and telling the tenant that the lease will end if the tenant does not fix the violation. [link]

- In each of the above situations, if the tenant does what is asked, the lease continues and the tenant can stay in the rental. If the tenant does not do what is asked, the landlord may file an eviction action.
- Serious Criminal Activity or Major Violations:
 - For some serious tenant actions, the landlord may give a written notice for the immediate end of the lease. [link]. The tenant does not have the option to fix the problem and the landlord may file an eviction.
- Other Violations with Option to Fix the Problem:
 - If the tenant violates the rental agreement and it is not covered by the above situations, the landlord may give a written notice to the tenant to fix the problem within 10 days. [link to sample 10 day notice]. If the tenant does not fix the problem, the landlord may file an eviction action. If the tenant fixes the problem, the landlord should not file an eviction. The tenant will get to stay in the rental.
- Denial of Access: If the tenant denies the landlord reasonable access to the rental or access after 2 days' notice the landlord may
 - Sue for an injunction to allow access, or
 - End the rental agreement, and
 - In either case, sue for actual damages. A.R.S. § 33-1376(A).
- Sample Notices also are available at: www.AzLawHelp.org

Notice to Tenant to End Rental Agreement – A.R.S. § 33-1375

- For a week to week tenant, the landlord may end the rental agreement by giving the tenant a written notice to move at least 10 days prior to the last day of the week to week period. [link].
- For a month to month tenant, the landlord may end the rental agreement by giving the tenant a written notice to move at least 30 days prior to the last day in the month to month period. [link].
- In both situations, if the tenant remains in the rental after the notice, the landlord may sue for possession of the rental.
 - If the tenant's action is willful and not in good faith, the landlord may sue for 2 months' rent or actual damages, whichever is greater.
- **Landlord must give the tenant the notice**
 - For the above notices, the time to serve is added to the front of notice, not the end as with other notices
 - The landlord may give the notice by hand delivery or by certified mail.

- The days in the notice start to count
 - The day there is hand delivery or
 - If certified mail, once you sign the green card or 5 days after the envelope was postmarked, whichever comes first.

Sample Notices are available at: _____

Rights of the Military to End the Rental Agreement

- A military member or military member’s family may break or end early his or her rental agreement if military service is to begin or there is a Permanent Change of Station or deployment of at least 90 days. 50 App. U.S.C.A. § 535(a).
- To end a rental agreement, the military member must give the landlord a written notice and a copy of the military orders. 50 App. U.S.C.A. § 535(c)(1)(A). [link]
- The notice may be served on the landlord in person or by certified mail, return receipt requested.
- Rent is owed during the notice period.

Other Protections for Tenants

- **Protection from Discrimination**
 - A landlord cannot discriminate against a family with a minor child, or because of the tenant’s race, color, sex, religion, ethnicity or disability. A.R.S. § 41-1491 - 1491.37 (state fair housing law link); Federal Fair Housing Law (42 U.S.C. § 3604).
 - Complaints of discrimination may be filed with the Arizona Civil Rights Division of the Arizona Attorney General’s Office. Information may be found at www.azag.gov or by calling the Phoenix office (602-542-5263/1-877-491-5742) or the Tucson office (520-628-6500/1-877-491-5740).
 - The Southwest Fair Housing Council provides various housing services including investigating complaints of discrimination, mediations and training. Swfhc.com or 602-252-3423.
 - The Arizona Department of Housing provides training for landlords and tenants on housing discrimination. www.housing.az.gov.
- **Protection for Victims of Domestic Violence – A.R.S. § 33-1318**
 - A victim of domestic violence may end the rental agreement early and move out if the tenant gives the landlord

- A written notice that she or he is a victim of domestic violence and wants to end the lease within 30 days, (link to sample notice) and
- A copy of an order of protection issued to the tenant or a copy of a police report that shows the tenant told the police she or he was a victim of domestic violence
- The notice and order of protection or police report must be given to the landlord within the 30 days of the domestic violence (landlord may waive this requirement)
- If proper notice is given
 - The tenant must pay any current rent owed before moving out of the rental
 - The tenant does not owe any future rent for the time after the end of the notice
- A victim of domestic violence may ask the landlord to install a new lock at the tenant's expense
- A landlord must not let a tenant who has an order of protection against them have access to the rental unless the tenant is with the police
- More information can be obtained from the Arizona Coalition to End Sexual and Domestic Violence. www.acesdv.org; (602) 279-2900.
- **Protection from Retaliation – A.R.S. §33-1381**
 - A landlord may not retaliate against a tenant by increasing rent, decreasing services or threatening an eviction because the tenant did any of the following:
 - Complained to a government agency that enforces building or housing codes about violations that significantly affects health and safety
 - Complained to the landlord about the landlord's failure to keep the rental fit and habitable as required by A.R.S. 33-1324 [link].
 - Organized or became a member of a tenants' union or similar organization.
 - If any of the above occurred, the tenant may claim retaliation as a defense to the eviction.

- There is a presumption that the eviction is in retaliation if any of the above actions occurred within the 6 months before the eviction was filed.
- A landlord can file an eviction for rent owed or health and safety violations.

Security Deposits – A.R.S. § 33-1321

- A security deposit may be no more than 1½ months’ rent
- Upon tenant request, a landlord must give a tenant written notice of the move-out inspection date and the right to be present [link to notice]
- Upon tenant request, a landlord must return the security deposit to the tenant and give the tenant an itemized list of damages within 14 business days (not counting weekends and holidays) [link to notice]
- If the landlord does not return the security deposit or give the itemized list, the tenant may file a lawsuit to get the security deposit returned and up to 2 times the amount wrongfully withheld [link here to sample complaint for return of security deposit]
- A lawsuit to get a security deposit returned is not part of an eviction case

Public Housing or Section 8 Housing:

If you live in public housing, subsidized housing or have a Section 8 voucher, you may have other protections in federal law. [link]. You should tell the judge that you live is this type of housing.

- **More Information:**

The above information is general information for landlords and tenants. More information may be found at the following websites:

AzLawHelp. www.AzLawHelp.org.

Community Legal Services. clsaz.org

Southern Arizona Legal Aid. sazlegalaid.org

DNA People’s Legal Services. dnalegalservices.org.



Maricopa County Justice Courts

GENERAL INFORMATION FOR TENANTS WHO HAVE BEEN SERVED WITH EVICTION COURT PLEADINGS

– Draft 8.04.15 –

This is general information to help you understand the eviction court process. This information is not a substitute for an attorney and does not cover every situation in court.

The topics covered are:

[Fill in all major headings with links]

An Eviction Case is Filed When the Landlord Wants You to Move Out of the Rental

- A landlord cannot lock a tenant out or force a tenant out of the rental. Only a judge can order a tenant to move out.
- An eviction case is filed when the landlord claims you violated the rental agreement or for some other reason the landlord wants to end the rental agreement.
- The landlord should have served you with a copy of the notice to move out.
- If you did not move out, the landlord can file an eviction case.
- To start the eviction, the landlord must serve you with a summons and complaint and a copy of the Residential Eviction Information Sheet.
- The summons will tell you when and where to come to court.
- At court, the judge will decide if you can stay in the rental or if you must move.
- Most landlords are represented by an attorney. You may want to get legal advice. In Maricopa County, you may want to contact Community Legal Services at (602) 258-3434 or www.clsaz.org or the Modest Means Program at (866) 637-5341. Information also is provided at www.AzLawHelp.org.

- **Note:** An eviction should not be filed if you already moved out of the rental. If you moved out of the rental and owed rent, the landlord must file a lawsuit for the rent owed.

If you do not come to court, the Judge will only have the landlord's documents to review and a Judgment will likely be entered against you.

If You Represent Yourself

- You may want to review the information in the Arizona Residential Landlord and Tenant Act and the Arizona Rules of Procedure for Eviction Actions. [Links]. The Act may be found online at www.housing.az.gov.
- During the eviction case, there are certain steps you should follow. This information is provided to assist you in general to present your case.
- The clerks are not attorneys and cannot give legal advice. The clerks' responsibility is to take your court filings, provide forms and explain court procedures.
- If you need an interpreter or reasonable accommodation, please let the court know as soon as possible.

Continuing the Court Date

- Before the court date:
 - Any request to continue the court date must be in writing.
 - A continuance will only be granted for good cause and will not be for more than 3 court days unless the parties agree to a longer continuance.
- In court:
 - The case may be continued because of the judge's schedule, or at the request of either party for good cause for no more than 3 court days. The parties can agree to a longer continuance.

What Will Happen on the Scheduled Court Date

- **Prior to the hearing:**
 - Your summons will tell you the address and telephone number of the court that will hear the case and the date and time of the hearing.
 - Be sure to let the court know as soon as you can if you need an interpreter or a reasonable accommodation.
 - You should plan to arrive in court at least 30 minutes before your hearing. **Do not be late.**

- In many courts you will need to check in with the clerk and then go to the courtroom.
- Once in the courtroom, please pay attention and listen for your case to be called.
- Answer: In Justice Court a written answer is not required. You do not have to file a written answer unless the court orders you to file one. [link to answer]. If you do not file a written answer, you will tell the judge what happened.
 - If you want to file an answer, there is a filing fee. If you cannot afford the filing fee, you have a right to ask for a waiver or deferral of the filing fee. To find out the amount of the filing fee, [link] or go to the _____.
 - Ask the clerk for an application for a fee waiver or deferral. [link to pleading].
 - If you have any affirmative defenses to the eviction, those should be stated with the answer. [link].
- Counterclaim:
 - A tenant may claim that the landlord owes the tenant money. This is called a counterclaim.
 - In eviction cases, the counterclaim must be because the landlord violated the rental agreement or the Arizona Residential Landlord and Tenant Act.
 - A counterclaim is filed at the same time the answer is due. The fee to file an answer covers the counterclaim. If you cannot afford the filing fee, ask the clerk for an application for a fee waiver or deferral. [link].
 - If a counterclaim is filed, it will be considered and decided at the time of trial. [link to counterclaim].
 - If a counterclaim is filed, the judge may require you to pay the rent you agree you owe to the justice court. The court will hold the rent paid until the judge decides who gets the rent at the end of the hearing or trial.
 - The court has prepared an answer and counterclaim packet. [link].
- Please bring any documents and any witnesses to court.
- Rule 10 of the Rules of Procedure for Eviction Actions allows for certain disclosures and more formal discovery. [link].

- **The hearing on your case:**
 - The judge will call each case by the name of the landlord and the tenant.
 - The judge will ask you and your landlord questions to decide if you will have to move and if you owe any rent.
 - Be sure to let the judge know if you have any witnesses or documents.
 - Listen to the questions the judge asks. If you do not understand a question, let the judge know. Answer the questions the best you can.
 - Be polite and courteous to the judge and the landlord.
 - The judge will decide:
 - If you were properly served with the summons and complaint.
 - If the summons and complaint included the required information and notice.
 - If you received a proper notice and the opportunity to fix the problem.
 - If the eviction is for rent owed, whether the landlord followed the required procedures. If the landlord did, whether you paid the rent owed.
 - If the landlord accepted a partial payment, whether a waiver was signed by the tenant.
 - If the eviction is for violation of the rental agreement, whether the landlord followed the proper procedures. If the landlord did, whether you violated the rental agreement, and if you did, whether you fixed the problem as requested.
 - If the tenant filed any affirmative defenses, whether these defenses defeat the landlord's case.
 - If the tenant filed a counterclaim, whether the landlord owes the tenant any money.
- The landlord will go first and may call witnesses and offer documents as evidence to support the landlord's claims.
- The tenant may question any witnesses or object to the admission of any documents.
- After the landlord finishes, the tenant will then present his or her case. The tenant may call witnesses and offer documents to support the tenant's claims.

