

PROMOTING
ACCESS
 TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

November 14, 2018 - 10:00 a.m. to 2:00 p.m.

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

[ACAJ WEBPAGE](#)  

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks	<i>Judge Lawrence F. Winthrop, Chair</i>
	Approval of minutes from May 23, 2018 <input type="checkbox"/> <i>Formal Action/Request</i>	
10:05 a.m.	Chairperson’s report	<i>Judge Winthrop</i>
10:15 a.m.	Report on the Modest Means program	<i>Lara Slifko, CRO, Arizona Foundation for Legal Services & Education</i>
10:25 a.m.	Arizona State Bar Public Service Center	<i>Cheryl Kulas, Manager, Public Service Center</i>
10:40 a.m.	Report on Rule Petitions <ul style="list-style-type: none"> • R-18-0020: Subsidized housing pleading requirements and disclosure requirements • Pending filing: Production of documents and information in eviction actions <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Julie Graber, AOC Staff</i>
10:45 a.m.	Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup	<i>Judge Anna Huberman</i>

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Kathy Sekardi, ACAJ staff, at (602) 452-3253 or Julie Graber, ACAJ staff, at (602) 452-3250 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

- 11:00 a.m. **Update on the Public Information and Messaging Workgroup** *Julie Graber, AOC Staff*
- 11:10 a.m. **Report on the AZCourtHelp.org website** *Dr. Kevin Ruegg
Cathleen Cole
Theresa Barrett, AOC*
- 11:25 a.m. **Report from the Judicial and Attorney Engagement Workgroup** *Judge Joseph Kreamer
Kevin Groman
John Phelps*
- | | |
|------------|--|
| 11:45 a.m. |  Lunch Break  |
|------------|--|
- 12:40 p.m. **Report from the Inter-Governmental Collaboration Workgroup** *Judge Winthrop
Chris Groninger, Arizona
Foundation for Legal Services
& Education*
- 1:00 p.m. **Presentation of the St. Vincent de Paul Legal Clinic** *Ann-Marie Alameddin,
St. Vincent de Paul*
- 1:30 p.m. **Presentation of the Tucson Family Advocacy Program (TFAP), a Medical Legal Partnership for Health** *Anne Ryan, Esq., Jessie Pettit,
M.D., Tucson Family
Advocacy Program*
- 1:55 p.m. **Good of the Order / Call to the Public** *Judge Winthrop*
- 2:00 p.m. **Adjournment**

2019 Meeting Dates
February 13 ~ May 15 ~ November 13

10:00 a.m. to 2:00 p.m.
State Courts Building, Phoenix, Arizona
Conference Room 119

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Arizona Commission on Access to Justice

DRAFT MINUTES

Wednesday, May 23, 2018

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

State Courts Building, 1501 W. Washington Street, Conf. Rm. 345A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson, Judge Janet Barton, Judge Maria Elena Cruz, Anni Foster, Kevin Groman, Judge Anna Huberman, Maria Morlacci, John Phelps, Helen Purcell, Dr. Kevin Ruegg, Kathy Schaben (*proxy for Judge David Haws*), Valerie Wyant, Anthony Young

Telephonic: Judge Thomas Berning, Pamela Bridge

Absent/Excused: Mike Baumstark, Judge Joseph C. Kreamer, Janet K. Regner

Presenters/Guests: Cathleen Cole, Chris Groninger, Cheryl Kulas, Roshon Parra, Lara Slifko, Cindy Trimble, Sara Tulane, David Withey

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:05 a.m. Judge Winthrop introduced new member, Anni L. Foster, General Counsel from the Office of the Governor.

B. Approval of Minutes

The draft minutes from the February 7, 2018, ACAJ meeting were presented for approval.

Motion: Anthony Young moved to approve the February 7, 2018, minutes, as presented. **Seconded:** Judge Maria Elena Cruz. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics.

- Intel Arizona Legal Team was the recipient of the 2018 ABA National Public Service Award for delivering innovative *pro bono* services for low-income communities.
- The Immigration Clinic at the University of Arizona celebrated incredible wins for their clients.

- Follow up information was provided about the court navigators who completed the AmeriCorps service program at the Maricopa County Superior Court.
- Several presentations were made by ACAJ members to law firms and other organizations regarding access to justice, the commission’s work, and the tax credit. Many future presentations are scheduled.
- The Cochise County Law Library was reopened as an expanded Self-Help Center during the Law Day Celebration.
- A new [Member Toolkit](#) webpage was created within the commission’s “Resources” tile on azcourts.gov that consolidates the presentation tools for commission members who make access to justice presentations in their community.
- The American Bar Association (ABA) sponsored a two-day series of meetings with each state’s congressional leaders. Several Arizona representatives, including members of the Commission, attended and met with Arizona’s elected officials and/or their staff. One of the themes included educating leaders about the value of legal aid services for constituents. Additionally, congressional leaders were encouraged to urge the Department of Justice to reinstate the funding for education for detained undocumented individuals. That advocacy was successful, and the funding was restored.
- There might be social services cuts to the proposed federal budget as a fallout from the recent tax cut, and Legal Services Corporation (LSC) has requested that access to justice commissions send letters of support for LSC funding.

Motion: Dr. Kevin Ruegg moved to approve sending a [letter of support for LSC funding](#) on behalf of the commission, as discussed. **Seconded:** Kip Anderson. **Vote:** Unanimous.

- The ABA sponsored a national access to justice chairs meeting on May 11 and 12 in San Diego, California. A specific session was dedicated to Arizona’s Justice in Government Project.
- Building relationships across Arizona is part of the work still to be done for the commission. One opportunity that will be further explored is with the O’Connor Institute, a non-profit based at Arizona State University Law School, which focuses on civic education and civic engagement.

B. Arizona Judiciary Policy Against Employment Discrimination and Harassment

David Withey, AOC Chief Counsel, reviewed the proposed judicial branch policy on discrimination and harassment, which updates the original 1992 policy and extends to all types of harassment in the workplace with specific attention to sexual harassment as currently recommended by the Equal Employment Opportunity Commission. Mr. Withey will be presenting the proposed language to the Arizona Judicial Council (AJC) at the June meeting and sought comments from members. Highlights included:

- Sex discrimination includes discrimination based on sexual orientation, gender identity, and transgender status.
- A definition of retaliation has been included.
- Duty to report for observers and victims has been included in the policy since 1992 and was referred to as bystander responsibility. Language about false and malicious reporting has been placed back in the policy.
- Several elements must be included when implementing the policy, such as effective dissemination of the policy, accessible reporting system, keeping the information confidential to the extent possible, providing the investigation result, and protection from retaliation.
- Education opportunities need to be made available at the local court level and statewide.

Member comments:

- Several members commented that while it is good to have policies and resources in place, the emphasis must be placed on leadership and ongoing training in the workplace.

C. Overview of Strategic Planning for the Next Strategic Agenda

Cindy Trimble, AOC Executive Office, provided an overview of the strategic agenda's planning process and sought feedback from the commission on agenda items to include. The next strategic agenda will take effect on July 1, 2019.

Member comments:

- Remove obstacles to limited scope representation and attorney conflicts of interest.
- Continue simplifying forms and instructions and provide fillable forms.
- Continue exploring Online Dispute Resolution software.
- Develop content for self-represented litigants in the form of videos, podcasts, and webpages.

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

Judge Anna Huberman discussed the workgroup's efforts on developing a series of *Legal Info Videos* for eviction actions. Eight scripts have been storyboarded and finalized. Staff is working on creating the videos. Male and female volunteers are needed for voiceovers in both English and Spanish. An example video entitled "What Landlords Need to Know Before Going to Court" was presented to the members. The commission discussed how to promote the videos.

E. Legislative Update

Judge Huberman discussed SB1376, which is effective August 2, 2018, and changes the number of days the landlord is required to hold the tenant's personal property from 21 days to 14 days.

F. Update on Rule Petitions

Julie Graber updated members on several pending rule petitions.

- **R-18-0020** – Subsidized housing pleading requirements and disclosure requirements. The commission filed a comment on May 4, 2018, which generally supports the proposed changes with some modifications and presents different views on the exact language to be utilized. Three other comments have been filed, some in support and some in opposition.
- **R-18-0021** – To adopt rules of small claims procedure in justice courts. The Committee on Improving Small Claims Case Processing filed an amended petition on April 27, 2018, and the next round of comments are due September 7, 2018.
- **R-18-0004** – To allow non-lawyers to represent certain types of small business entities in court. Five comments were filed, some in support and some in opposition. The Attorney Regulation Advisory Committee supported the public policy objective of improving access to justice but had concerns that the language was overbroad.

G. Update on Public Information and Messaging Workgroup

Kathy Sekardi reported that members of the Arizona Supreme Court have completed three podcasts on adoptions, protective orders, and veterans court. The goal is to go live with a series of six podcasts and post on both AZCourtHelp.org and azcourts.gov. Julie Graber presented the redesigned English and Spanish Self-Service Centers on azcourts.gov, which will likely go live in the next week. The new pages consolidate content and use tiles to organize the subject matter in a more user-friendly way. New topic pages and resources have been added to the Spanish Self-Service Center, so the Spanish pages mirror the English ones.

H. Update on the AZCourtHelp.org website

Theresa Barrett reviewed the impact of digital and traditional marketing efforts, and provided bags to members with traditional marketing items, including business cards, postcards, and posters, to distribute and share with outside groups when making access to justice presentations.

Dr. Kevin Ruegg reported on search engine optimization, Google Analytics, and shared the statistics for Google AdWords and Facebook ads for the period January 2018 through April 2018. She updated members on goals, such as finalizing the dissolution guide, expanding jury service information from court tours, and making forms fillable in the areas of name change, emancipation, garnishment, language access complaint, and personal information redaction.

Cathleen Cole, Arizona Foundation for Legal Services & Education, wrapped up the presentation with highlights of the site's new content and features. Find My Court webpages are being populated with the court's contact information, accepted methods of payment, parking and security information, language and disability access information, and forms from 68 court tours. The Like button has been updated so the user is prompted with a follow up question if he or she clicks "no," and the user can indicate if looking for a lawyer or for free legal advice.

Member comments:

- John Phelps inquired why the Like button does not link to Find a Lawyer on the State Bar’s website. Dr. Ruegg explained that the feature establishes first if free legal services are needed, and if not, then refers them to the State Bar.

I. Report from the Judicial and Attorney Engagement Workgroup

Dr. Ruegg reported on the workgroup’s efforts to engage public attorneys and judges. To engage law firms and identify *pro bono* participation, share *pro bono* policies, and determine if law firms are willing to discuss increasing their *pro bono* activities, a targeted letter signed by Chief Justice Bales was sent to 73 law firms with survey questions about their *pro bono* policies and areas of interest. To date, 47 percent of law firms responded to the survey, 32 percent reported having a formal *pro bono* policy, and 88 percent reported *pro bono* activities in their law firm. Kevin Groman reported on the progress of the In-House Counsel *Pro Bono* Commission to increase awareness of *pro bono* opportunities with efforts, such as Wills for Heroes, clinics, and the Florence project in which children are being represented by counsel in deportation cases. John Phelps discussed the State Bar of Arizona’s Public Service Center, which went live on May 1, 2018, and matches potential clients to attorneys. While there are many people requesting free legal help, there are also a number of people with modest means who are willing to pay.

J. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop discussed Arizona’s ongoing participation in the Justice in Government Project that was an agenda item at the commission’s last meeting. He reminded members that the project encourages the use of existing federal funding at the state level to provide civil legal aid services to individuals to remove obstacles to employment, escape domestic violence, and stabilize housing for needy families. He shared that interest convergence was identified between the commission’s goals and the policy priorities of the Arizona Governor’s Office that is being explored. Judge Winthrop reported on the presentation made in March to the Governor’s Task Force on Reentry and Recidivism on removing obstacles for jobseekers who have criminal records. The workgroup will continue building on this cooperative platform.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, September 19, 2018
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 1:41 p.m.

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Modest Means Project
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From: Lara Slifko, Chief Resource Officer, Arizona Foundation for Legal Services & Education

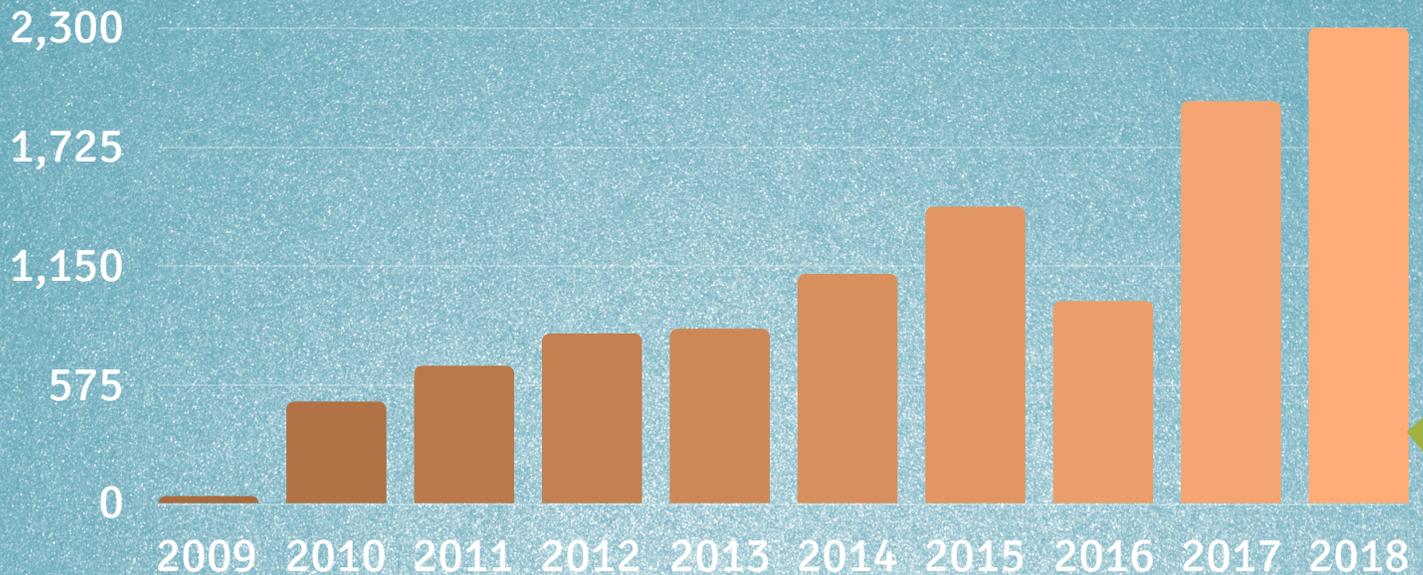
Presenters: Lara Slifko

Discussion: Overview of the Modest Means Project over the last 9 years.

Recommended motion: N/A

MODEST MEANS PROJECT

HELPING THE JUSTICE GAP



OVER 10,000 helped in less than 9 years!

157 Active Modest Means Attorneys
425 attorneys involved since 2009

*A2J Author started in 2013

*Call Center staff position eliminated in 2016

*Automated phone line established 3/2017

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the Arizona State Bar Public Service Center
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From: Cheryl Kulas, Manager of the Public Service Center

Presenters: Cheryl Kulas

Discussion: An update will be given regarding the Public Service Center, including challenges since the opening, learning opportunities, and statistics.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on Rule Petitions
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From: Julie Graber, AOC staff

Presenters: (Same)

Discussion: The presenter will update the commission on the following rule petitions:

- R-18-0020 – Subsidized housing pleading requirements and disclosure requirements
- Pending filing – Proposed petition will require landlords to serve relevant documents including the lease with the complaint and will continue to allow parties to request other relevant information.

Recommended motion: None.

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-18-0020
PETITION TO AMEND THE RULES OF)	
PROCEDURE FOR EVICTION ACTIONS)	
)	FILED 8/28/2018
)	
)	
_____)	

ORDER
AMENDING RULES 5(b),5(c), AND 13(a) OF THE RULES OF PROCEDURE FOR
EVICTION ACTIONS

A petition having been filed proposing to amend Rules 5(b), 5(c), and 13(a) of the Rules of Procedure for Eviction Actions, and comments having been received, upon consideration,

IT IS ORDERED that Rules 5(b), 5(c), and 13(a) of the Rules of Procedure for Eviction Actions be amended in accordance with the attachment hereto, effective January 1, 2019.

DATED this 28th day of August, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

TO:
Rule 28 Distribution
Lisa M Panahi
Hon. Lawrence F Winthrop
Hon. Gerald A Williams
Ellen S Katz
Scott E Williams
Melissa Parham
Scott Andrew Baluha

ATTACHMENT¹

Rules of Procedure for Eviction Actions

Rule 5. Summons and Complaint: Issuance, Content and Service of Process

a. [No change in text.]

b. Complaint. The complaint shall:

(1)-(7) [No change in text.]

(8) State that the action involves a subsidized rental property if the action involves a subsidized rental property.

(9) Current Rule 5(b)(8) renumbered as 5(b)(9).

c. Complaint for Monetary Damages. If the complaint seeks a money judgment for rent, late charges, or other fees, charges or damages permitted by law, the complaint shall also state:

(1)-(7) [No change in text.]

(8) If the rental property is a subsidized housing unit, the landlord must state the total amount of the rent per month, the tenant's portion of the monthly rent, and the total amount of the tenant's portion of the rent that the tenant owes.

d.-f. [No change in text.]

Rule 13. Entry of Judgment and Relief Granted

a. Items to Review. Except for stipulated judgments entered pursuant to Rule 13(b)(4), in each eviction action the court shall:

(1)-(4) [No change in text.]

(5) If the court determines that the rental property is subsidized, determine whether there is unpaid rent that the tenant is obligated to pay as the tenant's portion of the rent.

b.-g. [No change in text.]

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.

()

Attorney for Plaintiff / Address / Phone / Email / Fax/ Bar Number

Justice Courts, Arizona

CASE NUMBER: _____

()

Plaintiff(s) Name / Address / Phone

()

Defendant(s) Name / Address / Phone

COMPLAINT (*Eviction Action*)

Immediate Residential

YOUR LANDLORD IS SUING TO HAVE YOU EVICTED, PLEASE READ CAREFULLY THE ALLEGATIONS AGAINST YOU 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 by certified mail.
4. A copy of the notice that was served is attached.
5. The Plaintiff is the owner or is authorized by law to file this case on behalf of the owner.
6. This case involves a subsidized rental property.

The Plaintiff claims (check and complete all that apply):

SUBSIDIZED HOUSING: Total rent per month is \$ _____.
 Tenant's portion of rent per month is \$ _____.
Total amount of tenant's portion owed by tenant 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 ALLEGATIONS OF NON-COMPLIANCE ON WHICH EVICTION ACTION IS**

BASED: State the date or dates notice of non-compliance was given and attach a copy of each notice, if applicable, to this Complaint:

7. As of the filing date the Defendant owes the following:

Rent (current and prior months accrued since filing) totaling . . .	\$ _____	
Late fees: (if any in written agreement)	\$ _____	
Other fees or charges (as authorized by law).	\$ _____	(Add more lines for specific fees and charges)
Concessions (if any in written agreement)	\$ _____	
Reimbursable court costs	\$ _____	
Attorney’s fees (if allowed)	\$ _____	
Other allegations of damages (as authorized by law).	\$ _____	
Total Amount Requested	\$ _____	

8. The Plaintiff requests a Judgment for the amounts owed above and for possession of the rental.

9. WRIT OF RESTITUTION: The Plaintiff requests the court issue a Writ of Restitution returning the rental to the Plaintiff’s possession 5 calendar days after the date the Judgment. If the eviction is for the material and irreparable breach explained above, return of possession is requested 12 to 24 hours from the time of the Judgment.

10. By signing this complaint, I am agreeing that the allegations written are true and correct to the best of my knowledge.

Date: _____

Plaintiff / Attorney for Plaintiff

Justice Courts, Arizona

CASE NUMBER: _____	
_____	_____
_____	_____
_____	_____
() _____	() _____
Plaintiff(s)/Attorney Name / Address / Phone	Defendant(s)/ Attorney 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

[] This matter involves a subsidized rental property.

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

[] GUILTY/RESPONSIBLE

[] Defendant has filed a counterclaim.

[] Parties have stipulated.

WARNING!

- 1. The plaintiff's representative is not a court employee.**
- 2. By signing below, you are consenting to the terms of a judgment against you and the plaintiff will now be able to evict you.**
- 3. You may have your wages garnished and the judgment may appear on your credit report.**
- 4. You may lose your right to subsidized housing.**
- 5. You may NOT stay at the property, even if the amount of the judgment is paid in full, unless you get the agreement in writing or get a new written rental agreement.**

Defendant's signature

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 (dwelling unit or premises) to

[] Plaintiff [] Defendant

IT IS FURTHER ORDERED granting monetary judgment to:

Plaintiff(s)

1. \$ _____ Unpaid rent

2. \$ _____ Late fees

3. \$ _____ Other fees or charges

(Add more lines for specific fees and charges)

4. \$ _____ Rental concessions

5. \$ _____ Court cost

6. \$ _____ Other damages

7. \$ _____ Attorney fees

\$ _____ **TOTAL**

Plaintiff awarded nothing

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

Defendant(s)

1. \$ _____ Court cost

2. \$ _____ Damages

3. \$ _____ Attorney fees

4. \$ _____ Other: _____

\$ _____ **TOTAL**

Defendant awarded nothing

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 A.R.S. § 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: _____ Signature: _____
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

IN THE SUPREME COURT

STATE OF ARIZONA

PETITION TO AMEND THE RULES OF
PROCEDURE FOR EVICTION
ACTIONS

Supreme Court No. R _____

**Petition to Amend the Rules of
Procedure for Eviction Actions**

Pursuant to Rule 28 of the Rules of the Supreme Court, the Legal Services Advisory Panel of the State Bar respectfully petitions this Court to amend Rule 5(d) of the Rules of Procedure for Eviction Actions to require that the landlord serve with the complaint specified relevant rental documents and to amend Rule 10(a) of the Rules to reflect that certain documents were served with the complaint and that other documents and information may be requested by the party prior to any hearing. Currently, only the notice to vacate is required to be attached to the complaint. The lease and other relevant rental documents the eviction is based on are not required to be served with the complaint. Finally, the requirement to produce relevant documents and information is only triggered by a request from one of the parties. In support of this Petition, the Legal Services Advisory Panel of the State Bar states the following:

I. Statement of Interest

The Legal Services Advisory Panel previously was the Legal Services Committee of the State Bar, a standing committee of the State Bar. The Legal Services Advisory panel was established in 2017. The composition of the Advisory Panel is the same as the Committee and continues to be comprised of a broad cross-section of attorneys, including staff from legal services programs. The Advisory Panel's mission, like the Committee before it, is to work on access to justice issues for low-income Arizonans. The Committee historically had an interest in the rights of tenants in eviction cases and the Advisory Panel intends to continue that work.

II. Background and Purpose of the Proposed Rule Amendment

A. Current Rules

In 2008, the Arizona Supreme Court approved the Rules of Procedure for Eviction Actions. Rule 5(d) concerns the complaint and summons: Rule 5(b)(7) requires:

b. **Complaint.** The complaint shall:

(7) State the specific reason for the eviction; that the defendant was served a proper notice to vacate; if applicable; the date the notice was served; and what manner of service was used. A copy of the notice shall be attached as an exhibit to the complaint. (emphasis in original).

Rule 10 concerns disclosures. Rule 10(a) provides that:

Disclosure

a. Upon request, a party shall provide to the other party: 1) a copy of any lease agreement; 2) a list of witnesses and exhibits; 3) if nonpayment of rent is an issue, an accounting of charges and payments for the preceding six months; and 4) copies of any documents the party intends to introduce as an exhibit at trial. (emphasis in original).

When the complaint is filed, the rules only require that the landlord attach a copy of the notice to vacate. The parties typically have entered into a written lease that includes significant contractual terms such as the rate of the rent, any late fees and any concessions provided to the tenant as well as rules of conduct, but the rules do not require the landlord attach a copy of the lease to the complaint.

Although the Arizona Residential Landlord and Tenant Act requires a landlord to give the tenant a copy of the lease, A.R.S. § 33-1321(C), legal services report that many tenants do not receive a copy of their lease. Thus, the tenants may not know the significant terms of their rental lease. If a tenant served with eviction papers does not have a copy of their lease and wants to find out more about the landlord's claims, the tenant first must be aware of the disclosure rule and make the request. The average

unrepresented tenant is unaware of the Rules of Procedure for Eviction Actions and does not make the disclosure request. As a result, the unrepresented tenant is left without the lease information and other rental documents and is at a severe disadvantage defending against the eviction.

B. Landlords Are Not Required to Disclose Relevant Documents to the Disadvantage of Tenants

The time frames to act in eviction actions are very short. The initial hearing or trial can take place in as few as two days after the service of the eviction complaint. A.R.S. § 12-1175 (C). Thus, there is limited time for tenants served with an eviction complaint to consult with an attorney and prepare for a hearing or trial. In the overwhelming majority of cases, the eviction judgment is entered on the return date. A.R.S. § 12-1178 (A). Unless agreed upon by the parties, continuances are usually for three days. *See generally* A.R.S. § 12-1177 (C). An appeal must be filed within five calendar days of the judgment. A.R.S. § 12-1179 (A).

Legal services estimates that less than one tenth of one percent of tenants who come to court are represented. Most if not all the unrepresented tenants are unfamiliar with the Rules of Procedure for Eviction Actions and do not know they can request that the landlord produce relevant documents prior to a hearing or trial. Legal services staff report that the Justice Courts do not tell the unrepresented tenant about Rule 10(a), even when a case is continued for a trial. Thus, typically the tenants appear in court without the relevant documents needed to prove their defense.