- The landlord may question any witnesses and object to the admission of any documents.
- The judge will hear testimony from both sides, review the documents and make a decision.
- The hearing will be tape recorded.
- **The Judge's Decision:**
 - **If the judge finds for the landlord**, the judge will look at the rental agreement, what the landlord asked for in the complaint and what was proven in court. The judgment may include an order for:
 - Unpaid rent through the end of the month.
 - Reasonable late fees (only if provided for in a written agreement)
 - Damages to the property (only if requested in the complaint and proven)
 - Any unpaid utilities and rental concessions (only if provided for in a written agreement and requested in the complaint and proven)
 - Attorney fees (only if provided for in a written agreement).
 - Court costs paid
 - Annual interest rate on the unpaid judgment
 - The tenant to leave the rental and return the keys to the landlord
 - If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
 - If you are ordered to move out of the rental, but do not move, the landlord can ask the judge for a Writ of Restitution. A writ is an order that tells the constable to remove you from the rental. Writs are explained below.
 - **If the judge finds for the tenant:**
 - The tenant will get to stay (remain) in the rental.
 - The judge may enter judgment for the tenant or the eviction may be dismissed.
 - If the tenant was unlawfully removed from the rental by the landlord, the tenant may get possession of the rental back or end the rental agreement. [needs to be developed].

- If the landlord intentionally reduced essential services such as electric, gas or water, the tenant may get possession of the rental or end the rental agreement. [needs to be developed].
 - If either of the above things happened, the tenant may get 2 months' rent or 2 times the actual damages, whichever is greater.
 - If the landlord locked out the tenant from the rental and the tenant wants back in, the judge may give a judgment of possession of the rental to the tenant and order the landlord to immediately let the tenant back into the rental. The tenant may obtain a Writ of Restitution [more information can be found at the end of these materials in the "Special Issue" section.] The court has prepared a _____. [link].(needs to be developed)
- If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
- Attorney fees (only if provided for in a written agreement).
- Court costs (if any paid).
- Annual interest rate on the unpaid judgment.
- When you are in court.
 - Be sure to get a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

- If the eviction was filed because of rent owed and the judge has **not** entered a judgment, the tenant can stay if all rent, late charges, attorney fees and court fees are paid.
- **After** a judgment is entered for the landlord, even if you pay the entire judgment amount, the landlord may still go ahead with the eviction and have the constable remove you from the rental. If you want to stay in the rental and pay the amount owed, you should get the agreement in writing or get a new written rental agreement with your landlord.
- **Caution:** After judgment, if you pay the judgment amount and the landlord is not willing to give you a written agreement or a new lease, you may still be evicted and will need to find other housing.

Offers to Settle the Case

- The parties may decide to settle the case.

- Be sure to get any settlement in writing so you understand what you and your landlord agreed to.

A Jury Trial

- A landlord or a tenant can ask for a jury trial. A jury trial is where citizens from the community decide who should win the case.
- If a jury trial is requested, the parties will be asked to submit prepared jury instructions to the court before trial. [link to form eviction jury instructions].
- If a jury trial is not requested, the judge will hear and decide the case.
- The parties may be asked to exchange the names of witnesses expected to be called at trial and list of exhibits expected to be used at trial. [link to disclosure statement].
- If the party who requests a jury loses, the party will be required to pay jury fees.

If the Judge Orders the Tenant to Move Out

- The judge may order the tenant to move by a certain date.
- If the tenant does not move out, the landlord may ask the judge for a Writ of Restitution. This is an order that tells the constable to remove the tenant from the rental.
- A landlord cannot change the locks or force a tenant out of the rental. The landlord must ask for a writ.
- **The Writ:** The landlord can get the writ when the time for the tenant to move has ended.
 - Usually the judge will give the tenant 5 calendar days to move. In the case of an immediate eviction for serious violations, the judge will order the tenant to move out immediately. The landlord will get the writ between 12 and 24 hours after the judgment is signed or soon thereafter.
 - The writ will tell the constable to tell the tenant to immediately leave the rental. You will be able to take some property with you such as clothes, tools, professional books, identification, medication and financial documents. For other property you will need to make arrangements to come back to the rental within 21 days and get your property. In most cases, the landlord will change the locks.
 - If after the constable tells you to leave, you try to go back to the rental without permission, you may be charged with a criminal offense. A.R.S. § 12-1178(D).

- If you can, it is better if you move out before the constable comes out.

Appeal of a Judge’s Decision When You Did Not Come to Court

- If you did not come to court and a judgment was entered against you, it is called a Default Judgment.
- A tenant cannot appeal a default judgment. Instead, the tenant must first ask the judge to vacate the judgment. If the judge vacates the judgment, the judgment is gone.
- The court has prepared a motion to vacate packet with instructions and a motion to vacate. [link].
- If the judgment is gone, then the judge will make a new decision. The tenant and the landlord can appeal that decision.
- If the judge does not vacate the judgment, you can appeal that decision.

Appeal of Judge’s Decision When You Came to Court

The court has prepared an “Appeal an Eviction Action Judgment” package that has information on appeals and forms. [link]. There also is General Information About Appeals in Rule 17 of the Rules of Procedure for Eviction Actions [link] and A.R.S. §12-1179. [link].

As you read the information, remember that everything related to the appeal will be filed in the justice court that entered the judgment in your eviction.

- **The Steps to File an Appeal:**
 - A tenant may appeal a justice court judgment (except a default judgment) to the Superior Court. To appeal, the tenant must do the following within 5 days of the date of the judgment:
 - File a **Notice of Appeal** with the Justice Court. [link] There is a fee to file an appeal and if you cannot afford the fee, you can ask for a fee waiver or deferral. [link]
 - Pay money to the court called a **Cost Bond**. This amount is set by the judge. The Cost Bond is paid to the Justice Court that entered the judgment. If you cannot afford a Cost Bond, you can file a statement with the court giving the reasons you cannot pay the Cost Bond. The statement is called An Affidavit of Inability to Post Cost Bond. [link to affidavit].
 - **File a designation of record**. This lists the parts of the record you want the Superior Court to consider on the appeal. [link to form designation of record].

- The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.
- **Time to File the Notice of Appeal:**
 - Either party may appeal an eviction judgment by filing a Notice of Appeal within 5 calendar days from the date of judgment.
 - When the 5th day falls on a holiday or a weekend, you will have until the day after the holiday or the weekend to file the appeal.
 - If a judgment for the landlord is for a material and irreparable violation, the Writ of Restitution will be carried out immediately (usually within 12 - 24 hours). The Notice of Appeal in this situation should be filed before the writ is issued if you want to remain in the rental.
 - The judge cannot extend the time for the appeal.

Please Note: The filing of a notice of appeal does not stop the landlord from:

- **Having the constable remove the tenant from the rental or**
- **Collecting the money owed in the judgment from the tenant.**
- **To stop these things from happening during the appeal, a tenant will have to post the following bonds.**

To Stay in Rental During the Appeal

- **If The Tenant Wants to Stay in the Rental During the Appeal, the Tenant Must Pay A “Supersedeas Bond” to the Court:**
- Filing a Notice of Appeal does not by itself stop the Writ of Restitution. If you want to stay (remain) in the rental during the appeal, you must file a supersedeas bond.
 - This bond amount is set by the judge. It is the only way to stop the Writ of Restitution. The stop is effective **when** the bond is posted.
 - You are not required to post a supersedeas bond to file an appeal. The appeal will continue with or without a supersedeas bond. However, a supersedeas bond is the **only** way to stop your removal from the rental.
 - If you want to remain in the rental, the judge cannot waive a supersedeas bond.
 - A supersedeas bond is paid to the court that entered the judgment.
 - How the supersedeas bond is determined:

- You will have to pay to the court any prorated rent due from the date of the judgment to the next rent due date. This amount of rent is not listed in the judgment.
- You will also have to pay to the court any costs and attorney fees listed on the judgment.
- During the appeal, you must continue to pay to the court the rent as it becomes due. If the tenant fails to make a rent payment, the landlord may ask the judge for an order that the tenant must leave the rental.
- You should try to file the supersedeas bond before the constable comes out to remove you. [Rule 6 of Superior Court Rules of Appellate Procedure link].

To Stop the Landlord from Collecting the Money Judgment During the Appeal

- **If the Tenant Wants to Stop the Landlord from Collecting the Money Part of the Judgment During the Appeal, the Tenant Must Pay the Amount Appealed to the Court:**
- Filing a Notice of Appeal does not stop the landlord from collecting the money judgment such as by garnishment of wages. To stop a collection, a bond must be filed.
- The tenant will have to pay to the court that entered the judgment the amount of the judgment that the tenant is appealing. This also is called a “supersedeas bond” or “rent pending appeal.”
- If the tenant is appealing the entire judgment, the tenant should pay the full judgment, attorney fees and costs listed on the judgment to the court.

Important: The tenant should not pay any rent directly to the landlord during the appeal.

Other Steps in the Appeal

- Get copy of court CD (record of court hearing) from the Justice Court. If there is a cost for the CD and you cannot afford the cost, you can file a request for waiver or deferral of the fee. [link]. The CD will be part of the evidence in the appeal but it also will help you prepare an appeal memo.
- After the Justice Court receives the record and the Notice of Appeal, it will tell the tenant when the first memo is due. The due date is 60 days from the deadline to file the notice of appeal. This memo must be in writing. [link to sample memorandum]. The tenant should review the Superior Court Rules of Civil Appellate Procedure, Rule 8 that explains the requirements for a memo. [link] In the memo, you should tell the court the reasons you think the judge’s decision is wrong. [link to memo].

- You must file an original and one copy of your memo with the justice court that heard the case.
- There is a fee to file the appeal with the Superior Court. If you cannot afford the fee, you can request a fee waiver or deferral of the fee. [link]
- The landlord has 30 days to file a memo giving the landlord’s reasons why the tenant should lose.
- The tenant must get permission from the Superior Court to file a reply memo.
- The Superior Court will review the documents submitted and make a decision. The decision will be in writing.
- Either party can file an appeal of the Superior Court’s decision to the Arizona Supreme Court.
- Be sure to tell the court if you move. The court has “change of address” forms you can use. [link].

Special Issue: When the Landlord has Locked Out the Tenant. (needs more development)

This can happen either before or after the landlord has filed an eviction.

- **When an eviction action is filed.**
 - If a landlord has changed the locks or forced the tenant out of the rental, the tenant may appear in court and explain the situation. The judge may give possession of the rental to the tenant and order the landlord to immediately let the tenant back in the rental. (this is disputed and needs more development).
 - If the landlord refuses, the tenant may ask the judge for a Writ of Restitution. This is an order that tells the constable to allow the tenant in the rental.[link to information on writs]
- **When there is no eviction action filed by the landlord**
 - The tenant will need to file an eviction case against the landlord. This is referred to as a “reverse” eviction. The complaint is found at [link]. The tenant can follow the informational materials for a landlord filing an eviction action. [link].

More Information

If you want more information or legal advice, you may contact: In Maricopa County, you may want to contact Community Legal Services at (602) 258-3434 or www.clsaz.org or the Modest Means Program at (866) 637-5341.

Information also is provided at:

www.AzLawHelp.org.

Southern Arizona Legal Aid – sazlegalaid.org

DNA People’s Legal Services – dnalegalservices.org



Maricopa County Justice Courts

GENERAL INFORMATION FOR A LANDLORD FILING AN EVICTON ACTION IN JUSTICE COURT

– Draft 8.04.15 –

If the tenant has not paid rent or has violated the rental agreement or you ended the rental agreement, there are steps a landlord can take to ask the judge to remove the tenant from the rental.

This is a general outline of those steps. This information is not a substitute for an attorney and does not cover every situation.

A landlord cannot change the locks or force the tenant out of a rental. Only a judge can order a tenant to move.

The First Step in the Eviction Process: Notice to Tenant, as Required

Notice to Tenant of Tenant Violations

The first step is to give the tenant a notice. In some cases, the tenant will have the option to fix the problem.

- The kinds of notices include:
 - Tenant Does Not Pay All Rent Owed:
 - The landlord may give the tenant a written notice asking for payment of the rent owed within 5 days and telling the tenant that the lease will end if all rent and reasonable late fees (if in the rental agreement) are not paid. [Sample 5 day notice with link].
 - Health and Safety Violations:
 - If a tenant's actions affect health and safety, the landlord may give a written notice asking the tenant to fix the violation within 5 days and telling the tenant that the lease will end if the tenant does not fix the violation. [link].
 - In each of the above situations, if the tenant does what is asked, the rental agreement continues. If the tenant does not do what is asked, the landlord may file an eviction action.