In contrast to the unrepresented tenant, the vast majority of landlords are represented by attorneys. The timing of the filing of the eviction action is totally in the control of the landlord. Prior to filing the eviction, the landlord has the time to collect evidence, talk to witnesses and gather the relevant documents. This relevant information and documents should have been sent to the landlord's attorney who has the obligation to "exercise due diligence to ensure that the action has a good faith basis . . . ensure their pleadings are accurate and well-grounded in fact and law." Rule 4 of the Rules of

Procedure for Eviction Actions.

In a non-payment of rent case, landlords typically sue for rent owed, late fees, a credit for any concessions, and other fees that are set out in the lease. Currently, landlords do not attach the lease to the complaint or produce the lease in court and enter it into evidence. The lease is the contractual basis for the eviction, and to prevail on a breach of contract claim, the landlord needs to prove the existence and terms of that contract, and any damages. *See Goodman v. Physical Res. Eng'g, Inc.*, 229 Ariz. 25, 28, 270 P.3d 852, 855 (Ariz. App. 2011); *Graham v. Asbury*, 112 Ariz. 184, 185, 540 P.2d 656, 657 (Ariz. 1975). In addition, most landlords keep some accounting of the rent collected, fees assessed, and amounts owed. In eviction cases, the dates of rental payments and the amounts may be at issue. Here as well, the accounting is not typically introduced into evidence nor is a copy given to the tenant although it may be referred to at the hearing by the landlord or the landlord's attorney.

For non-payment of rent cases, the tenant usually arrives to court unaware of the terms of their lease agreement or the exact amount of rent owed. The court, also unaware of these key details, often relies on the landlords' attorneys to verbally confirm the terms of the lease and the amount owed at the time of hearing. As an example, although landlords rely on the terms of the lease and accounting ledgers, the courts often accept "standard avowals" from the landlord attorneys concerning this information without requiring introduction of these business records into evidence.

For cases where the landlord claims a violation of the lease, a tenant without the lease or other documents the landlord intends to introduce at the hearing, also is at a severe disadvantage.

Thus, for the typical eviction case, on one side is an unrepresented tenant with no documents and is at risk of losing their home, while on the other side is a represented landlord who has all the relevant documents, but those documents are not introduced into evidence at court or given to the tenant.

Thus, eviction proceedings usually end with tenants losing possession of their

rental and having a monetary judgment and a writ of restitution entered against them. This proposed rule attempts to level this unbalanced presentation of evidence and ensure that all parties and the court know what is at issue and are prepared for the eviction hearing.

III. Proposed Rule Amendment

Rule 5. Summons and Complaint: Issuance, Content and Services of Process

d. Additional Requirements for Complaint:

(3) A COPY OF ANY LEASE AND ANY ADDENDUMS SHALL BE SERVED WITH THE COMPLAINT.

(4) IF THE ACTION IS BASED ON NON-PAYMENT OF RENT, A COPY OF THE ACCOUNTING OF CHARGES AND PAYMENTS FOR THE PRECEDING SIX MONTHS SHALL BE SERVED WITH THE COMPLAINT.

(5) IF THE COMPLAINT SEEKS A JUDGMENT FOR REASONS OTHER THAN THE NON-PAYMENT OF RENT, THE DOCUMENTS AND EXHIBITS THE PLAINTIFF INTENDS TO PRESENT OR RELY UPON AT THE TRIAL SHALL BE SERVED WITH THE COMPLAINT.

e. If PLAINTIFF FAILS TO COMPLY WITH SUBSECTIONS D (3)-(5) OF THIS RULE WITHOUT GOOD CAUSE, THE COURT MAY TAKE APPROPRIATE ACTION, INCLUDING GRANTING A CONTINUANCE, EXCLUDING EVIDENCE NOT DISCLOSED, AND SANCTIONING PLAINTIFF UP TO AND INCLUDING DISMISSAL OF THE COMPLAINT.

RE- LETTER SUBSEQUENT PARAGRAPHS.

Rule 10(a)

Rule 10(a) provides that:

a. Upon request, a party shall provide to the other party

PRIOR TO THE HEARING OR TRIAL: 1) a ~~copy of any lease agreement;~~ 2) a list of witnesses; and ~~exhibits;~~ 2) 3) if nonpayment of rent is an issue, an accounting of charges and payments for the preceding six months; and 4) 2) copies of any documents the party intends to introduce as an exhibit at trial, THAT WERE NOT ATTACHED TO THE COMPLAINT AS REQUIRED BY RULE 5(d).

IV. Explanation of Need for Proposed Rule

A. Evictions Cases Are Important

Tenants have a property interest in their residences. *Greene v. Lindsey*, 456 U. S. 444, 451-52 (1982). *See also Foundation Development Corporation v. Loehmann's*, 163 Ariz. 438, 442, 788 P.2d 1189, 1193 (Ariz. 1990) (recognizing common law right of tenant's property interest in rental). Eviction proceedings that deprive tenants of that property must comply with the due process requirements of the 14th Amendment to the United States Constitution. *Greene*, 456 U.S. at 455. Moreover, tenants also have a property interest in their subsidized housing benefits because they are in the class of persons the program is intended to benefit. *Ressler v. Pierce*, 692 F.2d 1212, 1215, (9th Cir. 1982).

The plight of low-income tenants and the effect evictions have on their lives has received national attention. In 2015, Mathew Desmond, a professor at Harvard published the book, *Evicted: Poverty and Profit in the American City*. Professor Desmond lived in a low-income residential section of Milwaukee for almost two years and observed the intersection of low-income tenants and eviction actions. He documented the resulting loss of shelter and the increased social and economic instability.

Others also have written about this problem. It is well recognized that for low-income persons, an eviction action may threaten their only means of shelter. *See, e.g., Laurie Ball Cooper, Legal Responses to the Crisis of Forces Moves Illustrated in Evicted*, 126 Yale L.J. Forum 448 (2017); Allyson E. Gold, *No Home for Justice: How Eviction Perpetuates Health Inequality Among Low-Income and Minority Tenants*, 24 Geo. J on Poverty L. & Pol'y 59 (2016); Chester Hartman and David Robinson, *Evictions: The*

Hidden Housing Problem, Housing Policy Debate, Vol. 14, Issue 4 (2003) found at <http://content.knowledgeplex.org/kp2/cache/kp/10950.pdf>. Indeed, commentators have noted that, “any tenant who has been named in an eviction proceeding is effectively barred from obtaining safe, decent, and healthy housing.” Gold, *supra* at 60. The effects of an eviction are far reaching and the inability to find other housing on short notice can lead to the disruption of children’s education, interruption of employment, dislocation from health care providers, loss of personal belongings, and homelessness. In addition, the eviction process may lead to monetary judgments and writs of restitution. These monetary judgments and writs make it difficult for tenants to secure new rental housing. Thus, the consequences of eviction cases make these actions very important to tenants and especially low-income tenants, who often lack back-up resources. The result of an eviction may be that a family is living in a car. The consequences for tenants evicted from subsidized housing may mean that the tenant can never again live in subsidized housing.

Eviction cases have also gained local media attention. In the last year the *Arizona Republic* published an entire series of articles about eviction cases in Maricopa County. Alden Woods, *The New Housing Crisis*, Arizona Republic, (April 24, 2017 at 7:02 AM, Updated Sept. 19, 2018 at 9:38 AM), <https://www.azcentral.com/story/news/local/phoenix-best-reads/2017/04/24/arizona-cannot-afford-rent-cannot-afford-move-new-housingcrisis/99546080/>. The series documented the severe impact the eviction process has on tenants, who often are low-income tenants of color.

B. Tenants Should be Provided the Relevant Documents

Legal services attorneys identified the issue of tenants not having relevant documents, not knowing they can request relevant documents and landlords failing to provide the relevant documents to the court or the tenant at hearings. If a tenant does not have a copy of his or her lease, an attorney or advocate will have a hard time evaluating the case and providing advice. Thus, even a tenant who may have a defense or counterclaim may not have the documents necessary to present their claims. This lack of

relevant documents severely hinders the unrepresented tenant in a system where they are already at a disadvantage.

As explained in this petition, for all evictions, the lease would be required to be served with the complaint. For non-payment of rent cases, landlords would be required to also serve with the complaint the accounting records currently produced only upon request. In addition, for cases where non-payment of rent is not the issue, the landlord would be required to serve with the complaint the documents and exhibits the landlord intends to present or rely upon at the hearing that currently are only produced upon request.

The goal of this petition is to ensure that tenants have the documents, exhibits and information they need to evaluate their cases and present their defenses so that they are not evicted when they have defenses.

Conclusion

The Legal Services Advisory Panel submits this petition because of the importance of this issue. The proposed rules will require landlords to serve relevant documents including the lease with the complaint and will continue to allow parties to request other relevant information. These changes in the rules will ensure that unrepresented and represented tenants in an eviction action can prepare for a hearing with relevant documents and are not improperly evicted from their rentals. For all these reasons, Petitioner requests the Court approve this petition.

Respectfully submitted this ___ day of October 2018.

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup
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From: Judge Anna Huberman, Chair

Presenters: (Same)

Discussion: The workgroup met on August 2, 2018, and September 13, 2018. The presenter will discuss strategic planning focus:

- The workgroup is focusing on developing eviction-related videos that will be available on AZCourts.gov and AZCourtHelp.org.
- Nine videos are being finalized in English and in Spanish using Vyond. The workgroup approved ten additional storyboards, which have been translated.
- Legal Info Sheets have been revised and new ones created regarding landlord's obligations, tenant's obligations, Rules of Procedure for Eviction Actions, and Arizona Residential Landlord Tenant Act.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the Public Information and Messaging Workgroup
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From: Julie Graber, AOC staff

Presenters: (Same)

Discussion: The workgroup met on August 16, 2018.

- The redesign of the Self-Service Center in English and in Spanish on AZCourts.gov has been completed.
- The Legal Info Hub will launch on December 1, 2018, on AZCourts.gov as the main repository for Legal Info Podcasts, Legal Info Videos, Legal Info Sheets, and Legal Info FAQs. The Spanish version of the Legal Info Hub will also launch on December 1, 2018.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the AZCourtHelp.org website
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From: Dr. Kevin Ruegg, Executive Director, Arizona Foundation for Legal Services & Education, Cathleen Cole, Content Manager, Arizona Foundation for Legal Services & Education, and Theresa Barrett, Manager, Court Programs Unit, AOC

Presenters: Dr. Kevin Ruegg, Cathleen Cole, and Theresa Barrett

Discussion will include updated statistics from Google Analytic reports for AZCourtHelp.org website, and enhancements and improvements to the website since the last report.

Theresa Barrett will inform the members of the new Law Library Conference Room at Superior Court in Yuma County and the new Spanish Legal Talks taking place in the Coconino County Law Library.

Recommended motion: None.



Collaborative Content Update



Tackling Traffic

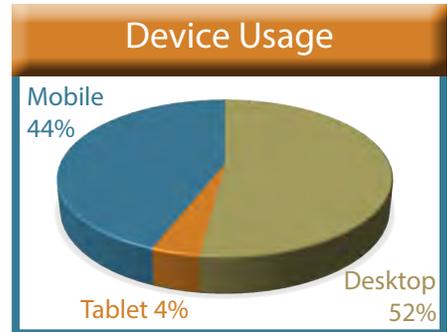
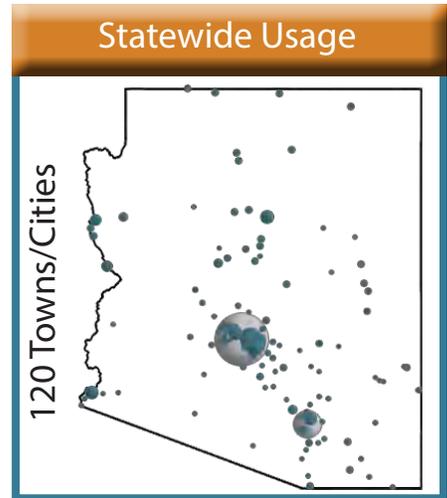
With the assistance of the volunteer Traffic Content Development Committee, AZCourtHelp.org has added over 100 pages of information, for Arizona and out-of-state residents, in the areas of civil and criminal traffic violations. With their regular input and assistance, there are now:

- Pages dedicated to courthouse online payment options and fee schedules
- Frequently Asked Question sections include the areas of defensive driving school, paying a citation, and traffic hearings
- A video to assist people with understanding and reading their citations is embedded, in order to reduce the amount of phone calls received by clerks
- A glossary of commonly used traffic terms and acronyms

Traffic content went live on September 14, 2018. In the 16-day span remaining in September, 330 users accessed the traffic pages. As of today, usage is already up by 26% for the first two weeks of October. We look forward to monitoring the use of the traffic pages and comments on the traffic pages to see what we can do to further assist users.