- Serious Criminal Activity or Major Violations:
 - For some serious tenant actions, the landlord may give a written notice for the immediate end of the rental agreement. The tenant does not have the option to fix the problem. [link].
- Other Violations with Option to Fix the Problem:
 - If the tenant violates the rental agreement and it is not covered by the above situations, the landlord may give a written notice to the tenant to fix the problem within 10 days. If the tenant does not fix the problem, the landlord may file an eviction action. (link to sample 10 day notice)
 - If the tenant is given the option to fix the problem and does, then the landlord should not file an eviction. The tenant will get to stay in the rental.
- Denial of Access: If the tenant denies the landlord reasonable access or access after 2 days' notice to the rental, the landlord may
 - Sue for an injunction to allow access, or
 - End the rental agreement, and
 - In either case, sue for actual damages. A.R.S. § 33-1376(A).
- Tenant does not move out at end of lease
 - The lease will explain how this is handled and what steps the landlord will have to take.

Sample Notices are available at: _____

Landlord Must Give the Tenant the Notice

- For the above notices, the landlord may give the tenant the notice by hand delivery or by certified mail. The days in the notice start to count:
 - When there is hand delivery, or
 - 5 days after the notice is mailed by certified mail
 - Before a landlord may file court papers to evict a tenant, the landlord must give the tenant a notice. After the time in the notice has ended, the landlord may file an eviction. Here is an example:

Landlord hands tenant a notice that the tenant owes rent and has 5 days to pay the rent. 5 days goes by and the tenant does not pay the rent. On the 6th day, the landlord can file an eviction.

If the notice is served by certified mail, the landlord must add 5 days to the 5 day notice period for a total of 10 days. After 10 days, the landlord can file an eviction.

If the tenant pays the rent within the time periods above, no eviction should be filed.

Notice to Tenant to End Rental Agreement – A.R.S. § 33-1375

- For a week to week tenant, the landlord may end the rental agreement by giving the tenant a written notice to move at least 10 days prior to the last day of the week to week period. [link].
- For a month to month tenant, the landlord may end the rental agreement by giving the tenant a written notice to move at least 30 days prior to the last day in the month to month period. [link].
- In the above situations, if the tenant remains in the rental after the notice, the landlord may sue for possession of the rental.
 - If the tenant’s action is willful and not in good faith, the landlord may sue for 2 months’ rent or actual damages, whichever is greater.
- **Landlord must give the tenant the notice**
 - For the above notices, the time to serve is added to the front of notice, not the end as with other notices
 - The landlord may give the notice by hand delivery or by certified mail.
 - The days in the notice start to count:
 - The day there is hand delivery or
 - If certified mail, once the tenant signs the green card or 5 days after the envelope was postmarked, whichever comes first.

Sample Notices are available at: _____

The Second Step in the Eviction Process: Filing the Eviction in Court

Filing the Eviction:

After you have given the tenant a proper notice and the time period in the notice is over, you may file an eviction.

If You Represent Yourself

- You may want to review the information in the Arizona Residential Landlord and Tenant Act that may be found online at www.housing.az.gov. and the Arizona Rules of Procedure for Eviction Actions. [Links].
- During the eviction case, there are certain steps you should follow. This information is provided to assist you in general to present your case.
- The clerks are not attorneys and cannot give legal advice. The clerks' responsibility is to take your court filings, provide forms and explain court procedures.
- If you need an interpreter or reasonable accommodation, please let the court know as soon as possible.

Where to File the Eviction:

- Maricopa County has 26 justice courts. You must file in the justice court that covers the address of the rental. You can find out by _____.

What Pleadings to File:

- Summons [link].
 - You must attach the Eviction Information Sheet
- Complaint [link].
 - A copy of the original notice must be attached to the complaint.

Getting the Summons Issued:

- You will bring the summons and complaint to the clerk.
- The clerk will “issue” the summons and stamp your pleadings with a court case number.
- The clerk will give you a trial date.
- The court date will be no less than 3 days and no more than 6 days.

Court Fees:

- The costs to file the eviction case can be found at [link]. If you cannot afford the filing fee, you can ask for a fee waiver or deferral. [link].

Serving the Court Papers:

- The landlord must make arrangements to have the Summons and Complaint served on the tenant.
- The landlord cannot serve the court papers. The landlord must have a licensed process server or a Constable serve the court papers.

- The Summons and Complaint must be served 2 days before the court date.
- If you claim there is an immediate and irreparable violation, you may serve the notice of the violation with the summons and complaint.
 - The trial date will be set no later than 3 days after the date the complaint was filed.
- Service must be by:
 - Personal service or
 - “Post and Mail.” Before you can use post and mail, one unsuccessful attempt at service must be made. Then the pleadings can be posted on the main door to the rental and mailed by certified mail, return receipt requested. Tenant is considered to have received the summons 3 days after mailing.
- Proof the summons and complaint were served is shown by an affidavit prepared by the licensed process server or Constable. The proof of service is filed with the court.

The Third Step in the Eviction Process: Going to Court:

Continuing the Court Date

- Before the court date:
 - Any request to continue the court date must be in writing.
 - A continuance will only be granted for good cause and will not be for more than 3 court days unless the parties agree to a longer continuance.
- In court:
 - The case may be continued because of the judge’s schedule, or at the request of either party for good cause for no more than 3 court days. The parties can agree to a longer continuance.

What Will Happen on the Scheduled Court Date

- **Prior to the hearing:**
 - Be sure to let the court know as soon as you can if you need an interpreter or a reasonable accommodation.
 - You should plan to arrive in court at least 30 minutes before your hearing. **Do not be late.**
 - In many courts you will need to check in with the clerk and then go to the courtroom.

- Answer: In Justice Court a tenant is not required to file a written answer.
- Counterclaim:
 - A tenant may claim that the landlord owes the tenant money. This is called a counterclaim.
 - In eviction cases, the counterclaim must be because the landlord violated the rental agreement or the Arizona Residential Landlord and Tenant Act.
 - A counterclaim is filed at the same time the answer is due.
 - If a counterclaim is filed, it will be considered and decided at the time of trial. [link to counterclaim].
- Please bring any documents and any witnesses to court.
- Rule 10 of the Rules of Procedure for Eviction Actions allows for certain disclosures and more formal discovery. [link].
- **The hearing on your case:**
 - The judge will call each case by the name of the landlord and the tenant.
 - The judge will ask you and the tenant questions to decide if the tenant will have to move and if the tenant owes any rent.
 - Be sure to let the judge know if you have any witnesses or documents.
 - Listen to the questions the judge asks. If you do not understand a question, let the judge know. Answer the questions the best you can.
 - Be polite and courteous to the judge and the tenant.
 - The judge will decide:
 - If you properly served the summons and complaint.
 - If the summons and complaint included the required information and notice.
 - If you served a proper notice and an opportunity to fix the problem, if required.
 - If the eviction is for rent owed, whether you followed the required procedures. If you did, whether the tenant paid you the rent owed.
 - If the landlord accepted a partial payment of rent, whether a waiver signed by the tenant.

- If the eviction is for violation of the rental agreement, whether you followed the proper procedures. If you did, whether the tenant violated the rental agreement, and if they did, whether they fixed the problem as requested.
- If the tenant filed any affirmative defenses, whether these defenses defeat your case.
- If the tenant filed a counterclaim, whether you owe the tenant any money.
- You will go first and may call witnesses and offer documents as evidence to support your claims.
- The tenant may question any witnesses or object to the admission of any documents.
- After you finish, the tenant will then present his or her case. The tenant may call witnesses and offer documents to support the tenant's claims.
- You may question any witnesses and object to the admission of any documents.
- The judge will hear testimony from both sides, review the documents and make a decision.
 - A hearing is required for evictions for serious and major violations. Rule 13(b)(3)(B).
- The hearing will be tape recorded.

The Judge's Decision

- The judge will look at the rental agreement, what you asked for in the complaint and what was proven in court.
- **If the judge finds for you**, the judgment may include an order for:
 - Unpaid rent through the end of the month.
 - Reasonable late fees (only if provided for in a written agreement)
 - Damages to the property (only if requested in the complaint and proven)
 - Any unpaid utilities and rental concessions (only if provided for in a written agreement and requested in the complaint and proven)
 - Attorney fees (only if provided for in a written agreement).
 - Court costs paid
 - Annual interest rate on the unpaid judgment

- If a counterclaim was filed, the judge will decide if you owe the tenant any money.
- The tenant to leave the rental and return the keys to the landlord
 - The judgment will explain that if a tenant does not move out as ordered, the landlord can ask the judge for a Writ of Restitution. A writ is an order that tells the constable to remove the tenant from the rental. Writs are only used when the tenant does not move out. Writs are explained below.
- **If the judge finds for the tenant:**
 - The tenant will get to stay (remain) in the rental.
 - The judge may enter judgment for the tenant or the eviction may be dismissed.
 - If the tenant was unlawfully removed from the rental by the landlord, the tenant may obtain a judgment for [possession of the rental and a Writ of Restitution [more information can be found at _____]](needs to be developed)
 - If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
 - Attorney fees (only if provided for in a written agreement).
 - Court costs (if any paid).
 - Annual interest rate on the unpaid judgment.
- **Judgment:**
 - A landlord should have a copy of the judgment for the judge to sign. [link].
 - Be sure the tenant gets a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

- If the eviction was filed because of rent owed and the judge has **not** entered a judgment, the tenant can stay if all rent, late charges, attorney fees and court fees are paid.

Offers to Settle the Case

- The parties may decide to settle the case.
- Be sure to get any settlement in writing so you understand what you and the tenant agreed to.

A Jury Trial

- A landlord or a tenant can ask for a jury trial. A jury trial is where citizens from the community decide who should win the case.
- If a jury trial is requested, the parties will be asked to submit prepared jury instructions to the court before trial. [link to form eviction jury instructions].
- If a jury trial is not requested, the judge will hear and decide the case.
- The parties may be asked to exchange the names of witnesses expected to be called at trial and list of exhibits expected to be used at trial. [link to disclosure statement].
- If the party who requests a jury loses, the party will be required to pay jury fees.

When the Judge Orders the Tenant to Move Out

- The judge may order the tenant to move by a certain date.
- If the tenant does not move out, the landlord may ask the judge for a Writ of Restitution. This is an order that tells the constable to remove the tenant from the rental.
- A landlord cannot change the locks or force a tenant out of the rental. The landlord must ask for a writ.
- **The Writ:** The landlord can get the writ when the time for the tenant to move has ended.
 - Usually the judge will give the tenant 5 calendar days to move.
 - If the tenant does not move out, the landlord can ask for a writ on the 6th day.
 - In the case of an immediate eviction for serious violations, the judge will order the tenant to move out immediately. The landlord can get the writ between 12 and 24 hours after the judgment is signed or soon thereafter.
 - The writ will tell the constable to tell the tenant to immediately leave the rental. The tenant will be able to take some property with them such as clothes, tools, professional books, identification, medication and financial documents. For other property, the tenant will need to make arrangements to come back to the rental within 21 days and get the property. Once the constable has removed the tenant, you can change the locks.

- The landlord is required to store the tenant’s property for 21 days. Storage fees may be charged. The requirement on storage can be found at A.R.S. § 33-1368(E).
- If after the constable tells the tenant to leave and the tenant tries to go back to the rental without permission, the tenant may be charged with a criminal offense. A.R.S. § 12-1178(D).
- The court has prepared a Writ of Restitution Packet. [link].

Appeal of a Judge’s Decision When You Did Not Come to Court

- If you did not come to court and a judgment was entered against you, it is called a Default Judgment.
- A landlord cannot appeal a default judgment. Instead, the landlord must first ask the judge to vacate the judgment. If the judge vacates the judgment, the judgment is gone. The court has prepared a motion to vacate packet with instructions. [link].
- If the judgment is gone, then the judge will make a new decision. The tenant and the landlord can appeal that decision.
- If the judge does not vacate the judgment, you may appeal that decision.

Appeal of Judge’s Decision When You Came to Court:

The court has prepared an “Appeal an Eviction Action Judgment” packet that has information on appeals and forms. [link]. Also, there also is General Information About Appeals in Rule 17 of the Rules of Procedure for Eviction Actions [link] and A.R.S. §12-1179. [link].

As you read the information, remember that everything related to the appeal will be filed in the justice court that entered the judgment in your eviction.

- **The Steps to File an Appeal:**
 - A landlord may appeal a justice court judgment (except a default judgment) to the Superior Court. To appeal, the landlord must do the following within 5 days of the date of the judgment:
 - File a **Notice of Appeal** with the Justice Court. [link] There is a fee to file an appeal and if you cannot afford the fee, you can ask for a fee waiver or deferral. [link]
 - Pay money to the court called a **Cost Bond**. This amount is set by the judge. The Cost Bond is paid to the Justice Court that entered the judgment. If you cannot afford a Cost Bond, you can file a statement with the court giving the reasons you cannot pay the Cost Bond. The statement is called An Affidavit of Inability to Post Cost Bond. [link to affidavit].

- **File a designation of record.** This lists the parts of the record you want the Superior Court to consider on the appeal. [link to form designation of record].
- The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.
- **Time to File the Notice of Appeal**
 - Either party may appeal an eviction judgment by filing a Notice of Appeal within 5 calendar days from the date of judgment.
 - When the 5th day falls on a holiday or a weekend, you will have until the day after the holiday or the weekend to file the appeal.
 - The judge cannot extend the time for the appeal.

To Stop the Tenant from Collecting the Money Judgment During the Appeal

- **If the Landlord Wants to Stop the Tenant from Collecting the Money Part of the Judgment During the Appeal, the Landlord Must Pay the Amount Appealed to the Court:**
- Filing a Notice of Appeal does not stop the tenant from collecting the money judgment such as by garnishment of wages. To stop a collection, a bond must be filed.
- The landlord will have to pay to the court that entered the judgment the amount of the judgment that the landlord is appealing. This is called a “supersedeas bond.”
- If the landlord is appealing the entire judgment, the landlord should pay the full judgment, attorney fees and costs listed on the judgment to the court.

Other Steps in the Appeal

- Get copy of court CD (record of court hearing) from the Justice Court. If there is a cost for the CD and you cannot afford the cost, you can file a request for waiver or deferral of the fee. [link]. The CD will be part of the evidence in the appeal but it also will help you prepare an appeal memo.
- After the Justice Court receives the record and the Notice of Appeal, it will tell the landlord when the first memo is due. The due date is 60 days from the deadline to file the notice of appeal. This memo must be in writing. [link to sample memorandum]. The landlord should review the Superior Court Rules of Civil Appellate Procedure, Rule 8 that explains the requirements for a memo. [link] In the memo, you should tell the court the reasons you think the judge’s decision is wrong. [link to memo].

- You must file an original and one copy of your memo with the justice court that heard the case.
- There is a fee to file the appeal with the Superior Court. If you cannot afford the fee, you can request a fee waiver or deferral of the fee. [link]
- The tenant has 30 days to file a memo giving the tenant’s reasons why the landlord should lose.
- The landlord must get permission from the Superior Court to file a reply memo.
- The Superior Court will review the documents submitted and make a decision. The decision will be in writing.

If you Move:

- Be sure to tell the court if you move. The court has “change of address” forms you can use. [link].

More Information

If you want more information, information is provided on these websites:

www.AzLawHelp.org.

Community Legal Services – www.clsaz.org

Southern Arizona Legal Aid – www.sazlegalaid.org

DNA People’s Legal Services – www.dnalegalservices.org

() - _____
Attorney for Plaintiff / Address / Phone / Bar Number



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

() - _____
Plaintiff(s) Name / Address / Phone

() - _____
Defendant(s) Name / Address / Phone

COMPLAINT (Eviction Action)

- Immediate
 Residential Mobile Home Commercial

YOUR LANDLORD IS SUING TO HAVE YOU EVICTED, PLEASE READ CAREFULLY **THE ALLEGATIONS AGAINST YOU ARE LISTED BELOW.**

1. This court has jurisdiction to hear this case. The rental is within this court's judicial precinct and is located at: _____ . The business name of the property, if any, is _____ .
2. The Plaintiff wants you evicted and wants possession of the rental because of the reasons in section 5.
3. Any required written notice was served on the Defendant on _____ and was served by hand, or certified mail. A copy of the notice that was served is attached.
4. The Plaintiff is the owner or is authorized to file this case on behalf of the owner by law.
5. The Plaintiff claims:
 Subsidized Housing. Total rent per month is \$ _____. Tenant's portion of rent per month is \$ _____.
 RENT OWED: The Defendant has failed to pay the rent owed. The rent is unpaid since _____. There is a prior unpaid balance of \$ _____. The rental agreement requires rent of \$ _____ to be paid on the _____ day of each month week. The rental agreement provides for late fees calculated in the following manner: _____

Notice: If you are a residential tenant and the only claim your landlord makes is that you have not paid your rent, you may contact your landlord or your landlord's attorney and offer to pay all of the rent due, plus any reasonable late fees, court costs and attorney's fees. If you pay these amounts before a judgment is entered, then this case will be dismissed and your rental agreement will be reinstated and will continue.

- NON-COMPLIANCE:** After getting a notice, the Defendant failed to do the following: _____
on this date: _____, at the following location _____
- IRREPARABLE BREACH:** The Defendant has committed a material and irreparable breach. Specifically, on this date _____, at the following location _____ the Defendant did the following: _____
- OTHER:** State the date, place and reason for eviction: _____

6. As of the filing date the Defendant owes the following:
- | | |
|--|-----------------|
| Rent (Current and Prior Months) Totaling | \$ _____ |
| Late Fees: (if any in written agreement) . . | \$ _____ |
| Concessions (if any in written agreement). | \$ _____ |
| Reimbursable Court Costs: | \$ _____ |
| Attorney's Fees(if allowed) | \$ _____ |
| Other (as authorized by law): | \$ _____ |
| Total Amount Requested: | \$ _____ |

7. The Plaintiff requests a Judgment for the amounts owed above and for possession of the rental.
8. WRIT OF RESTITUTION: The Plaintiff requests the court issue a Writ of Restitution returning the rental to the Plaintiff's possession 5 days from the date of the Judgment. If the eviction is for the material and irreparable breach explained above, return of possession 12 to 24 hours from the time of the Judgment.
9. By signing this complaint, I am agreeing that the allegations written are true and correct to the best of my knowledge.

Date: _____
_____ Plaintiff

EA 8150-212
R: 07/27/15

DRAFT



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

() -
Plaintiff(s) Name / Address / Phone

() -
Defendant(s) Name / Address / Phone

SUMMONS (Eviction Action)

Amended

THE STATE OF ARIZONA TO THE DEFENDANT(S) NAMED ABOVE. YOU ARE HEREBY SUMMONED TO APPEAR.
An **Eviction Case** has been filed against you. A court hearing has been scheduled.

Date: _____ Time: _____
At the: (court address above note: have Kim have this auto-populate)
Courtroom: _____ Floor: _____

Please arrive early.

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.

If an interpreter is needed, please contact the court listed above as soon as possible.

1. You have a right to come to court.
2. If you do not agree with the claims against you on the attached complaint, you must come to court at the date, time, and location listed above and explain your reasons to the judge.
3. If you do not agree with the claims in the complaint, you also may file a written answer admitting or denying some or all the claims and pay the answer fee. (see number 5)
4. If you want to file a counterclaim, it must be in writing.
5. If you cannot afford the filing fee, you may apply for a deferral or waiver of the filing fee at the court.
6. **IF YOU FAIL TO APPEAR**, a judgment will likely be entered against you, granting the relief specifically requested in the complaint, including removing you from the rental.
7. To learn more see the attached Residential Eviction Information Sheet or contact the court.

(Note: this will be amended) The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at <https://Housing.AZ.Gov> or the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov.

Date: _____
Justice of the Peace

DRAFT



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

() -
Plaintiff(s) Name / Address / Phone

() -
Defendant(s) Name / Address / Phone

JUDGMENT (Eviction Action)

Amended

This matter was heard by the Court on this date: _____

Plaintiff appeared in person by counsel failed to appear

Defendant appeared in person by counsel failed to appear

If required by law, Defendant was was not given proper notice and the opportunity to cure.

Defendant was was not properly served with the Summons and a copy of the complaint at least two (2) days prior to Court date.

If a partial rent payment was accepted, a non-waiver was produced a non-waiver was NOT produced

Defendant pleads NOT GUILTY/NOT RESPONSIBLE Defendant has filed a counterclaim.
 GUILTY/RESPONSIBLE

Defendant was found GUILTY/RESPONSIBLE NOT GUILTY/NOT RESPONSIBLE of

RENT OWED NON-COMPLIANCE IRREPARABLE BREACH OTHER

IT IS HEREBY ORDERED granting judgment on the complaint to Plaintiff Defendant

IT IS FURTHER ORDERED granting judgment on the counterclaim to Plaintiff Defendant

IT IS FURTHER ORDERED granting possession of the rental to Plaintiff Defendant

IT IS FURTHER ORDERED granting monetary judgment to:

Plaintiff(s)

1. \$ _____ Rent
 2. \$ _____ Late charges
 3. \$ _____ Court cost
 4. \$ _____ Rental concessions
 5. \$ _____ Damages
 6. \$ _____ Attorney fees
 7. \$ _____ Other: _____
- \$ _____ TOTAL

Plaintiff awarded nothing

Defendant(s)

1. \$ _____ Court cost
 2. \$ _____ Damages
 3. \$ _____ Attorney fees
 4. \$ _____ Other: _____
- \$ _____ TOTAL

Defendant awarded nothing.

With interest at the rate of _____ % per annum from the date of judgment until paid in full.

A Writ of Restitution (order to vacate rental) shall be granted upon request of the Plaintiff on:

Date: _____ Time: _____
(No sooner than five (5) calendar days after date of judgment)

The court finds that the defendant has committed a material and irreparable breach, in violation of ARS 33-1368A, and a Writ of Restitution (order to vacate rental) shall be granted on:

Date: _____ Time: _____
(No sooner than 12 - 24 hours from the time of judgment)

WARNING: After service of the Writ of Restitution (order to vacate rental), if you remain on or return unlawfully to the rental, you will have committed criminal trespass in the third degree.

IT IS ORDERED dismissing this case with prejudice without prejudice

Date: _____
Justice of the Peace

I CERTIFY that I delivered / mailed a copy of this document to:

Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

Date: _____ By _____
Clerk

EA 8150-201 R: 7/22/15

Arizona Commission on Access to Justice

Meeting Date: August 12, 2015	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Pro Bono Service and Funding Workgroup Report to the ACAJ
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From: The ACAJ Pro Bono Service and Funding Workgroup

Presenter: Kevin Ruegg, Ph.D. and Lara Slifko of the Arizona Foundation for Legal Services & Education

Description of presentation:

Dr. Ruegg and Ms. Slifko will update the ACAJ members regarding the following topics:

- Opportunity to honor Arizona’s outstanding *pro bono* attorneys in Arizona Attorney
- Arizona Charitable Tax Credit efforts
- *Pro bono* network outside of Phoenix
- Nominations of Intel for ABA *pro bono* award and recognition of good works award
- Arizona Online Justice Question and Answer Portal
- “Our Courts” brochure and other outreach ideas for jurors and court staff
- Public relations plan overview

Recommended motion: No recommendations are being made at this time.