Thank you to the volunteers who assisted with gathering and providing content for AZCourtHelp.org!

<https://azcourthelp.org/browse-by-topic/traffic-violations>



44,689 New Users

Coming to a Browser Near You

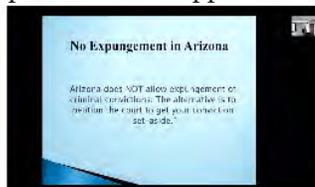
AZCourtHelp.org is a constantly expanding website. To complement the AZCourtHelp.org Podcast series, court-related information regarding adoption is being compiled. This will include information on familial and non-familial adoption processes, petitions, and more.



Expanding the Video Library

Criminal Set Aside Legal Clinic

The Yuma County Law Library hosts regular legal clinics for the public. With support of the AOC, they have begun recording these clinics. One of their most popular clinics, [Criminal Set Aside](#), has now been published on AZCourtHelp. We look forward to hosting more video resources in the near future.





AZCourtHelp.org

11.1.17-10.31.18

Google Analytic Results

<i>Month</i>	<i>Sessions</i>	<i>Users</i>	<i>New Users</i>	<i>Pg/Session</i>	<i>Page views</i>	<i>Avg. Time On</i>
11/1/17-10/31/18	179,505	148,879	148,184	2.56	459,021	00:02:34

Devices Used

<i>Month</i>	<i>Desktop</i>	<i>Cell Phone</i>	<i>Tablet</i>
11/1/17-10/31/18	72,887 (48.99%)	68,790 (46.24%)	7,090 (4.77%)

Acquisition of Users

<i>Month</i>	<i>Organic Search</i>	<i>Referral</i>	<i>Direct</i>	<i>Google Ad</i>	<i>Social Media</i>
11/1/17-10/31/18	88,452	32,372	20,024	8,671	2,109

Top 10 Referrals

<i>11/1/17 – 10/31/18</i>	<i>11/1/17-4/30/18</i>	<i>5/1/18-10/31/18</i>
AZCourts.gov – 10,971	AZLawHelp.org – 5,419	AZCourts.gov – 8,295
AZLawHelp.org – 10,637	AZCourts.gov – 2,648	AZLawHelp.org – 5,192
courts.Yavapai.us – 2,109	courts.Yavapai.us – 1,024	courts.Yavapai.us – 1,097
sc.Pima.gov – 886	sc.Pima.gov – 467	sc.Pima.gov – 425
Chandleraz.gov – 682	Chandleraz.gov – 398	jp.Pima.gov – 369
jp.Pima.gov – 663	superiorcourt.Maricopa.gov - 318	co.Apache.az.us – 298
co.Apache.az.us – 570	jp.Pima.gov – 301	Chandleraz.gov – 285
Navajocountyaz.gov – 524	co.Apache.az.us – 275	Mohavecourts.com – 282
superiorcourt.Maricopa.gov – 505	Navajocountyaz.gov – 251	Navajocountyaz.gov – 278
Maranaaz.gov – 447	Maranaaz.gov - 227	Coconino.az.gov – 236

11/1/17-4/30/18: 161 sites have a link to AZCourtHelp.org

5/1/18-10/31/18: 202 sites have a link to AZCourtHelp.org

To contribute content or provide feedback - Cathleen.Cole@azflse.org



AZCourtHelp.org

Top 10 Cities Using AZCourtHelp

<i>Lifespan</i>	<i>11/1/17-4/30/18</i>	<i>5/1/18-10/31/18</i>
Phoenix- 36,550	Phoenix- 2,813	Phoenix- 22,548
Tucson- 9,466	Tucson- 624	Tucson- 5,716
Los Angeles- 5,301	Los Angeles- 386	Los Angeles- 3,325
Mesa- 4,580	Mesa- 352	Mesa- 2,872
Scottsdale- 3,231	Scottsdale- 230	Scottsdale- 2,041
Tempe- 2,893	Flagstaff- 226	Tempe- 1,788
Chandler- 2,358	Tempe- 205	Chandler- 1,483
Gilbert- 2,247	Kingman- 191	La Victoria- 1,473
Glendale- 2,163	Chandler- 143	Bogota- 1,349
Bogota – 1,990	Gilbert- 130	Glendale- 1,341

Top 10 Languages Used on the Site (*Lifetime*)

<i>Language</i>	<i>#Users</i>
Spanish	14,972
French	334
Portuguese	167
Korean	158
Chinese	117
Italian	64
German	49
Japanese	32
Russian	29
Dutch	17

<i>Languages Translated</i>
Arabic, Azerbaijani, Burmese, Catalan, Chinese, Croatian, Czech, Danish, Dutch, Estonian, Faeroese, Farsi, Filipino, Finnish, French, German, Greek, Hebrew, Hungarian, Indonesian, Irish, Italian, Japanese, Korean, Latin, Latvian, Lithuanian, Malaysian, Marathi, Norwegian, Persian, Polish, Portuguese, Romanian, Russian, Serbian, Slovenian, Spanish, Swedish, Turkish, Ukrainian, Vietnamese

Top 10 Pages Viewed on the Site

<i>#Views</i>	<i>Unique Views</i>	<i>Page Name/Link</i>
27,471	24,159	Maricopa Court Records
18,651	14,184	Forms
16,995	14,398	Pima Court Records
14,089	13,551	Qué significa días calendario?
12,133	11,122	What happens at a pretrial conference?
11,379	7,662	Find My Court
10,337	8,119	Self-Help Resources
7,001	5,178	Live Chat
6,572	5,921	Courthouse Calendars
5,652	4,176	Divorce Information

To contribute content or provide feedback - Cathleen.Cole@azflse.org

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Judicial and Attorney Engagement Workgroup
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From: Judge Joseph Creamer, John Phelps, and Kevin Groman, In-House Counsel Pro Bono Commission

Presenters: (Same)

Discussion: The workgroup met on October 5, 2018.

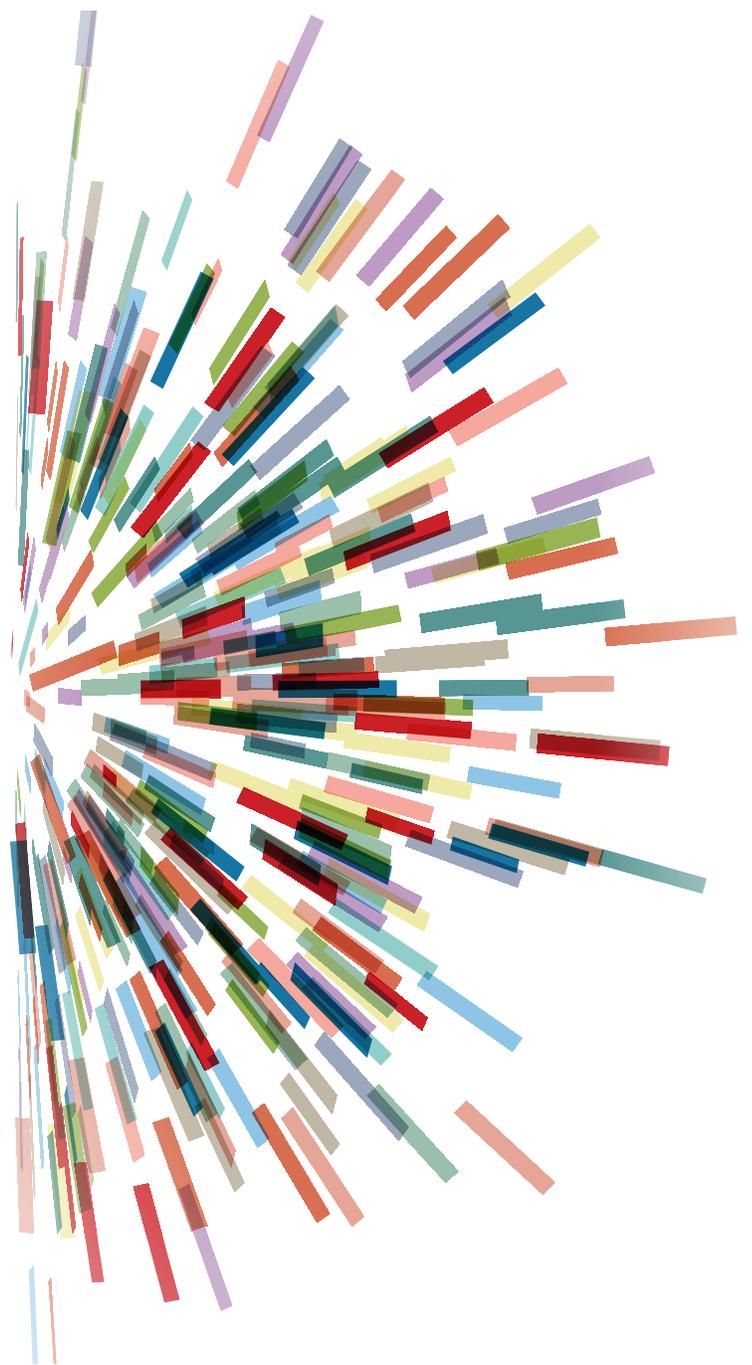
Presenters will discuss the workgroup's strategic planning focus, including engaging public lawyers, engaging law firms, and judicial engagement.

John Phelps will discuss unbundling legal services.

Recommended motion: None.

BETTER ACCESS THROUGH
UNBUNDLING

FROM IDEATION TO
IMPLEMENTATION





INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM



UNIVERSITY *of*
DENVER

BETTER ACCESS THROUGH UNBUNDLING: FROM IDEATION TO IMPLEMENTATION

NATALIE ANNE KNOWLTON
Director, Special Projects
Conference Reporter

August 2018

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INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM



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IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. We are a “think tank” that goes one step further—we are practical and solution-oriented. Our mission is to forge innovative and practical solutions to problems within the American legal system. By leveraging a unique blend of empirical and legal research, innovative solutions, broad-based collaboration, communications, and ongoing measurement in strategically selected, high-impact areas, IAALS is empowering others with the knowledge, models, and will to advance a more accessible, efficient, and accountable American legal system.

Rebecca Love Kourlis	Executive Director
Natalie Anne Knowlton	Director, Special Projects
Michael Houlberg	Manager
Janet Drobinske	Legal Assistant

INTRODUCTION

Reform-minded lawyers recognize that the legal profession cannot maintain a monopoly on services it does not provide. High percentages of litigants in civil and family cases are navigating court processes without attorneys.¹ Although the factors that drive people to self-represent are multifaceted, the cost of legal representation is a major component. Many segments of the legal profession are responding to this growing reality by focusing on new, client-centric models of legal services delivery. Among these, the unbundled legal services model (also referred to as limited scope representation, limited assistance representation, or discrete task representation) is increasing in visibility.

In October 2017, IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, partnered with the American Bar Association (ABA) Standing Committee on the Delivery of Legal Services to host a national two-day conference on advancing implementation of the unbundled legal services model. *Better Access through Unbundling: From Ideation to Implementation* brought together diverse stakeholders from 26 states, Washington D.C., and Canada to share perspectives, exchange best practices, and chart paths for deeper collaboration.²

Conference attendees heard from leaders in the field of unbundled legal services. Diverse panels and presentations queued important issues, challenges, and opportunities:

- What do self-represented litigants want? What are lawyers providing?
- How do we reach law students, newly admitted lawyers, and even seasoned practitioners to provide a broader platform of unbundled legal services?
- What do we know about the practitioner’s experience with unbundled legal services? Are certain client populations better served than others?

¹ Colorado, for example, reports a 75 percent self-representation rate in FY2017, for both the filing and the responding party in domestic relations cases. OFFICE OF THE STATE COURT ADMIN., COLO. JUD. BRANCH, CASES AND PARTIES WITHOUT ATTORNEY REPRESENTATION IN CIVIL CASES: FY 2017, *available at* <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep> (follow “2017” hyperlink under “Cases/Parties without Attorney Representation” header). A recent study of civil cases from Virginia courts shows that in only 6 percent of Adult Juvenile and Domestic Relations Court cases and in 38 percent of circuit court cases are both parties represented. JOHN E. WHITFIELD, SUMMARY REPORT ON THE FINDINGS OF THE VIRGINIA SELF-REPRESENTED LITIGANT STUDY 2 (Apr. 4, 2018), *available at* <http://brls.org/wp-content/uploads/2018/03/Summary-Report-on-the-Findings-of-the-Virginia-Self-Represented-Litigant-Study-rev.pdf>.

² This was the second partnership of this kind. In 2015, IAALS, the ABA Standing Committee on the Delivery of Legal Services, and the ABA Legal Access Job Corps Task Force co-hosted a two-day conference: *Client-Centric Legal Services: Getting from Here to There*. The conference focused on developing new models of legal services delivery that enhance engagement, redefine and create value, and pivot practitioners into 21st Century problem solvers. *Client-Centric Legal Services: Getting from Here to There*, AM. BAR ASS’N, https://www.americanbar.org/groups/delivery_legal_services/events_training/client_centric_legal_services.html (last visited June 14, 2018).