ADVERTISING | CREATIVE | PR

Access to Justice – Media and Marketing Outreach

Goal: Increase Statewide Awareness and Support of the Work of the Justice Courts particularly Access to Justice/Legal Aide

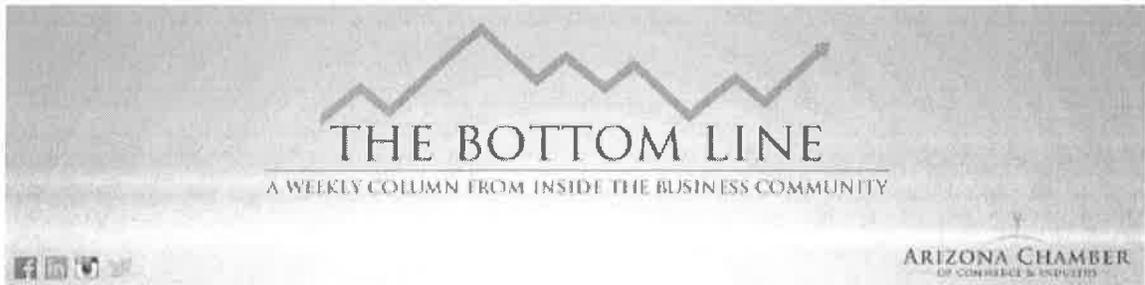
Target Markets

Primary: Business, Community and Government Leaders
The Media – English and Spanish Media
General Public – Participants

Secondary: Attorneys (B-to-B strategy)

Justice Court Newsletter

- This newsletter initially may be a quarterly update from Judge Winthrop or Chief Justice Bales providing information on the work of the Justice Courts and links to more information for those interested.
- The target audiences would be business, community and government leaders.
- Participants must “opt in.” The recap report to the participants of the Arizona Forward event is a good opportunity to provide participant list with an option to receive the newsletter so we can gather the email addresses.
- Create an editorial calendar that includes content ideas. This may include editorial calendars of targeted publications – “health,” “business,” “families.”
- We need to subscribe to MailChimp or Constant Contact to manage the newsletter.
- Develop a letter template much like the Arizona Chamber of Commerce (below).



NAFTA Next: Trans-Pacific Partnership opens up new opportunities for U.S. and Mexico



Glenn Hamer
April 21, 2015

GUADALAJARA, MEXICO – I'm in Mexico's second-largest city for a few days this week as part of a trade delegation led by Phoenix Mayor Greg Stanton. Mayor Stanton has made forging stronger ties between the business communities of greater Phoenix and our state's largest trading partner, Mexico, a top priority, with the goal of doubling exports to that country by 2025. Trade missions like these are great ways to further high level conversations between business and governmental leaders.

Being in a bustling, modern metropolis like Guadalajara, which is known for its thriving high-tech and manufacturing sector and its higher education offerings as much as its tequila production and its legacy as the birthplace of mariachi music, gives you a great perspective on how international trade can help drive prosperity. Forty percent of the Guadalajara region's manufactured goods, from electronics to footwear, are sold outside Mexico, mostly to the United States, helping to make the city one of Latin America's top 10 markets for gross domestic product.

The U.S.-Mexico trading relationship has flourished under the now two-decade-old North American Free Trade Agreement, which constitutes the world's largest free trade area. Mexico is a market of 100 million potential consumers of U.S. exports, and our southern neighbor is the number two destination for U.S. exports. Looking at imports, goods coming from Mexico often have U.S. content in them as U.S.-made component parts head south only to return in a finished product. Mexico is our country's third largest supplier of imports.

Media Relations

- Develop a media list targeted to reporters with beats around justice issues. This can be done in English and in Spanish.
- Each quarter develop news stories of interest for reporters/news directors to address. (Need a contact person and stories need to be fully developed).
- Our optimal stories: problem identified, problem solvers, collaborative efforts between individuals and the courts. For example, a community success story, i.e. Legal Aide saves a community (Northern Arizona).

Partnering with State Library system to become a resource center for legal information. Janet Fisher from the library system is partnering to create Legal Resource Information Centers across the state.

- Next Steps: Lisa to conduct Webinar to develop a process for Media Relations; Identify a person in each legal aide entity – a total of 8 across the state.
- Develop a process for a quarterly statewide content Tip Sheet (example below).



• **Mother's Day Story: Young Mom Recovers from Stroke that Occurred While 13-Weeks Pregnant**

Barrow patient Amanda Ippel will have a celebratory Mother's Day after recovering from a stroke sustained while 13 weeks pregnant in 2012. Ippel, whose baby was born full-term and healthy after the stroke, lost her ability to walk, use her left arm and rob her of many of the skills so vital to raising a young family. After nearly three years of intensive neurological rehabilitation at Barrow, Ippel has made a terrific recovery. Please call 602-406-3319 to schedule interviews.

• **Cowboy Lassos a New Pair of Lungs**

After years of struggling to breathe due to pulmonary fibrosis and 5 years after a double lung transplant at St. Joseph's Norton Thoracic Institute, Dick Jarrard is back in the saddle. "Most people don't get a second chance," said the 72-year-old cowboy from Wyoming who winters with his wife in Arizona. "The people that gave me my lungs, they gave me another chance at life," he adds. Call 602-406-3312 to schedule interviews with Jarrard and his doctors.

Barrow Receives Arizona's First Exoskeleton to Help Patients Walk

Many brain and spinal cord injury patients at Barrow's Neuro-Rehabilitation Center who were previously unable to walk due to paralysis or lower extremity weakness can now do so with the help of an exoskeleton, a wearable robot that enables patients to stand and walk. Barrow is the first center in Arizona to acquire the revolutionary device for inpatient neuro-rehabilitation patients. Stay tuned for more details later this month about Barrow stroke patients who are relearning to walk from the exoskeleton. May is American Stroke Month.

Attorneys

B-to-B strategy focused on direct presentations to lawyers. Media "hits" will help. Drive them to a particular URL? For more information, visit azjusticeforall.org.

Marketing and Communications

- Review of www.AVVO.com and www.JustiServe.com sites.
- Need a "Who We Are" video and other Informational Videos targeted to Users, i.e. "fees."

INTEL NOMINATION

Please describe the pro bono program and why you think it should be recognized by the Corporate Counsel Committee:

“Start by doing one thing right and do it well.”

- Daniel Christensen, Global Group Counsel for IT, Privacy & Security at Intel Corporation

Intel Corporation designs and builds the essential technologies that serve as the foundation for the world’s computing devices. It is one of the largest and highest valued semiconductor chip makers in the world (based on revenue) with over 100,000 employees. But Intel is not just an industry leader, it is a thought leader. Intel knows volunteering builds goodwill among its employees and those served by the volunteering and goodwill is good business.

Intel’s employees are all encouraged and enabled to make a difference around the globe by helping educate and train people of all ages through their wide-range of interests and skills. Intel advances initiatives to foster safe and healthy communities and uses technical knowledge to support endeavors where it is most needed. Intel’s global corporate volunteer program, “Intel Involved”, identifies worthwhile opportunities for individual volunteers and team projects as well as days of community service. Through the “Intel Involved” volunteer program, more than 40 percent of the company’s U.S. employees donate hundreds of thousands of hours to education, environmental programs and other local community needs.

And when Intel employees commit hours, Intel commits dollars. Through the “Intel Involved” Matching Grant Program, the Intel Foundation gives to schools and community organizations cash donations of \$10 for every hour employee’s volunteer up to a total of \$10,000 per organization and no limit for schools. Intel also provides strategic grant support to initiatives that advance science, technology, engineering and math education in communities where the company has a significant presence.

It was on this foundation of “Intel Involved” that Intel’s Law and Policy Group initiated a formal pro bono program several years ago. The Intel pro bono program began with a dedicated group of in-house attorneys collaborating with the entire legal staff to develop a proposal to start the program at its four major U.S. Law and Policy Group sites in Folsom and Santa Clara, Calif., Chandler, Ariz., and Hillsboro, Oregon. The Law and Policy Group pro bono program set objectives to enable lawyers and non-lawyers to provide legal assistance and advocacy to assist clients of local and national non-governmental organizations pro bono legal providers that deliver or enable legal services to those having difficulty finding access to justice. It was quickly embraced, with full support from Intel’s General Counsel and the broader Intel Involved program.

The specific assistance offered by the Intel Law and Policy Group is executive sponsorship and encouragement of the program and processes to select pro bono areas that balance volunteer interest and avoidance of conflict with Intel’s business objectives. Intel enables the program with a Pro Bono Committee across its major U.S. sites and to support its international pro bono program elements. Additionally, the Law and Policy Group has assigned an Executive Sponsor in the form of Suzan A. Miller, Intel Vice President and Corporate Secretary, to assist and enable the Pro Bono Committee in managing programs, approving support for the program and

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encouraging its growth. Intel infrastructure support includes policies allowing employees to assist in pro bono matters as part of the normal work day and addressing reimbursement of expenses that may occur during pro bono client representation.

Since its start in 2006, Intel's pro bono program has expanded beyond Intel's four major U.S. Law and Policy Group sites, and its limited initial offering of support in the area of guardianships and special education, to offer additional programs in the areas of domestic violence counseling and restraining orders, debt counseling, housing clinical counseling, patent and entertainment law counseling, low-income entrepreneurs, a Holocaust Survivor Ghetto Reparations Project with Bet Tzedek, and as of late, juvenile records sealing clinics. That same year, Intel was acknowledged in the Charter Signatory to the Corporate Pro Bono Challenge (also known as the CPBO Challenge). Since its inception, the program has slowly expanded its geographic footprint beyond its four major U. S. sites to include representation from attorneys at our other, at-large or "virtual sites" around the U.S. This geographic growth has culminated in 2014, when its once-limited beginnings into international pro bono yielded significant results in Europe and Asia regions, making the program a truly global pro bono program. The future holds the promise of future growth in the delivery of services and impact worldwide.

"From the earliest days of my association with Intel, 25 years ago, I have been proud of this department's commitment to helping others," said Intel's general counsel, Steve Rodgers. "I believe pro bono legal services should be performed because legal professionals have an obligation, based ultimately in our humanity and morality, to serve those who are in need of our help. Whatever you are passionate about, find an opportunity to give back."

The Intel Pro Bono Program partners with numerous legal aid organizations in the communities local to the volunteers' sites such as Legal Aid of San Mateo County and the Volunteer Lawyers Program of Arizona, but also engages at the national level in the U.S. The program is a strong supporter of the Pro Bono Institute, the National Veterans Legal Services Program, and Equal Justice Works, including sponsorship of an EJW Fellow for the past two years, as well as 10 national law firms in Arizona, California, Oregon, New York and Texas.

The biggest challenge Intel's in-house counsel faces when seeking and representing pro bono work is their niche practice areas aren't always a natural fit for the various community pro bono needs. The Arizona in-house counsel team, for example, does a lot of patent work (something that is not in high demand for pro bono cases). So they agreed to "do one thing right and do it well." Thus, some program choices have been made knowing that trainings, support and engagement with ongoing pro bono programs is the best choice for its volunteers and the communities served. However, because Intel employees have a wide range of interests and skills, the corporation is in a unique position to enable contributions to community-based and legal aid organizations.

As an illustration of the Intel Law and Policy Group's commitment to pro bono, the following examples highlight the variety of work its team has done:

- Intel has an active relationship with The Legal Aid Society of San Mateo County (LASMC), providing support in the areas of special education advocacy and guardianship

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assistance. The special education advocacy project is the cornerstone of an LASMC Medical-Legal Partnership with the Lucile Packard Children's Hospital and has received several recognitions for its successful engagement. The special education advocacy and guardianship assistance programs annually assist seven to 10 clients through direct representation seeking education accommodation under state and federal guidelines and guardianships of disadvantaged youth needing proper medical care, education and development opportunities. Additionally, Intel supports a monthly housing clinic with LASMC in a local community center where clients can come and receive counseling, assistance in responding to eviction notices, or assistance in filing proper grievances in regards to landlord neglect of their housing. Intel lawyers and non-lawyers have supported over 15 guardianship matters for LASMC. Intel has been supporting these LASMC programs since 2006.

- Intel partnered with the National Veterans Legal Services Program to provide assistance to Veterans seeking appeal of U.S. Department of Defense findings denying benefits under the Combat Related Special Compensation program. To date it has assisted over 10 veterans and their families in filing appeals, working to overturn previous denials. Intel's volunteers have answered the call and enthusiastically support this worthy program.
- Last year Intel participated in a project benefitting the Southern African AIDS Trust. This project involved legal research on how HIV self-testing is regulated in a number of developed countries, with a view to adopting similar legislation in certain African jurisdictions. Additionally, it was intimately involved in a project related to research on domestic violence legislation in a number of different jurisdictions to support Beijing Fanbao's advocacy activities in China.
- The Arizona Debt Clinic, managed by the Intel Law and Policy Group office and working in tandem with the Volunteer Lawyers Program (VLP) of Arizona, has been an immensely effective program in the few years since inception. The Clinic provides a monthly two-hour clinic at which Intel attorneys offer pre-screened underserved clients an opportunity to receive debt counseling at an Intel site. Each month, clients and their families (ranging from young families to the elderly), work with about five to 10 different Intel attorneys and support staff. The Clinic has been running for almost two years, with over 150 individuals (along with family members) benefiting from this pro bono work. Referrals are provided for low-cost bankruptcy assistance, and clients often need help or assistance with related matters, such as welfare services, Veteran's benefits, Social Security, child support services, or counseling on how to protect assets from creditors and garnishment. To be the best advocates and counselors that they can be for underserved clients, Intel continues to bring in outside counsel to train its attorneys on applicable Arizona and federal law. Intel attorneys also receive specific training on how best to apply debtor, creditor, bankruptcy and other laws.

“Arizona ranks fourth in the nation for number of people in poverty. Intel didn't hear the statistic, shake their head, and turn the other way. They became part of a solution. They are helping people move out of their financial difficulties and making our community stronger at the

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same time,” said Kevin Ruegg, CEO/Executive Director at the Arizona Foundation for Legal Services & Education.

“Led by Arizona’s Chief Justice of the Supreme Court, Scott Bales, and Chief Judge of the Court of Appeals, Division One, Larry Winthrop, Arizona has a statewide commission currently focusing on the severe challenges of access to justice. The work of Intel in meeting the basic legal needs of so many through its Arizona Debt Clinic is exactly what our state needs to bridge the access gap. The commission celebrates Intel’s program as a wonderful example of what compassionate corporate attorneys can create.” Barb Dawson, leader of the Arizona Commission on Access to Justice Pro Bono Workgroup.

Arizona in-house counsel Daniel Christensen said, “I am proud to be a part of a company like Intel with a culture that embraces these pro bono efforts. My hope is to inspire other in-house counsel to step up and do the same thing.”

Drawing from its U.S. legal staff, the Intel pro bono program has been involved in over 1000 unique client and clinical engagements. The program supports clients seeing guardianship, special education benefits, debt-counseling, low income entrepreneur counseling inventor counseling and patenting, veterans seeking benefits and domestic violence assistance. The program is also supported by matching grants from the Intel Foundation. In 2014, the program involved over 71 personnel, working with 18 non-governmental organization partners, a total of nearly 6,000 hours volunteered and almost \$60,000 in matching grants to the non-governmental organization partners.

Brian Krzanich, Intel’s CEO, views the Law and Policy Group members as trusted advisors who excel at understanding Intel’s business and the real challenges individuals face. Krzanich recognizes that Intel lawyers are value generators for Intel. The Intel Law and Policy Group is an award winning legal team. They take pride in what they do, and they are proud for the results they have achieved.

The VLP honored Intel with the Corporate Community Service Award this past year. In their honoree listing, Intel stated:

“The Intel Advice Clinic wishes to thank the VLP, the Arizona State Bar and Maricopa County Bar and their associated organizations for leading by example and helping organizations like Intel Corporation with opportunities to serve. While Intel preserves its neutrality in terms of religious and philosophical belief, the volunteers of the Intel Advice Clinic embrace the following words which we hope to habituate within ourselves, our families, our communities, and those we serve:

*People are often unreasonable, irrational, and self-centered. Forgive them anyway.
If you are kind, people may accuse you of selfish, ulterior motives. Be kind anyway.
If you are successful, you will win some unfaithful friends and some genuine enemies. Succeed anyway.
If you are honest and sincere people may deceive you. Be honest and sincere anyway.
What you spend years creating, others could destroy overnight. Create anyway.*

INTEL NOMINATION

*If you find serenity and happiness, some may be jealous. Be happy anyway.
The good you do today, will often be forgotten. Do good anyway.
Give the best you have, and it will never be enough. Give your best anyway.
In the final analysis, it is between you and God. It was never between you and them
anyway.”*

- Mother Teresa

Who else can we call to hear about the program?

Daniel Christensen

Group Counsel for IT, Privacy & Security
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Kevin S. Ruegg, Ph.D.

CEO/Executive Director
Arizona Bar Foundation
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Introduction

This pamphlet provides basic information for prospective jurors and employers about the Colorado Jury System. About 95 percent of all jury trials in the world take place in the United States. The jury system is a very important part of the court process in Colorado. The opportunity to serve on a jury allows you to become better informed about your courts and the law. Citizens who serve as jurors usually feel a sense of pride and respect for our system of justice.

Since 1990, Colorado law has made jury service more convenient by using a one day/one trial system. This means that, in each calendar year, persons summoned for jury service must serve only one day or, if selected for a trial, for the length of that trial. In addition, the Judicial Branch has been working to further reform the jury system. Changes are being made that are designed to ensure that jurors are treated with appropriate respect and courtesy, improve the quality of the jury decision-making process, and increase the overall efficiency of the system. Some of these significant reforms include:

- Respecting the use of the juror's time by conducting court proceedings timely and minimizing unnecessary delays;
- Respecting the personal privacy of jurors by limiting public access to individual juror information and sealing juror questionnaire forms;
- Reducing the burden of jury service by using the one-day/one-trial method of jury service;
- Expanding the composition of the jury pool by using additional sources of juror names;
- Permitting juror questions, note-taking/trial notebooks, and pre-deliberation discussions in many cases; and
- Communicating with the jurors in plain English.

The legal information contained in this pamphlet is from §§ 13-71-101 through 13-71-145, Colorado Revised Statutes (C.R.S.)

Frequently Asked Questions

What are the legal qualifications for jury service?

- You must be 18 years of age or older.
- You must live in the county or municipality that summoned you.
- You must be a United States citizen.

- You must read, speak, and understand English.
- You must not have served for five or more days as a trial or grand juror in any court within the past 12 months.
- You must not be solely responsible for the daily care of a permanently disabled person living in your home.
- You must not have a physical or mental disability that would prevent your ability to serve as a juror.

If you do not qualify to serve because of any of the reasons listed above, you should discuss your situation with the jury commissioner. You may be required to provide written proof of disqualification. By law, there are no economic, age-related, or occupational exclusions from jury service.

How was I chosen for jury service?

Each year, the Judicial Branch receives lists of all registered voters and all holders of driver's licenses and non-driver identification cards throughout the state, as well as records from the Colorado Department of Revenue. The lists are merged, duplicates and names of deceased citizens are removed, and the resulting list is divided by county location. Throughout the year, each county requests a certain number of names, based on the number of trials scheduled, which are randomly selected from the list.

Why do I receive summonses year after year, when other people don't?

Since the summons process is random, there is no easy explanation to this question. Each name goes into the system with a different random number attached to it each year. In some counties with small populations, almost every qualified citizen will be called for jury service each year due to the number of jury trials requested. However, to help alleviate this situation, a new system was put into place in 2001 whereby an individual who receives a summons in one year will have a lower priority to be called the next year.

What if I have other commitments for the date I'm supposed to appear?

Call the jury commissioner's number listed on your summons. Your jury service can be postponed to a date that is more suitable for you.

What is the "one day/one trial" system?

The "one day/one trial" system has been in effect since 1990 and describes the length of service re-

quired for trial jurors. Grand jurors serve a term of twelve months. "One day/one trial" means that any person who is summoned and appears for service may be released from further service unless that person is assigned to a particular trial. When a juror is assigned to a trial, the length of jury service will be for the duration of that trial. In Colorado, the average length of a trial is three days.

How are jurors assigned to trials?

Before a trial begins, jurors may be required to complete questionnaires, which provide information relevant to jury service. The attorneys in the case will review this information prior to jury selection. When the jurors arrive in the courtroom, the judge will provide some initial instructions and the attorneys will ask additional questions of each juror. Each side in the case may ask the court to excuse any juror for a specific cause. Each side is also allotted a certain number of "peremptory" or discretionary challenges for which a cause need not be given. However, the law does not permit these challenges to be made in a discriminatory manner.

Who will pay me for serving as a juror?

If you have a regular job, your employer must pay you for the first three days of jury service. If you are self-employed, you must compensate yourself for the first three days. Unemployed persons may apply for reimbursement of certain expenses during the first three days. After the third day, all jurors receive \$50 per day from the state. There are provisions for special hardships and certain expenses; please discuss these with the jury commissioner.

Can I lose my job if I serve as a juror?

State law protects a juror's job. Section 13-71-134, C.R.S. says, "An employer shall not threaten, coerce, or discharge an employee for reporting for juror service as summoned."

What if my employer doesn't want to pay me for the first three days of service?

Your employer has a duty under state law (§ 13-71-126, C.R.S.) to pay regular wages up to \$50 per day if you are regularly employed. Employers may pay more than \$50 by mutual agreement. If you are a part-time or temporary worker and have worked for the same employer for three months or more, then you are a regular employee. You may sue an employer who fails to pay you for jury service.

Information for Employers

(Excerpted from Article 71, Title 13 of the Colorado Revised Statutes)

13-71-126, C.R.S.: Compensation of employed jurors during first three days of service. All regularly employed trial or grand jurors shall be paid regular wages, but not to exceed \$50 per day unless by mutual agreement between the employee and employer, by their employers for the first three days of juror service or any part thereof. Regular employment shall include part-time, temporary, and casual employment if the employment hours may be determined by a schedule, custom, or practice established during the three-month period preceding the juror's term of service.

13-71-127, C.R.S.: Financial hardship of employer or self-employed juror. The court shall excuse an employer or a self-employed juror from the duty of compensation for trial or grand juror service upon a finding that it would cause financial hardship. When such a finding is made, a juror shall receive reasonable compensation in lieu of wages from the state for the first three days of juror service or any part thereof. Such award shall not exceed \$50 per day of juror service. A court hearing on an employer's extreme financial hardship shall occur no later than thirty days after the tender of the juror service certificate to the employer. The request for a court hearing shall be made in writing to the jury commissioner. (Note: the employer must request the hearing no later than five days after receiving the employee's certificate.)

13-71-133, C.R.S.: Enforcement of employer's duty to compensate jurors. Any employer who fails to compensate an employed juror under applicable provisions of this article and who has not been excused from such duty of compensation shall be liable to the employed juror. If the employer fails to compensate a juror within thirty days after tender of the juror service certificate, the juror may commence a civil action in any court having jurisdiction over the parties. Extreme financial hardship on the part of the employer shall not be a defense to such an action. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful misconduct by the employer.

13-71-134, C.R.S.: Penalties and enforcement remedies for harassment by employer. (1) An

employer shall not deprive an employed juror of employment or any incidents or benefits thereof, nor shall an employer harass, threaten, or coerce an employee because the employee receives a juror summons, responds thereto, performs any obligation or election of juror service as a trial or grand juror, or exercises any right under any section of this article. An employer shall make no demands upon any employed juror which will substantially interfere with the effective performance of juror service. The employed juror may commence a civil action for such damages or injunctive relief or both, as may be appropriate, for a violation of this section. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful misconduct by the employer. Any trial of such an action shall be to the court without a jury. (2) Any employer who willfully violates this section commits willful harassment of a juror by an employer, as defined in Section 18-8-614, C.R.S., which is a class 2 misdemeanor punishable as provided in Section 18-1-106, C.R.S.