- How do we engage a wide variety of collaborative stakeholders in the pursuit of advancing unbundling and take advantage of the nexuses they create?
- How are technology solutions creating new dynamics around the implementation of unbundled legal services?
- How can rulemakers and other decision makers create policy and other guidance to clearly chart the course toward implementation and provide direction on risk assessment?
- What are best practices with respect to implementing and advancing unbundling?
- How can we engage the bench in order to legitimize the unbundled services model?
- What are practitioners' concerns with unbundling and how can we diffuse them?

The robust agenda of panel presentations and interactive working group discussions yielded a number of actionable tools, techniques, and strategies applicable to stakeholders around the country. The following report provides a summary of these recommendations and solutions.

Section I first offers a brief overview of the unbundled legal services model, its history, and its structure. Sections II and III outline the high-impact discussion points that emerged from conversations about stakeholder-specific strategies for advancing unbundling and solutions for deeper collaboration across stakeholder groups, respectively. Section IV details elements of the strategic plans developed by representatives from states in varying stages of adoption and implementation. Section V concludes with hyperlinks to Conference resources.

This report and the solutions detailed therein are designed to add to the strengthening foundation for widespread implementation of unbundled legal services.

I. THE UNBUNDLED MODEL: REFRAMING LEGAL SERVICES DELIVERY AROUND CLIENT NEEDS

Lawyers have traditionally provided personal legal services under a “full service model,” whereby the lawyer performs any and all tasks that are necessary to meet the needs of the case, from beginning to end. In an unbundled legal services model, both client and attorney agree, usually at the onset of the engagement, to limit the scope of services that the attorney delivers. The attorney performs discrete tasks—for example, researching issues, drafting documents, or representing the party in court—and the client completes all other portions of the case.

Unbundling is not a new concept. The foundations for the model have existed for some time, influenced by Forrest “Woody” Mosten’s work in the early 1990s involving disintermediation trends in the real estate market. The ABA Standing Committee on the Delivery

of Legal Services encouraged a broad conversation about the unbundled model beginning in 1992,³ after studying the growing rate of self-representation among divorce litigants.⁴ While many factors play a role in driving litigant decisions to self-represent, it is well understood that the inability to afford an attorney is a primary consideration.⁵ Unbundling offers affordable legal services options to clients whose alternative is often no legal representation at all.⁶

Some legal and court communities are turning to advancing unbundled legal services as a viable model for bridging the access to justice gap. However, there are considerable differences among the states in how an unbundled practice is implemented and can be structured within the context of each state's rules and regulations.⁷ And even in states with no remaining rule-based obstacles to unbundling, too few practitioners are embracing the model and few consumers are aware of it. Overcoming the implementation gap remains a challenge.

II. STAKEHOLDER-SPECIFIC RECOMMENDATIONS FOR ADVANCING UNBUNDLING

Conference attendees came from diverse backgrounds and included researchers, private practitioners, legal aid attorneys, bar association representatives, legal educators, regulators, judges, court staff, self-help staff, legal technology providers, and others. Through panel and

³ In 2002, the ABA Model Rules of Professional Conduct were amended to authorize the practice, so while it may have been ethically questionable at some point in the past, it no longer is today in the vast majority of states that have adopted the ABA Model Rule provision governing limited scope representation. Subsequently, the Committee sponsored a resolution that passed the ABA House of Delegates in 2013 to encourage stakeholders to advance unbundling.

⁴ JOHN GOERDT, NAT'L CTR. FOR STATE COURTS, *DIVORCE COURTS: CASE MANAGEMENT, CASE CHARACTERISTICS, AND THE PACE OF LITIGATION IN 16 URBAN JURISDICTIONS* (1992), *available at* <https://cdm16501.contentdm.oclc.org/digital/collection/famct/id/4> (finding that in domestic relations cases in studied courts, 53 percent of the cases involved one party without an attorney and 18 percent involved two parties without an attorney).

⁵ *See, e.g.*, NATALIE ANNE KNOWLTON, LOGAN CORNETT, CORINA D. GERETY & JANET L. DROBINSKE, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., *CASES WITHOUT COUNSEL: RESEARCH ON EXPERIENCES OF SELF-REPRESENTATION IN U.S. FAMILY COURT* (2016), *available at* <http://iaals.du.edu/honoring-families/publications/cases-without-counsel-research-experiences-self-representation-us> [hereinafter CWC RESEARCH] (exploring the various factors that drive litigant decisions to self-represent, including perceptions that attorney involvement will affect the ongoing relationship of the parties and litigant desires to have a voice in the process).

⁶ Moreover, it provides a model to serve a subset of family law litigants who can afford some level of legal representation but who do not want the full representation model because they assume (whether justified or not) that engaging a full service lawyer will make their case more adversarial.

⁷ A 2014 Standing Committee paper outlines state approaches to implementing and regulating limited scope representation. AM. BAR ASS'N STANDING COMM. ON THE DELIVERY OF LEGAL SERV., *AN ANALYSIS OF RULES THAT ENABLE LAWYERS TO SERVE SELF-REPRESENTED LITIGANTS* (Aug. 2014), *available at* https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_white_paper_2014.authcheckdam.pdf. Additionally, the ABA's Unbundling Resource Center provides state cases, rules, ethics options, and other materials related to unbundling. *Unbundling Resource Center*, AM. BAR ASS'N, https://www.americanbar.org/groups/delivery_legal_services/resources.html (last visited June 14, 2018).

working group discussions, these participants outlined stakeholder-specific strategies for rulemakers and regulatory bodies, court systems and court service providers, attorneys and professional organizations, and law schools and legal educators.

A. RULEMAKERS & REGULATORY BODIES

Clear rules of professional responsibility and civil procedure are the foundation for encouraging the adoption and spread of unbundling as a viable legal services delivery model. There are many existing models for rules amendments, including Rules 1.2(c) and 6.5 of the ABA Model Rules of Professional Conduct, which a number of states have implemented in identical or similar form.⁸ But even the best rules do not guarantee that lawyers will offer unbundled services or that clients will know to ask for unbundled services. Rulemakers and regulatory bodies can help bridge this implementation gap in a number of ways to support practitioners who want to offer clients unbundled services:

- Develop additional explanatory comments and materials to accompany ethics rules, with guidance for practitioners.
- Support the creation and widespread dissemination of toolkits and other instructional materials for attorneys on how to unbundle services ethically and efficiently.
- Publish articles and other official statements authored by regulators and bar leaders, to provide reassurance that the unbundled model is both authorized and encouraged.
- Educate malpractice carriers on the unbundled model and assure them that this model is not only authorized by professional regulatory authorities but encouraged.
- Encourage carriers to explicitly include unbundled legal services as a covered activity in their informational and advertising materials.

Conference attendees also had a broader candid discussion on the interplay between the respective roles of those charged with regulating the profession and those pushing the boundaries of what is permissible under existing regulations. A foundational suggestion emerging from these discussions is that regulators, and the legal profession more broadly, should rethink common perceptions of what it means to protect clients. Because there is an ongoing access to justice crisis where clients need attorneys but cannot afford them, regulators cannot focus solely on how to protect clients from harm when they do hire an attorney and ignore the harm that occurs when a client who needs an attorney cannot hire one.

⁸ MODEL RULES OF PROF'L CONDUCT r. 1.2(c), r. 6.5 (AM. BAR ASS'N 2016).

B. COURT SYSTEMS & COURT SERVICE PROVIDERS

Courts are on the front line of the growing numbers of self-represented civil and family court litigants. Difficulties navigating the process, problems completing and filing forms, and challenges navigating hearings and trial all impact court staff and judges in terms of time, efficiency, and—in some instances—case outcome.⁹ Court systems stand to benefit greatly from an increase in attorney participation in appropriate cases, and there are things judicial system stakeholders can do to support the unbundled practice model:

- Familiarize judges and court staff with the unbundled model.
- Educate litigants about the unbundled model, including how to access these services and how to assess whether these services are appropriate given a client’s particular needs and situation.
- Engage court leadership in encouraging rulemakers to support the model and encouraging area attorneys to adopt the model. This might take the form of process and procedure modifications that can facilitate client representation through an unbundled model. Informal and expedited domestic relations trials, for example, provide an opportunity for limited scope attorney engagement, while expediting divorce case processing and freeing judicial time for high-conflict or high-touch cases.
- Provide practitioners with guidance on key issues related to offering unbundled trial services, perhaps making available standard, court-approved forms for entry of limited appearance, withdrawal from representation, etc. It is of critical importance to adopt a formal procedure that respects an unbundled legal services agreement in which the parties agree that the lawyer will not be representing the client in court—and will assuage attorney fears that the court could obligate them to represent a client in litigation even where such representation exceeds the scope of the legal services agreement.¹⁰

⁹ See, e.g., CWC RESEARCH, *supra* note 5.

¹⁰ E.g., Or. Uniform Trial Court Rule 5.170: 5.170 LIMITED SCOPE REPRESENTATION

(1) Applicability – This rule applies to limited scope representation in civil cases subject to this chapter, when an attorney intends to appear in court on behalf of a party.

(2) Notice of Limited Scope Representation – When an attorney intends to appear in court on behalf of a party, the attorney shall file and serve, as soon as practicable, a Notice of Limited Scope Representation in substantially the form as set out on the Oregon Judicial Department website (<https://www.courts.oregon.gov/Pages/default.aspx>) .

(3) Termination of Limited Scope Representation – When the attorney has completed all services within the scope of the Notice of Limited Scope Representation, the attorney shall file and serve a Notice of Termination of Limited Scope Representation in substantially the form as set out on the Oregon Judicial Department website (<https://www.courts.oregon.gov/Pages/default.aspx>) in accordance with UTCR 3.140. UTCR 8/1/17 5.10.

(4) Service of Documents – After an attorney files a Notice of Limited Scope Representation in accordance with this section, service of all documents shall be made upon the attorney and the party represented on a

- Stress the importance of court-private sector synergies to capture lessons from both fields.

C. ATTORNEYS & PROFESSIONAL ORGANIZATIONS

With the proliferation of information online, a growing number of legal services platforms,¹¹ and increasing court efforts to provide self-help programming, there is an opportunity for individual attorneys to redefine the services they offer and the value they bring to clients. An unbundled model supports this reinvention:

- The traditional mindset of attorneys and clients alike, that full service representation is necessary in family law cases, no longer reflects the current reality that *some* legal help is better than *no* legal help. Messaging to prospective (and appropriate¹²) unbundling clients that some help is available at an overall lower cost than full service representation is a marketing tool to meet the latent client demand.
- An unbundled legal service delivery model is not just appropriate for, or attractive to, low-income and modest-means clients. Individuals of all income and education levels may be drawn to the ability to retain certain aspects of their case, limit the engagement of an attorney, control legal fees, and define the scope of the attorney's work.¹³

Discussion at the Conference also reminded attorneys of the reality that unbundling is a business model and—like any law practice model—requires forethought and planning in order to be successful. Unbundled practitioners presenting at the Conference offered a number of practical suggestions for incorporating unbundling into a law practice¹⁴:

- In terms of defining the scope of an unbundled practice, begin by considering the whole-picture perspective of serving a client, parsing out from there the tasks that are particularly high-impact for potential clients or aligned with personal specializations and training. Equally important is deciding at the outset what, if any, services will *not*

limited scope basis. The service requirement terminates as to the attorney when a Notice of Termination of Limited Scope Representation is filed and served, or when an attorney withdraws.

¹¹ Legal service providers such as RocketLawyer, Avvo, and LegalZoom are increasingly offering opportunities to discuss discrete topics with an attorney for a flat fee.

¹² An unbundling arrangement will not be appropriate for all cases and all litigants. An unbundled practitioner should adequately screen clients before entering into the client-attorney agreement. *See* FORREST S. MOSTEN & ELIZABETH POTTER SCULLY, UNBUNDLED LEGAL SERVICES: A FAMILY LAWYER'S GUIDE 51-76 (2017) (detailing strategies and tools for client intake and the initial client conference).

¹³ *E.g.*, CWC RESEARCH, *supra* note 5, at 16-20.

¹⁴ *See also* MOSTEN & SCULLY, *supra* note 12, at 245-276 (providing an overview of successful models in place around the country).