Further Information

If you need more information or wish to discuss your status for jury service, please call the jury commissioner for your county. You will find the telephone number on your jury summons. If you have other questions about the Colorado jury system, please contact:

*Office of the State Court Administrator
Jury Administration
101 W. Colfax Ave., Suite 500
Denver, CO 80202
Telephone: (303) 861-1111
FAX: (720) 921-7800*

*or click on "Juror Information" at the
Judicial Branch website:
www.courts.state.co.us*

Answers To Your Questions About

Your Colorado Jury System

- Answers to Frequently Asked Questions
- Information for Colorado Employers



**Excellence
In
Customer Service
Colorado Judicial Branch**

<http://www.courts.state.co.us>

April 2006

Arizona Commission on Access to Justice

Meeting Date: August 12, 2015	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Increasing the Effectiveness of Lay Legal Advocates in Domestic Violence Cases
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From: The Arizona Foundation for Legal Services & Education

Presenter: Chris Groninger and Merri Tiseth

Description of presentation: This presentation will provide an overview of efforts to expand the role of domestic violence lay legal advocates in civil cases including family law, housing and consumer legal issues and obtaining/defending protective orders. The presentation will include: overview of the role of lay legal advocate (LLA), defining the LLA's scope of work, and a potential pilot project that creates an avenue for an LLA to become certified legal document preparer.

Kay Radwanski, AOC, staff to the Committee on the Impact of Domestic Violence and the Courts (CIDVC), will briefly discuss proposed changes to the Arizona Rules of Protective Order Procedure (ARPOP). She will focus specifically on two recommendations that affect access to justice.

Recommended motion: No recommendations are being made at this time.

PETER J. CAHILL
Presiding Judge



**ARIZONA SUPERIOR COURT
GILA COUNTY**

1400 E. Ash Street
Globe, Arizona 85501
(928) 402-8686
PCahill@courts.az.gov

May 18, 2015

The Hon. Lawrence Winthrop, *Chair*,
The Arizona Commission on Access to Justice

Re: Increasing the Effectiveness of “Lay Legal Advocates”
Employed by Domestic Violence Shelters

Dear Judge Winthrop,

Arizona’s “Lay Legal Advocates” help survivors of domestic violence and sexual abuse make important, positive changes in their lives. However, limitations that exist in rules and court procedures unfortunately reduce their effectiveness. This letter is to suggest that the Commission consider “revising court rules and practices to facilitate access and the efficient processing of family court ... cases,” AO No. 2014–83, to increase the opportunities for access to justice for survivors of domestic violence and abuse.

These ideas ought to have been brought up first in Judge Barton’s committee. Their tardy submission is my fault. But, just last Wednesday a group of advocates and others interested in these ideas met and agreed to request consideration by the Commission—tardy or not. Our group is willing to work with you, Judge Barton and staff to discuss this further if you decide that this would be beneficial.

Experience years ago training legal services paralegals so their offices could provide more assistance was frustrating because the resources to hire and manage more paralegals never materialized. [*Only the cruelly callous would point out that my modest efforts were way in back in Territorial days! But, CLS and SALA will confirm that the funding is even less now.*] But there's a bright spot: Arizona's domestic violence programs already have a group of dedicated, well-trained and carefully managed advocates, people who can and are willing to do more for their clients. We believe that these advocates could do much more and do it a lot more effectively if unnecessary limitations on their work were removed.

Here are our preliminary ideas:

1. Survivors must complete paperwork, including pleadings, to get into court and get justice. Rather reasonably, they look to their advocate for help. But as advocates try and help clients complete their paperwork, they must navigate treacherous shoals: the rules governing document preparers as well as the unauthorized practice of law. What advocates can and cannot do is saddening. Imagine the experienced, well-trained and highly knowledgeable legal assistants from your years in private practice. Now, think of them reduced to a mere "scribe," limited to writing down only exactly the words of a client—nothing more, nothing less.

Rules and regulations should allow DV Lay Legal Advocates to do more to help survivors fill-out legal documents, pleadings. The exact regulatory changes needed are topics that deserve study and careful discussion. And, no one is suggesting that advocates start practicing law. But, this is an especially vulnerable and underserved group of people. They deserve greater access to justice. We have the advocates; they are well-trained. They are carefully supervised. And, they can do more. The rules ought to allow it.

Trained advocates employed by non-profit DV agencies who do not accept fees should be permitted to better assist survivors with legal-paperwork.

2. Advocates often accompany survivors to court. They do so for different reasons. Some clients need support when confronting a spouse or partner in the courthouse, especially in the courtroom. Then there's also the daunting prospect of appearing in court and speaking up about not only difficult family issues but also having to make legal arguments.

However, at the very last minute, the client must step forward and sit alone at "counsel table." My view is that judges too often rigidly enforce an unwritten, unpromulgated rule that limits seats at "counsel table" to parties and lawyers. This rule

works well enough—mostly. But, when it is unnecessarily and unreasonably enforced to deprive an exquisitely vulnerable litigant of having their trusted and comforting advocate sit by their side, it is no longer a good rule.

Arizona judges are adept at sorting out difficult situations in court. They ought to be permitted (and trained) to allow, where appropriate, the right people to sit at “counsel table” when they don’t have counsel. Judges should know that they may be flexible and, where appropriate, that they may allow advocates or others to sit with litigants, providing this does not interfere in the proceedings.

Discussions between experienced domestic relations judges, advocates and others would lead to the adoption of best-practices and new training so that judges kept the proceedings orderly and fair.

3. More training so that court employees provide requested legal information and not use the excuse Chief Justice McGregor fought so hard against, *“We don’t give legal advice.”*

Advocates report instances where all too often court staff have not provided legal information where it would have been appropriate to do so. This limits access to the courts.

4. Keeping in mind the Commission’s charge to “study and make recommendations on innovative ways of promoting access to justice for individuals,” perhaps New York’s “Navigator” program might inspire an expanded role for a program modeled on Arizona’s DV advocates.

We already have in place an amazing group of advocates. But this is an underserved population. Wouldn’t something like the “Navigator” program work well in our courthouses to insure that all, and especially the most vulnerable, get access to the courts?

Not only are my suggestions late, they are sadly short on specifics. The good news is that experienced people will work on these ideas. For instance, the Foundation’s Chris Groninger has worked to expand partnerships with legal services offices and DV program legal advocates. Chris confirms: if advocates were more effective, the effectiveness of lawyers would also increase. This group will gladly work with the Commission and your committees to further develop these ideas if you wish.

Sincerely,
Peter Cabill

cc: Ms. Merri Tiseth
Legal Advocacy Program Manager
Arizona Coalition to End Sexual and Domestic Violence

Ms. Christine Groninger,
Director of Strategic Initiatives
Arizona Foundation for Legal Services & Education

I. Purpose

An increasing number of individuals—in State and across the country—are handling their own legal problems without the assistance of lawyers. These “Self-Help Patrons” often seek help from court staff, librarians, and others who have specialized knowledge of the court system or legal resources (“Self-Help Personnel”), but who are prohibited from offering legal advice. Absent clear direction on the distinction between what constitutes “legal information” and what constitutes “legal advice,” Self-Help Personnel may be overly cautious in providing assistance to Self-Help Patrons or may risk being reported or reprimanded by their employers. As a result, Self-Help Patrons may be unnecessarily frustrated in their efforts to effectively navigate the legal system and may, in turn, lose confidence in our courts. Furthermore, there may be instances where Self-Help Patrons involved in litigation may be entitled to receive assistance from the court as a matter of due process.

It is the policy of the State Supreme Court to ensure access to State courts by all persons, including those who may not have the benefit of legal representation. The purpose of this Administrative Order is to provide clear guidance to Self-Help Personnel so that they are equipped to provide appropriate legal information to Self-Help Patrons consistent with applicable standards of impartiality and without engaging in the unauthorized practice of law. The goal is to provide authority for, within the bounds of this Administrative Order, assistance to achieve fair and efficient resolution of cases on their merits, and to minimize the delays and inefficient use of court resources that may result from use of the court system by litigants who are not represented by lawyers. There is a compelling state interest in resolving cases efficiently and fairly, regardless of the financial resources of the parties.

II. Definitions

- A. “Self-Help Patron” means any individual who seeks legal information to pursue or defend a court case or administrative action, or to understand potential legal rights, remedies, or obligations.
- B. “Self-Help Personnel” means court staff, librarians, and other individuals who are frequently asked to provide help for people involved in legal matters. Those court staff, librarians, and other individuals who are also licensed lawyers are governed by this Order in the same way that non-attorney personnel are governed unless they are acting on behalf of a nonprofit or court-annexed limited legal services program as provided in State Rule of Professional Conduct 6.5.
- C. “Self-Help Assistance” means support and guidance provided by Self-Help Personnel within the scope and limitations of this Order, including collaboration and coordination with legal and community resources.
- D. “Approved Forms” means the forms and instructions that appear on the State Legal Services Partnership website; on the State Judiciary website; in administrative orders, rules, or other policies of the Supreme Court; in administrative agency rules; in state statutes;

III. Role of Self-Help Personnel

“Self-Help Personnel” means court staff, librarians, and other individuals who are frequently asked to provide help for people involved in legal matters. Those court staff, librarians and other individuals who are also licensed lawyers are governed by this Order in the same way that non-attorney personnel are

governed unless they are acting on behalf of a nonprofit or court-annexed limited legal services program as provided in State Rule of Professional Conduct 6.5)

A. Basic Services. Self-Help Personnel may provide the following services:

- Provide general information about court procedures and logistics, including requirements for service, filing, scheduling hearings and compliance with local procedure;
- Provide either orally or in writing, information about court rules, terminology, procedures, and practices;
- Inform Self-Help Patrons of available pro bono legal services, low cost legal services, unbundled legal services, legal aid programs, alternative dispute resolution services including referrals to the State Alternative Dispute Resolution Commission's database of certified mediators, referrals to legal services and legal aid programs, lawyer referral services (such as State Find-A-Lawyer), and legal resources offered by state and local libraries, legal aid programs, and state agencies;
- Encourage Self-Help Patrons to obtain legal advice without recommending a specific lawyer or law firm;
- Explain options within and outside the court system, including providing information about community resources and services;
- Provide information about domestic violence resources;
- Offer educational sessions and materials, as available, and provide information about classes, such as parenting classes;
- Assist Self-Help Patrons in selecting the correct forms, and instructions on how to complete forms, based on the Self-Help Patrons description of what he or she wants to pursue or request from the court, including, but not limited to, providing forms for the waiver of filing fees. Where no Approved Form exists to accomplish the Self-Help Patron's request, Self-Help Personnel should inform the litigant of that fact.
- Record information provided by the Self-Help Patron onto Approved Forms if that person cannot complete the forms due to disability, language, or literacy barriers;
- Assist Self-Help Patrons to understand what information is needed to complete filling in the blanks on Approved Forms;
- Review finished forms to determine whether forms are complete, including checking for signatures, notarization, correct county name, and case number;
- Assisting in calculating child support using the State Child Support Guidelines, based on financial information provided by the Self-Help Patron;
- Answer general questions about how the court process works;
- Answer questions about court timelines;
- Provide docket information;
- Provide information concerning how to get a hearing scheduled;
- Inform Self-Help Patrons of the availability of interpreter and sign language assistance and process requests for such services;
- At the direction of the court, review Self-Help Patrons' documents prior to hearings to determine whether procedural requirements for the filing of pleadings have been met;
- Assist Self-Help Patrons with preparation of proposed court orders based on the parties' agreement of stipulation for signature of the judge or magistrate;
- Answer questions about whether an order has been issued, where to get a copy if one was not provided, and read the order to the individual if requested;
- Provide Self-Help Patron with access to information from a case file that has not been restricted by statute, rule or directive;

- Provide assistance based on the assumption that the information provided by the Self-Help Patron is accurate and complete;
- Provide the same services and information to all parties to an action, as requested;
- Provide information about language and/or citations of statutes and rules, without advising whether or not a particular statute or rule is applicable to the situation;
- Provide other services consistent with the intent of this Order and the direction of the court, including programs in partnership with other agencies and organizations.