- be offered to unbundled clients, such as formally entering an appearance in a case or representing a client at court hearings.
- Screen clients to determine client and case suitability for an unbundled arrangement. Factors to consider include case type, complexity of issues, hearing/trial requirements, opposing party representation status, etc. Client characteristics are also very important in determining suitability: for example, the presence of domestic violence or other significant power imbalance that would affect a client's ability to perform their tasks under the agreement, client sophistication to understand the limitations of the unbundling agreement and perform their role under that agreement, etc.
 - Understand how to convert an unbundled arrangement into a broader scope arrangement—and what documentation is necessary to do so. Many lawyers who offer unbundling services report that it is common for an unbundled arrangement to lead to full service representation or an expanded scope of unbundled services.
 - Develop a repository of appropriate forms to reference, including screening checklists, special retainer agreements, form documents, and other materials that can streamline the process.
 - Remember that pricing, marketing, lead generation, client conversion, fee collection, and other commonly encountered practice issues are no less of a consideration for an unbundled practice.
 - Contact malpractice carriers to ensure they will provide coverage for limited scope representation arrangements.¹⁵ Also, and as with any legal services delivery model, attorneys should be proactive and employ strategies to avoid malpractice in the first instance. Use existing resources, where available, to navigate potential or actual ethical issues that might arise from an unbundled client arrangement.¹⁶
 - Use technology tools to significantly streamline an unbundled practice. Client management systems, document assembly programs, automated billing systems, and other technologies can create the efficiencies needed to grow a thriving unbundled law practice.

Finally, support across professional organizations and within attorney communities can be an effective means through which to spread unbundling. Unbundling needs to be a more institutionalized part of the legal profession; otherwise, there is no appropriate home for this

¹⁵ Reports from participants at the conference indicated that malpractice providers are generally willing to cover limited scope representation arrangements.

¹⁶ The Colorado Bar Association facilitates a Hotline through which attorneys with ethical dilemmas or questions can have a 10-minute conversation with a member of the Ethics Committee. *Ethics Committee*, COLO. BAR ASS'N, <http://www.cobar.org/ethics> (last visited June 14, 2018).

service delivery innovation.¹⁷ Endorsements from respected, well-known bar leaders can provide and instill a sense of permission and support. Conversely, bar leaders and professional organizations condemning and opposing the model can create a chilling effect on broader practitioner willingness to adopt the model.

D. LAW SCHOOLS & LEGAL EDUCATORS

Conference discussions on the role of legal educators suggested a need for realigning law school curriculum—and perhaps also the underlying ethos of legal education—around helping law students appreciate the diversity of potential client bases and the implications for models of legal services delivery. Courts and legal providers are increasingly adopting a customer-centric approach to serving justice system users, and this focus should similarly be built into efforts to reframe legal education. As noted by Woody Mosten in a comparison between the legal profession and the medical profession:

If you have trouble breathing or feel a sharp pain in your heart, would you first consult an internist or a heart surgeon? Most people understand that surgery is an invasive procedure that should be considered as a last option only when necessary, and rarely as a first step. The same can be said of litigation.¹⁸

From a practical standpoint, information on unbundled models (including how to operate an unbundled practice) should be included in law school curriculum. To this end, conference discussions highlighted opportunities for modifying law school curriculum in a number of ways:

- Expose law students to a variety of practice models and law practice options, including the unbundling model.
- Teach skills associated with a law practice (including an unbundled practice) in addition to legal reasoning and analysis.
- Parse out and train students on the discrete tasks that might comprise an unbundled practice: advising, mediation, document assembly, coaching before trial, etc.
- Integrate education on law practice and legal service delivery models into professional responsibility and ethics courses, and test students on commonly encountered or anticipated issues.
- Ensure diversity in faculty law practice experience to facilitate student exposure to a variety of practice types and diverse client needs.

¹⁷ *E.g.*, *Section Directories, Unbundled Law*, ALASKA BAR ASS'N, <https://alaskabar.org/member-services/section-directories> (last visited June 14, 2018).

¹⁸ MOSTEN & SCULLY, *supra* note 12, at 39.

- Incorporate the delivery of unbundled legal services into experiential learning programs.
- Support post-graduate incubator projects to teach young attorneys about delivering unbundled legal services and operating an unbundled practice.

III. OPPORTUNITIES FOR ENHANCED COLLABORATION AMONG STAKEHOLDERS

At the Conference, participants identified collaboration as essential to the advancement of unbundled services. According to Jon Asher, Executive Director of Colorado Legal Aid, “Unbundling will only get traction if implemented through collaboration of stakeholders in varied areas of service.” To that end, panel sessions and expert presentations highlighted a number of areas for collaboration among stakeholders, including legal providers, technology providers, court systems, and community services.

A. BETWEEN LEGAL PROVIDERS & TECHNOLOGY PROVIDERS

It is arguably still the case that technology solutions alone, completely independent of human involvement, cannot yet provide most clients with legal advice and representation (although one cannot ignore that this possibility is on the horizon, however distant). For now, though, technology providers are playing an essential role in expanding unbundled services by facilitating connections between clients and legal services providers.

Legal directories (like Martindale-Hubbell and Justia), online legal marketplaces and matching platforms (like Avvo, Legal Zoom, Court Buddy, Unbundled Attorney, and UpCounsel), legal insurance plans (like those offered by ARAG and LegalShield), and other business-to-consumer legal technology providers are facilitating client-attorney connection on a scale not possible by solo and small firm marketing efforts. While the business models vary across these providers, access to attorneys delivering unbundled legal services is at the core of many of them. Additionally, the contribution of these online/technology stakeholders to the spread of unbundling extends beyond the connector function. Leading platforms have paved the way in messaging about this new practice model and are familiarizing customers with these alternative approaches to legal services delivery.

Business-to-business technology providers are also facilitating implementation of the unbundled model by creating efficiencies on the practice side which, in turn, make an unbundled model more accessible (and potentially lucrative) for practitioners. Document assembly and automation, user-friendly client portals, attorney-client communication tools, calendaring functions, and other features are creating an efficient structure for delivering discrete task legal

services. Additionally, AI-powered tools are increasingly becoming part of law practices, offering opportunities for redefining legal services and streamlining client engagement. There is an opportunity here for younger, more technologically savvy attorneys to mentor and train new and established attorneys alike on the technological aspects of streamlining an unbundled practice.

B. BETWEEN COURT SYSTEMS & LEGAL PROFESSIONALS

In states where unbundling is successfully spreading, there is a symbiotic relationship between court system support for the model and attorney willingness to implement the model. Natural partnerships between the legal profession and court stakeholders can grow this support:

- While courts cannot give self-represented litigants advice (or demand they engage the services of an attorney), court staff and judges *can* educate litigants on the existence of the unbundled model, which in turn may facilitate the model's usage and provide litigants with the tools to help them decide if unbundling is appropriate for them.
- In addition to educating litigants about the existence of affordable legal services options, courts—in partnership with bar associations—can offer litigants a vetted list of attorney providers who offer unbundled legal services, making this list available at court self-help centers and online.¹⁹
- Jointly hosting continuing legal education and judicial education programs with bar leaders can help demonstrate the judiciary's commitment to unbundling as a model.²⁰
- Law libraries exist as an important but sometimes overlooked intersection between attorneys, court staff, judges, and self-represented litigants. Litigants often turn to law libraries for help, especially in the absence of a dedicated self-help center or website. Law libraries can facilitate the spread of information and authorized referral lists of unbundled practitioners.

C. BETWEEN ATTORNEYS & COMMUNITY ORGANIZATIONS

Partnerships with community organizations can facilitate the connection between providers and clients. Healthcare facilities, immigration clinics, veterans' organizations, and

¹⁹ A number of jurisdictions that currently offer litigants a list of attorneys who provide unbundled services include, but are not limited to: Maricopa County, AZ; Mecklenburg County, NC; and King County, WA.

²⁰ In Colorado, for example, a group of lawyers and judges created a traveling roadshow, giving presentations around the state to educate practitioners on the model and discuss common fears that impede attorney willingness to adopt it. James Carlson, *Order up! Legal services go a la carte*, COLO. SUPREME COURT OFFICE OF ATTORNEY REGULATION, http://coloradosupremecourt.com/Newsletters/Summer2016/order_up_legal_services_go_a_la_carte.htm (last visited June 14, 2018).

other community partners can provide natural sites for attorney-client partnerships in various substantive legal areas that lend themselves to an unbundled model. Law schools and legal clinics can serve these specific, discrete community needs while also training law students on the practice. Large law firm pro bono initiatives are also well-positioned to develop and staff these relationships, providing new attorneys with an opportunity to gain experience directly serving in-need clients through discrete task representation.²¹

IV. CRAWLING, WALKING, & RUNNING TOWARD UNBUNDLING: STRATEGIC PLANNING FOR STATE & LOCAL IMPLEMENTATION

Because individual states and local jurisdictions are in vastly different stages of enabling, implementing, and institutionalizing unbundled legal services, strategies and tools being employed in one jurisdiction may not be appropriate or timely in another jurisdiction. During the Better Access through Unbundling Conference, working group sessions brought together stakeholders from similarly situated jurisdictions to develop tailored strategic plans for increasing the visibility, adoption, and use of the unbundled delivery model in their respective jurisdictions.

For purposes of connecting participants whose home states are in similar stages of implementing unbundled legal services, conference attendees self-identified their state as fitting into one of three categories: Crawling, Walking, or Running. Conference hosts provided the following broad outline to help participants identify the most appropriate category²²:

- Factors that might characterize jurisdictions that are “crawling” with respect to implementing unbundled legal services include: the rules changes authorizing the model were only recently enacted; many members of the bar do not know what unbundling is or do not understand how to incorporate the method into their practice; many judges are reluctant to allow the practice.
- In jurisdictions that are “walking,” we might expect to see some enabling rules in place governing limited scope representation; the state bar and other CLE providers are beginning to develop programs on unbundling and how to incorporate the model into a law practice; a few lawyers in the jurisdiction are well-known for offering

²¹ The Los Angeles Incubator Consortium (LAIC) is a partnership between Southwestern Law School, UCLA School of Law, Loyola Law School, Los Angeles, the Los Angeles County Law Library, and local legal aid organizations. Graduates of these law schools who are selected to join the 12-month program receive mentoring and training on the law and ethical law practice management, with the requirement that they provide 100 hours of pro bono work during that time. Los Angeles Incubator Consortium, <https://www.laincubatorconsortium.com> (last visited June 14, 2018).

²² *Finding Your Community*, http://iaals.du.edu/sites/default/files/documents/publications/finding_your_community_parameters.pdf IAALS, (last visited June 14, 2018).

- unbundled legal services; courts are increasingly accepting of unbundled arrangements.
- Finally, “running” jurisdictions might be identified by the following characteristics: unbundling is becoming or is already commonplace among attorneys; clients and potential clients are beginning to understand what unbundling means and who offers it; the state bar and other CLE providers offer an array of programs on unbundling and how to incorporate the model into a law practice; attorneys are effectively advertising and educating clients on unbundled services; courts and self-help center staff make available lists of unbundled providers; judges encourage limited scope representation.

While classifying state implementation status and progress is far more complicated than these simplistic groupings suggest, this framework allowed participants to find strategic planning partners who shared implementation challenges and opportunities. The reports from these working groups—presented in a plenary session at the conclusion of the Conference—offer a series of strategic planning action items designed to address the needs of jurisdictions at any stage of unbundling implementation.

A. STATES IN THE CRAWLING STAGE

Conference participants in jurisdictions identified as just having begun the conversation on unbundling, or otherwise in the early stages of embracing the practice, highlighted a number of foundational elements that should be in place to support the success of the unbundling model:

- ***Changing Rules & Regulations:*** A precursor to any strategic plan for promoting unbundling is implementing the appropriate regulatory infrastructure to support the practice. Rules of professional conduct, rules of civil procedure, and other policies should be amended to explicitly authorize the limited scope representation model and the attendant legal services and activities.
- ***Framing the Need:*** The underlying principles supporting unbundling and other alternatives to the traditional legal services delivery model are rooted in access to justice. Framing the importance of and urgency behind unbundled services in this context provides a meaningful motivation for rule makers and regulators to get behind the model.
- ***Understanding Constituent & Community Needs:*** Each jurisdiction is unique in the legal issues and needs prevalent among community members. Understanding the demographics of one’s community and how access to justice issues manifest among community members can help unbundled practitioners better define services.

- **Recruiting Champions:** Every cause needs champions, and engaging key stakeholders from the bar, the judiciary, the legal profession, and the broader community is a solid strategy for advancing the unbundled model across multiple channels. Malpractice carriers are an important but often overlooked contingent, and engagement from these stakeholders can go a long way in providing attorneys with the permission they need to seriously consider an unbundled practice.

B. STATES IN THE WALKING STAGE

States with the regulatory infrastructure and stakeholder support system in place still frequently encounter challenges with attorney implementation and adoption of the unbundled model. Supply-side solutions to increase the number of attorneys who offer unbundled legal services include the following:

- **Attorney Education & Training:** In many jurisdictions, running an unbundled practice is not something lawyers will have covered in law school. The impetus is therefore on state and local bar associations to develop CLE programming on unbundling for practitioners that both educates them on how to implement the practice and also allays concerns over offering these services.
- **Broader Recruiting Programs:** Early attorney adopters will proactively seek and take advantage of CLE programs on unbundling; these early adopters will also be creative and active in serving the legal needs of their communities. But CLEs serve another function beyond training those who have already bought in and that is messaging to skeptics and late adopters about the promise of an unbundled practice.
- **Business Model Messaging:** In addition to providing training tools to attorneys interested in implementing unbundling into their law practice, it is important to message to attorneys that this is a viable business model. CLE programs can satisfy this function, as can informal or formal mentorship programs that leverage the experience and expertise (and energy) of established, respected unbundled practitioners.

C. STATES IN THE RUNNING STAGE

Jurisdictions where unbundling is becoming or already is an established fixture in legal communities still experience implementation challenges, particularly with respect to generating public attention and client demand. These demand-side issues often manifest themselves in the difficulty attorneys face finding clients and the difficulty potential clients face learning about and understanding the model. No matter how available or affordable a legal solution might be, public education about non-traditional service models can be an uphill battle—especially given the

widespread familiarity with traditional models and the often-voiced criticism of those models' cost.

Many strategic plans from running-stage states include extensive strategies for connecting with the public that heavily leverage technology tools and collaboration with justice system and community partners:

- **Referral Pipelines:** Bar association-developed and appropriately vetted lists of unbundled attorneys can reach clients in greater numbers when distributed through the courts. Similarly, referral pipelines from legal aid organizations, court-based educational programs, and public law libraries can help these providers direct in-need clients to affordable legal solutions.
- **Outreach to Community Organizations:** There was a clear appreciation among conference participants identifying with states in the running stage that the burden is on attorneys to meet clients where they are. Practitioners in these states reported expanding their reach beyond obvious client sources, connecting with religious institutions, libraries, rural communities, etc.
- **Robust Public Education:** Educating the public about changes in the delivery of legal services is a foundational prerequisite to attracting client attention and business. Advertising is a growing tool for unbundled practitioners and leveraging publicity around celebrity legal events and other relevant news stories, to the extent these opportunities exist, might potentially bring what are otherwise internal industry conversations into the mainstream.
- **Refining & Expanding Messaging:** Talking to the public about unbundled legal services is a much different exercise than talking to the legal community about the model. Messaging to the public about the importance of affordable legal services and the availability of new service delivery models should focus on how these issues directly impact people's lives.

Strategic plans for running states also leveraged court partnerships to change the way unbundled attorneys and their clients interface with court processes:

- Develop streamlined court processes that create both efficiencies for self-represented litigants and opportunities for unbundled practitioners to participate in the process.²³

²³ Oregon has pioneered a new, streamlined type of trial, called an Informal Domestic Relations Trial (IDRT). The IDRT is a voluntary process, where parties can be represented by attorneys or represent themselves. The Rules of Evidence are suspended, allowing parties to say everything they think is important and to introduce into evidence everything they think is relevant. Additionally, the parties speak directly to the judge about the disputed issues, only the judge asks questions, and other witnesses are not allowed to testify unless they are an expert and given permission by the judge. OR. UNIFORM TRIAL CT. R. 8.120 (2017); *Informal Domestic Relations Trial*, OR. JUDICIAL

- Give judges more flexibility to pause proceedings so self-represented litigants can consult with an unbundled attorney (and resume the process in a timely manner thereafter).
- Change hearing setting models to frontload cases with self-represented litigants, providing attorneys with an opportunity to potentially connect with potential clients on discrete issues.²⁴

Finally, in jurisdictions where unbundling is becoming or is already commonplace among attorneys, there was discussion around how to redefine legal services and approaches to service delivery. When the various components of a full service representation model are broken down into their discrete parts, new ways of messaging about these tasks emerge—both in terms of defining the scope of the service and in justifying the value to clients:

- Giving advice is central to any attorney’s service model. For unbundled practitioners, there is an explicit agreement regarding the advice that is given. This strengthens attorney-client communications and creates a level of acknowledgement that is often understated (or lost entirely) in full service representation arrangements. As a result, this explicit communication may provide clients with a more tangible understanding of the service for which they are paying.²⁵
- Coaching—where a lawyer provides behind-the-scenes guidance to a client—is another function implicitly built into many full service representation models. The University of Windsor Faculty of Law is redesigning some of these coach-like functions (and pairing them with important non-legal skills) into a separate client service. Law students in the first-of-its-kind program in North America are being trained in this new role through a Self-Represented Litigants Conflict Coaching class.²⁶
- The value of certain soft skills in legal services delivery is sometimes overlooked. But in high emotion case types like divorce, for example, a thoughtful attorney can minimize some of the emotional stress associated with the process.²⁷ The previously

BRANCH, <https://www.courts.oregon.gov/programs/family/forms/Pages/Informal-Domestic-Relations-Trial.aspx> (last visited June 14, 2018).

²⁴ The common rationale for putting cases with represented parties at the beginning of the docket is to avoid having attorneys wait and accrue costs, but there is also a compelling argument for this approach, as it provides self-represented litigants with an opportunity to observe and learn about the process before they engage in it.

²⁵ *E.g.*, CWC RESEARCH, *supra* note 5, at 23.

²⁶ The class was pioneered by Dr. Julie Macfarlane, Full Professor in the Faculty of Law at the University of Windsor. Dr. Macfarlane leads the National Self-Represented Litigants Project (NSRLP) that builds on her groundbreaking National Self-Represented Litigants Research Study. This qualitative empirical research study provided the foundation for the IAALS *Cases Without Counsel* study, and Dr. Macfarlane served as an advisor to IAALS on that project. *Windsor Law To Offer For-Credit SRL Coaching Course*, NSRLP (Aug. 21, 2017), <https://representingyourselfcanada.com/windsor-law-to-offer-for-credit-srl-coaching-course>.

²⁷ CWC RESEARCH, *supra* note 5, at 46-47.

mentioned Windsor Law SRL Conflict Coaching class recognizes the importance of providing emotional support to people in the legal process. Not traditionally advertised alongside attorney services and credentials, an unbundled practitioner might frame this role as a service in and of itself.

- Preventive legal wellness services and legal checkup programs are growing in popularity, creating forward-looking opportunities for assisting clients, as opposed to limiting services to those that are reactive in nature.

V. BUILDING FOUNDATIONS FOR THE FUTURE OF UNBUNDLING

Every good movement needs champions and early adopters. Fortunately, on the road to advancing unbundling, we have many. The Conference showcased leaders in the field of unbundling, and panelists and attendees submitted a wealth of materials relevant to any and all stakeholders engaged in or supportive of client-centric legal services delivery.²⁸ These materials complement the already robust and growing collection of unbundling resources housed on the ABA Standing Committee on the Delivery of Legal Services Unbundling Resource Center.²⁹

The goal of the Better Access through Unbundling: From Ideation to Implementation Conference was to facilitate a forum in which stakeholders could share, collaborate, and advocate for unbundling as a path to help close the justice gap. We succeeded in that effort and by releasing this report now hope to broaden that forum to reach other stakeholders and other organizations who share a commitment to advancing unbundled legal services. One step at a time, we will move from ideation to implementation.

²⁸ *Better Access through Unbundling Conference Materials*, <http://iaals.du.edu/events/better-access-through-unbundling#tab=materials> (last visited June 14, 2018).

²⁹ *Unbundling Resource Center*, AM. BAR ASS'N, https://www.americanbar.org/groups/delivery_legal_services/resources.html (last visited June 14, 2018).

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Inter-Governmental Collaboration Workgroup
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From: Judge Lawrence F. Winthrop, chair, and Chris Groninger, Arizona Foundation for Legal Services & Education

Presenters: (Same)

Discussion: Chris Groninger will discuss the \$1.1 million federal VOCA Vision 21 grant that the Arizona Foundation for Legal Services & Education received.

Judge Winthrop will discuss the workgroup's strategic planning focus, Second Chance Centers, and providing legal aid services to victims of the opioid crisis.

Recommended motion: None.

Ducey, Arizona Cardinals players visit 'Second Chance' program for prisoners



Marcus Moore is 45 years old. He has spent 26 of those years incarcerated.

He said it wasn't until this final year, in the last few months of his sentence, that he felt he was treated "like a human."

When he arrived at the Lewis state prison complex, home to one of the state's "Second Chance" re-entry programs, a corrections officer gave him a handshake.

"I was worried it was a setup," he said Tuesday, as other inmates laughed and nodded.

Moore is poised to join the more than 1,600 inmates who have graduated from the eight-week re-entry program, a Gov. Doug Ducey-backed initiative that has tripled in size since its creation early last year.

MORE: [Officials, neighbors criticize Ducey plan for inmates in Durango Jail](#)

The program aims to reduce recidivism by giving individualized attention, including job- and life-skills training, to prisoners considered "moderately or highly" likely to commit another crime upon release. It also recruits local employers willing to take a chance on convicted felons in the hopes that other companies will follow suit.

"There are 42,090 men and women in Arizona state prisons," said Ducey, who — along with Arizona Cardinals President Michael Bidwill and players Antoine Bethea and Corey Peters — toured a Second Chance center Tuesday.

"Nearly all of them will be released," Ducey said. "We're working from the state perspective to make sure they're prepared."

About 60 percent of Second Chance participants leave prison with a job, according to Tim Roemer, the governor's public-safety adviser. And though not all of them succeed in keeping those jobs, state officials say the recidivism rate among graduates has seen a 30 percent reduction.



'More jobs than people'

The Second Chance initiative marks a philosophical shift in a state that has long prided itself as tough on crime — likely because that stance has not come cheap.

It costs Arizona more than \$24,000 a year to lock up one inmate. State budget records show general-fund allocations for the Arizona Department of Corrections increased nearly 21 percent over 10 years, three times the growth rate of K-12 funding.

That spending hasn't been particularly effective. Arizona's recidivism rate is among the bottom half of U.S. states.

"When I first visited (the program), the press asked, 'Isn't it a risk to ask employers to hire convicted felons?' " Ducey said. "I think it's a risk not to. What will (inmates) do if they don't have a job?"

The state has put \$6.8 million toward the re-entry initiative to date, according to the Governor's Office.

MORE: [Phoenix neighbors push back on plan for jail re-entry program](#)

The governor's first stop on Tuesday's tour was a "resource room" focused on substance-abuse treatment. Nearly 80 percent of inmates have a problem with addiction, which can complicate their transition to life outside prison, according to corrections officials.

"Employers report that sometimes they return to substance abuse and stop showing up for work," adviser Roemer had told the governor, Cardinals players and other state officials before they went in.



Bidwill addressed the issue in a pep talk he gave to the inmates who had gathered in the addiction classroom, a handmade "#1 Cardinals Fan" sign on the wall behind them.

"You'll be tempted when you get out," Bidwill said, encouraging them to surround themselves with a supportive group and ask for help if needed.

"... You set the tone for the guys behind you."

Next, the group visited a computer lab where participants work on resumes and job skills. There, inmates said they had learned how to enhance their vocabularies and answer interview questions, among other job-hunting tips.

Carlos Mendoza, who had a week to go before his release, told the governor he had received two job offers: one at a warehouse and another in landscaping. He hoped to use them as a stepping-stone, later pursuing a beauty license to open a barbershop.

"I don't know what the economy was like when you came in, but right now, we have more jobs than people to fill them," Ducey told the class.

'The right mind-set'

The group continued on to a job fair, an event the complex hosts monthly for graduating participants.

Employers in construction, commercial moving and other industries spoke to the 110 inmates in attendance one-on-one, providing job applications they could fill out on-site if they thought they would be a good fit for available positions.

Representatives took care to speak to the inmates about their specific strengths and plans. At the Jacksons Car Wash booth, for instance, one recruiter asked a participant whether he was more interested in sales or car detailing.

MORE: [Phoenix re-entry center for felons to adjust policies to ease neighbors' concerns](#)

Finally, the group visited a hands-on training area that teaches inmates how to do masonry work and install drywall, among other construction-industry skills. The program "simulates real days at work," according to instructors, with a 6:30 a.m. start time and a brief lunch break.

John Ransom, a 33-year-old graduate released a month and a half ago, completed the masonry apprenticeship toward the end of his 15-year sentence. He began working for Top Quality Masonry immediately after getting out.

He told the governor that pocket money, affordable housing and transportation had proved challenging: The bus trip between home and work alone takes two hours.

He said he has surmounted those obstacles by leaving the program "with the right mind-set."

"I wanted it. I did it. And I'm doing great," he said.



'We're here to support you'

After the tour, the visitors gathered for an informal town hall, where they heard mostly success stories and a few complaints.

Arthur Robertson, 47, said he had passed through prison systems in four states, but Arizona's was the only one that helped put him on track to get a job. He got out 10 months ago, he said, and it's "the first time I've been 10 months crime-free" as an adult.

"This is a 'seize the day' moment in your life," Bidwill told participants. "It's going to be a lonely fight sometimes ... Know that we're here to support you."