B. Prohibited Services. Self-Help Personnel shall not:

- Recommend whether a case should or should not be brought to court or administrative order appealed or not appealed;
- Give an opinion about the outcome of a case that is brought to court or an administrative action that is appealed;
- Represent a Self-Help Patron in court;
- Tell a Self-Represented Patron that Self-Help Personnel may provide legal advice;
- Provide legal analysis, strategy, or advice;
- Disclose information in violation of a court order, statute, rule, order, or case law;
- Refuse to allow a Self-Help Patron to proceed with his or her case based solely on the fact that he or she is self-represented;
- Tell the Self-Help Patron anything Self-Help Personnel would not repeat in the presence of the opposing party, or any other party to the case;
- Advise a Self-Help Patron that he or she should go to a specific lawyer or law firm for fee-based representation;
- Tell the Self-Help Patron how he or she should word any substantive content in court pleadings or other legal documents;
- Talk to a judge on behalf of a Self-Help Patron.

IV. Assistance by Self-Help Personnel is not the Practice of Law

The performance of services by Self-Help Personnel in accordance with this order is not the practice of law, as Self-Help Personnel are to provide neutral information and are not to give legal advice. Information provided by a Self-Help Patron to Self-Help Personnel is neither confidential nor privileged. No attorney-client relationship exists between Self-Help Personnel and a Self-Help Patron.

V. Assistance by Lawyers and Nonlawyer Assistants who are not Self-Help Personnel

When Self-Help Personnel refer Self-Help Patrons to community resources and services, this may include referrals to legal aid organizations or lawyers or law firms who provide limited scope legal services on a fee-based, “low bono,” or pro bono basis. Such referrals are permitted and do not constitute a violation of this Administrative Order. Lawyers, and their nonlawyer assistants, as that term is used in the STATE Rules of Professional Conduct 5.3, are guided by the STATE Rules of Professional Conduct, including, but not limited to Rule 6.5 which addresses nonprofit and court-annexed limited legal services programs.

VI. Availability of Services

Subject to available resources, assistance is available to all Self-Help Patrons. Self-Help Personnel may direct Self-Help Patrons to other appropriate services where the inquiry is better addressed. Some limited examples are: the Office of the Prosecuting Attorney for questions about victims’ services; the Americans with Disabilities Act coordinator in the location, for information about accommodations necessary for a Self-Help Patron; the collections investigator for information about payment of court

costs; the clerk and recorder, for information about property records; and the Division of Revenue, Motor Vehicle Division, for information about drivers' licenses or state identification.

VII. Copy Costs

Courts and libraries may require Self-Help Patrons to pay the reasonable copying costs of providing forms and instructions to Self-Help Patrons, provided that the charge for persons who are indigent may be reduced or waived, as required by statute, rule or directive.

VIII. Notices to Self-Help Patrons

Court-based Self-Help Personnel shall provide and, if necessary, review with the Self-Help Patron, the below "Notice to Self-Help Court Patron." Such notice shall also be available through conspicuous posting and be made available in other languages, as needed. Self-Help Personnel who are providing Self-Help Services outside of a court setting may provide and post the "Notice to Self-Help Patron" below.

NOTICE TO SELF-HELP COURT PATRON

Self-help services are available to all persons who seek information to file, pursue, or respond to a case without the assistance of a lawyer authorized to practice before the court, within the resources available to us.

We are employees of the court and are available to provide information about court procedures, practices, rules, terminology, and forms, as well as community resources and services that can help you. By providing this information, we are not taking sides in a case.

This means we will provide the same services and information to all parties in a case, if requested. We cannot act as your lawyer or provide legal advice.

We can explain the court process, help you to understand what information is needed to fill in the blanks on a form, and review your forms for completeness. We cannot tell you what your legal rights or remedies are, represent you in court, or tell you how to testify in court.

Based on the information you share with us, we can help you locate forms and understand the information you need for your case. Any information you share with us is not confidential or privileged.

No attorney-client relationship exists between us and you. If you need a lawyer or legal advice, we can help you find community resources and services, but we cannot tell you which lawyer or law firm you should use.

We are not responsible for the outcome of your case.

We are not investigators and cannot provide investigative services.

We are court employees, and we do not act on behalf of any particular judge. The presiding judge in your case may require that you change a form or use a different form. The judge is not required to grant the relief you request in a form.

In all cases, it is best to obtain the assistance of your own lawyer, especially if your case presents significant or complicated issues. If requested, we will help you find com

NOTICE TO SELF-HELP PATRON

Within the resources available to us, informational services are available to all persons who seek information to file, pursue, or respond to a case without the assistance of a lawyer authorized to practice before the court.

We are available to assist you in locating information about court procedures, practices, rules, terminology, and forms, as well as community resources and services that can help you. By providing this information, we are not taking sides in a case. This means we will provide the same services and information to all parties in a case, if requested. We cannot act as your lawyer or provide legal advice.

We cannot tell you what your legal rights or remedies are, represent you in court, or tell you how to testify in court.

Based on the information you share with us, we can help you locate forms and understand what information you need for your case. Any information you share with us is not confidential or privileged.

No attorney-client relationship exists between us and you. If you need a lawyer or legal advice, we can help you find community resources and services but we cannot tell you which lawyer or law firm you should use.

We are not responsible for the outcome of your case.

We are not investigators and cannot provide investigative services.

In all cases, it is best to obtain the assistance of your own lawyer, especially if your case presents significant or complicated issues. If requested, we will help you find community resources and services without recommending a specific lawyer or law firm.

For more information about self-help assistance, see Administrative Order No. 22, which is available at [website].

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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of)	Petition No. R-15-0010
)	
PETITION FOR ADOPTION OF)	COMMENT OF THE PIMA COUNTY
AMENDMENTS TO THE)	ATTORNEY
ARIZONA RULES OF)	
PROTECTIVE ORDER)	
PROCEDURE AND THE)	
ARIZONA RULES OF FAMILY)	
LAW PROCEDURE)	
_____)	

¶1 BARBARA LAWALL, the Pima County Attorney, supports the proposed changes to the Rules of Protective Order Procedure. She submits this comment to suggest two additions to the proposed rules to remedy two specific circumstances.

¶2 First, oftentimes a petitioner for an order of protection is a crime victim and is being assisted by a victim advocate from a prosecutor’s office. Some judges do not allow the victim advocate to accompany the victim when she or he seeks an ex parte

order of protection. This leaves the victim on her or his own trying to navigate unfamiliar and frightening territory without emotional support. Therefore, justice would be better served if there were an addition to the proposed Rules, perhaps in Rules 23, 24, and 25, that provides that: “The judicial officer shall allow a victim advocate to be present with the petitioner at all times at the petitioner’s request.”

¶3 Second, another difficult situation arises when a petitioner seeks an order of protection while accompanied by her or his children. The general rule is that children are not allowed to be present while the petitioner speaks to the judicial officer. This is understandable in many cases. But when the petitioner has no person to watch the children, the petitioner is in the impossible situation of not being able to seek relief without leaving her or his children unattended. Because of this, I propose that a Rule be added that would require a judicial officer to allow children to accompany the petitioner if the petitioner would otherwise be denied access to the court.

¶4 In sum, while I support the changes proposed in the petition, justice would be better served, and petitioners better protected, with these two additions.

RESPECTFULLY SUBMITTED this 19th day of May 2015.

/s/
BARBARA LAWALL
PIMA COUNTY ATTORNEY

Honorable Wendy Million
Tucson City Court
103 E. Alameda
Tucson, AZ 85701
Telephone: (520) 791-3260
Chair, Committee on the Impact
of Domestic Violence and the Courts

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)	
)	
PETITION FOR ADOPTION)	Supreme Court No. R-15-0010
OF AMENDMENTS TO THE)	
<i>ARIZONA RULES OF PROTECTIVE</i>)	Reply in Support of Comment
<i>ORDER PROCEDURE AND THE</i>)	Filed by Barbara LaWall,
<i>ARIZONA RULES OF FAMILY LAW</i>)	Pima County Attorney
<i>PROCEDURE</i>)	
_____)	

The Committee on the Impact of Domestic Violence and the Courts (CIDVC), by a consensus of its members, has authorized the Honorable Wendy A. Million, CIDVC chair, to file this reply to a comment to CIDVC’s Petition No. R-15-0010.

DISCUSSION

CIDVC supports the recommendations in Barbara LaWall’s comment and proposes an additional revision (Appendix A) to CIDVC’s petition to amend the Arizona Rules of Protective Order Procedure, if the Court will allow it. Ms.

LaWall's recommendations would greatly enhance access to justice for domestic violence victims, in keeping with the *Advancing Justice Together* strategic agenda.

Victim Advocates. CIDVC favors a rule that would allow an identified advocate—either a victim advocate from a prosecutor's office or an advocate from a non-profit domestic violence shelter or program—to accompany a self-represented plaintiff who is requesting an *ex parte* protective order into the courtroom. The advocate should be allowed to sit with the plaintiff at counsel table to offer emotional support during the *ex parte* process. Of course, the advocate would not be permitted to give legal advice to the plaintiff or interfere with court proceedings.

The Arizona Commission on Access to Justice has been asked by Judge Peter Cahill to explore the idea of a DV Lay Legal Advocates. A lay legal advocate would be able to assist a plaintiff with paperwork, accompany a self-represented plaintiff to court, sit at counsel table, and provide legal information. Inspiration comes from the New York State Unified Court System, which recently launched a Court Navigator Program to assist unrepresented litigants in nonpayment proceedings in the Housing Court and in the consumer debt part of the Civil Court.

A lay legal advocate would have a more expansive role than CIDVC is proposing here, but the concept has merit and is worthy of consideration. CIDVC looks forward to learning more about it. But at present, CIDVC is simply

requesting that an advocate be permitted to sit at counsel table to support the plaintiff through an *ex parte* hearing.

Children in the Courtroom. CIDVC also supports a rule that would allow a plaintiff's child into the court while the plaintiff is requesting an *ex parte* protective order. While the presence of children in court is generally discouraged, there may be situations where a victim has limited choices—either bring the child along to the court and hope that the child will not have to be left unattended or forego a protective order and remain in an abusive, possibly dangerous situation. If the court turns away a plaintiff who is asking for a protective order simply because a child is with the plaintiff, then the plaintiff is denied access to justice.

CONCLUSION

For the reasons stated above, CIDVC respectfully asks the Court to grant CIDVC's Petition R-15-0010 and to consider including the additional amendment proposed in Appendix A.

Respectfully submitted this 24th day of June, 2015.

/s/ _____
Honorable Wendy A. Million
Magistrate, Tucson City Court

APPENDIX A

Rules of Protective Order Procedure

Proposed Rules 1-5 [no change]

Part IV. Access to Courts

6. Court availability for protective orders

(a) **Court Hours.** All municipal, justice, and superior courts must be available during normal operating hours to issue and enforce protective orders. For an Emergency Order of Protection after normal operating hours, see Rule 24.

(b) **Access to the Court for *Ex Parte* Hearing.**

(1) A judicial officer must allow a victim advocate, if identified as such, to accompany the plaintiff during the *ex parte* hearing.

(2) The presence of a minor child or children does not constitute grounds to deny a plaintiff access to the court for purposes of requesting an *ex parte* protective order.

~~(b)~~ (c) **Where to File a Petition.** A plaintiff may file a petition for a protective order with any municipal, justice, or superior court judicial officer, regardless of the parties' residence. All limited and general jurisdiction courts must accept a person's request to file a petition for a protective order even if that particular court does not normally issue protective orders.

~~(e)~~ **(d) Designated Court.** Courts located within a one-mile proximity may agree to designate a court for issuance of protective orders. If courts enter into such an agreement, the referring court must provide written or verbal information and directions regarding the designated court and, prior to referral, must ensure that the designated court is open to issue an order that day. If the designated court is not available to issue orders, the referring court must conduct the individual hearing with the plaintiff.

~~(d)~~ **(e) Courts with Part-time Judicial Officers.** A court having only a part-time judicial officer must provide coverage for the court, or court staff must direct a person requesting a protective order to the appropriate court location after ensuring a judicial officer is available.

Proposed Rules 7-42 [no change]