Tuesday's visit came just over a month after the governor met privately with Bidwill and three Cardinals players to discuss criminal-justice and prison reform.

MORE: ['Re-entry center' for felons in north Phoenix upsets neighbors](#)

The discussion was part of a pledge Bidwill made to players last year, after President Donald Trump said he would love to see an NFL owner fire a player for kneeling during the anthem.

Since Cardinals players have not knelt in protest of the criminal-justice system's disproportionate impact on minorities, Bidwill promised to "try to get us in front of some

lawmakers, some people who really influence change," Peters told *The Republic* last month.



Peters said he was skeptical about the Second Chance program. But "after seeing it, I think I'm even more committed," he said Tuesday.

At the town hall, Bidwill announced the team would ensure the complex's football field had grass; donate tickets to employers to take program graduates to games; and use their public platform to urge more employers to participate in the initiative.

The governor also vowed to work on participants' requests, such as additional addiction resources, compassionate parole programs and the elimination of abrupt release-date changes.

"If we could reduce recidivism even by 50 percent, we could shut down prisons instead of building new ones," he told the inmates.

Republic reporter Craig Harris contributed to this article.

THE JUSTICE
IN GOVERNMENT
PROJECT
GETTING RESULTS WITH LEGAL AID
(American Education) | A Shared Progress Initiative



NLADA
National Legal Aid &
Defender Association

Civil Legal Aid Helps Those Affected by the Opioid Crisis

Among the nearly 72,000 drug overdose deaths in 2017, the sharpest increase occurred among deaths related to opioids.¹ **Every day, 1,000 people are treated in emergency rooms for opioid overdoses.** The total economic burden is estimated to be \$504 billion.² Of this, \$28.9 billion is due to health care costs. Including those in recovery and their extended family members, **more than 11 million Americans are affected by the opioid crisis**, with 2.1 million addicted.³ They need our help.

Policymakers know the current epidemic requires a multi-disciplinary response that includes law enforcement, doctors, nurses, mental health professionals, social workers, and case managers.

But civil legal aid providers are also essential partners in solving one of America's most pressing public health issues.

STUDIES HAVE SHOWN...

Legal aid helps with child support, custody, adoption, and guardianship when parents are unable to care for their children:

- When parents have periods of intense drug use, children may not be properly fed, clothed, or cared for.⁴
- Children of addicted parents experienced dramatically increased medical, behavioral, and psychological issues.⁵
- In states with the highest number of opioid-related overdose deaths, the child welfare systems are seeing increases in children being removed from their parents' care.⁶



Legal aid can help reduce burdens on the child welfare and health care system, improve health, and reduce stress:

- When parents, including those with a Substance Use Disorder (SUD), have legal representation, children exited foster care at a rate 11 percent higher than unrepresented parents.⁷ Representation almost doubled the speed to adoption and doubled the speed to legal guardianship.
- Representation leads to cost savings for foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.⁸
- Patients receiving legal services reported reduced stress levels and improved health.⁹
- When civil legal needs were addressed, inpatient and emergency department use dropped 50 percent and health care costs decreased 45 percent.¹⁰
- When parents have access to legal services, child health and access to food and income supports improved.¹¹

LEGAL AID HELPS...

Grandma gets help to enroll grandchildren in school

"Norma" received a call from her daughter's neighbor in a distant city. The daughter – suffering from opioid addiction – had left Norma's grandchildren with the neighbor and disappeared. After a week, the neighbor could not care for the children and called Norma. Norma went to the Legal Aid Society of Greater Cincinnati the next day. The attorney volunteer drafted a "Grandparent Caregiver Affidavit" that Norma filed with the court the same day. This gave Norma immediate authority to enroll the children in school, take them to the doctor, and apply for benefits to ensure she could afford to properly feed her grandchildren.¹²

Medical-legal partnership helps family stay housed

"Melissa" lives in a home with her adult son "Brian." While Brian is currently in recovery for an opioid-related SUD, this wasn't always the case. When still using opioids, he drained his mother's bank account to buy drugs, leaving her unable to pay her mortgage. Through a medical-legal partnership, Melissa's health care provider referred her to their Indiana Legal Services partner attorney who helped her negotiate a loan modification. Under the new terms, Melissa could make the payments and stay in her home, along with Brian, who remains in active recovery with a stable place to live.¹³

HOW LEGAL AID HELPS ADDRESS THE OPIOID CRISIS

The Substance Abuse and Mental Health Services Administration identifies health, home, purpose, and community as four essential components to recovery from drug addiction.¹⁴ Because legal aid can help individuals with opioid-related SUDs secure housing and health care services, ensure their children are cared for, escape domestic violence, and remove obstacles to employment, legal aid supports these four components, increasing the likelihood of recovery.

Legal aid programs have partnered with local courts, bar associations, schools, and their medical counterparts to provide legal help, often leveraging staff attorneys and paralegals with pro bono volunteers.

EXAMPLES OF PARTNERSHIPS WITH LEGAL AID

Medical-legal partnerships help individuals with SUDs

Indiana Legal Services and Eskenazi Health teamed up to help people with SUDs expunge criminal records, secure housing assistance, and navigate custody issues.¹⁵ In Ohio, Good Samaritan Hospital Faculty Medical Center's program to help opiate-addicted pregnant women addresses legal needs related to homelessness, human trafficking, domestic violence, and access to benefits through their partnership with Legal Aid Society of Cincinnati. Training ensures that attorneys and paralegals better understand SUDs, and nurses and social workers learn how to spot problems with possible legal solutions and make referrals.¹⁶

Partnerships with courts and bar associations

Local news profiled [Texas Legal Services Center](#)¹⁷ and [Legal Aid Society of Greater Cincinnati](#)¹⁸ when they launched pro bono partnerships with courts and bar associations to provide grandparents and other extended family members with free legal

help to care for the children when the opioid epidemic robs them of their parents.

Legal aid programs awarded US Department of Justice grants to partner with nonprofits and schools

In September 2018, the US Department of Justice Office for Victims of Crime awarded *Enhancing Community Responses to the Opioid Crisis: Serving our Youngest Crime Victims* grants to ensure critical legal help: Ohio State Legal Services Association will convene community partners to launch the Appalachian Ohio Children's Victim Assistance and Prevention Project; Legal Aid Services of Oklahoma will partner with the Center on Child Abuse and Neglect, and Kids' Space, for wraparound multidisciplinary services; and Legal Aid of West Virginia and Legal Aid of the Bluegrass will provide trauma informed legal and other services to children and their caregivers in partnership with public elementary schools.¹⁹

FUNDING OPPORTUNITIES

Several federal grant sources can fund social services – including legal services – to individuals and families dealing with SUDs. Examples of federal block grants administered at the state level or grants administered directly by federal agencies that allow funds for legal help in include: Substance Abuse Prevention and Treatment Block Grant and Mental Health Services Block Grant,²⁰ State Targeted Response to Opioid Crisis Grant,²¹ Rural Community Opioid Response Funding Opportunity,²² state VOCA Victim Assistance Formula Grants,²³ and AmeriCorps State and National.²⁴

For more information about using federal funds to expand legal services for people dealing with the opioid epidemic, contact Karen Lash, The Justice in Government Project, American University: klash@american.edu and Radhika Singh, National Legal Aid & Defender Association's Civil Legal Aid Initiative: r.singh@nlada.org. For more information about medical-legal partnership, contact Ellen Lawton, National Center for Medical-Legal Partnership: ellawton@gwu.edu

Endnotes

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20 The most recent application for FY 2018-19 says that states: "May wish to develop and support partnerships and programs to help address social determinants of health and advance overall health equity. For instance, some organizations have established medical-legal partnerships to assist persons with mental and substance use disorders in meeting their housing, employment, and education needs." <https://www.samhsa.gov/grants/block-grants/sabg>.

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23 <https://ojp.gov/ovc/pubs/crimevictimsfundfs/intro.html#VictimAssist>

24 <https://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2019-20ameriCorps%20Funding%20Priorities> (One of seven priority areas is "reducing and/or preventing prescription drug and opioid abuse")

U.S. Department of Justice Awards *Enhancing Community Responses to the Opioid Crisis* Grants to Connect Children and Caregivers with Legal Help

Civil legal aid programs in Kentucky, Ohio, Oklahoma, and West Virginia are launching projects to provide legal help to children and their caregivers affected by the opioid crisis. The U.S. Department of Justice Office for Victims of Crime (DOJ OVC) *Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims* grant announcements were made on October 1, 2018.¹

Across the nation, communities struggle to respond to the opioid crisis. DOJ OVC invited proposals calling for a multi-disciplinary approach: “A strong link between crime victimization and substance abuse has been evidenced for some time, and these issues cannot be successfully addressed in ‘silos’ or by one discipline or agency.”² These projects will work collaboratively with schools, law enforcement, health and social service providers, and other community partners.

Legal Aid of the Bluegrass (LAB): KY Children RISE (Reducing Impediments to Stable Education)

Studies show that children living with parents who have substance use disorders are three times as likely to be emotionally, physically, or sexually abused, and four times as likely to be emotionally or physically neglected. Local school districts also point to opioid abuse as a leading cause of soaring chronic absentee rates among their students. LAB will collaborate with school districts, family resource centers, health professionals and other community partners to create community driven clinics that holistically help child victims and families affected by the opioid crisis.

Legal Aid Services of Oklahoma (LASO)

The Centers for Disease Control and Prevention rank Oklahoma 5th for the highest rate of opioid prescriptions nationally. In the last 15 years, death by drug overdose has increased 91%. Legal Aid Services of Oklahoma, Inc. (LASO) will provide civil legal aid to children victimized by the opioid epidemic. Together with its two partner programs, the “A Better Chance” (ABC) Program Clinic at the Center on Child Abuse and Neglect and Child Study Center at the University of Oklahoma Health Sciences Center (OUHSC), interdisciplinary teams will address the children and caregivers’ wraparound needs, including help to ensure safe housing, legal custody or guardianship, and access to health and other benefits.

Legal Aid of West Virginia (LAWV): Lawyer in the School Project

As the opioid crisis devastates West Virginia communities, an increasing number of children whose parents have a substance use disorder have caused child abuse and neglect statistics to soar. LAWV Lawyer in the School Project will provide services to youth impacted by the opioid crisis and who attend Marion County Schools. The Project seeks to stabilize the lives of the youngest victims of the opioid crisis, by providing onsite legal help to school families on issues like legal custody for caregivers, eviction, and disrupted income.

Ohio State Legal Services Association (OSLSA): Appalachian Ohio Children’s Victim Assistance and Prevention Project

Children of parents addicted to opiates are flooding into Ohio’s child protection system. Ohio’s child welfare system has seen a 19% increase in the number of children removed from parental care since 2010 and now has close to 15,000 children in custody. OSLSA will convene a comprehensive group of experienced community partners to provide evidenced-based, trauma informed care for children and youth victims of crime.

Endnotes

1 <https://www.justice.gov/opa/pr/justice-department-awarding-almost-320-million-combat-opioid-crisis>
2 <https://www.ovc.gov/grants/pdf/txt/FY18-Opioid-Young-Victims-of-Crime-508.pdf>

Arizona Commission on Access to Justice

Meeting Date: November 14, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: St. Vincent de Paul's Legal Clinic
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From: Ann-Marie Alameddin, Volunteer Lawyer, St. Vincent de Paul

Presenters: Ann-Marie Alameddin

Discussion: The presenter will discuss St. Vincent de Paul's Legal Clinic.

Recommended motion: None.

PRO BONO PROFILES

If you are interested in volunteering at the Family Lawyers Assistance Project, please contact Patricia Gerrich, Esq. 602-258-3434, Ext. 2630
pgerrich@clsaz.org or www.clsaz.org

Spotlight on Volunteers



Ann-Marie D.
Alameddin



Ravindar K. Arora



James B. Connor



Ronald W. Meyer



Michael R. Palumbo

By Peggi Cornelius
VLP Programs Coordinator

Collaboration counts. It's often the way programs of social value and duration begin and flourish. The free legal advice clinic at St. Vincent de Paul's Watkins Campus in Phoenix is a stellar example.

In 2008, attorney Ann-Marie Alameddin joined the Volunteer Lawyers Program (VLP). Through her employment with the Arizona Hospital and Healthcare Association, she had developed an interest in Medical Legal Partnerships that were then forming as innovative pro bono projects. She attended a VLP continuing legal education program which prepared her to accept two pro bono cases for representation that year. In addition, she kept learning about and observing community advice clinics. A year later, the free legal advice clinic she developed with Patricia Winthrop had taken shape and was implemented when they collaborated with attorney Ron Meyer and St. Vincent de Paul's Family Assistance Ministries.

Attorneys James Connor at Gallagher & Kennedy and Michael Palumbo at Jennings, Strauss & Salmon became part of the collaboration. The two law firms agreed to make the St. Vincent de Paul Clinic (SVDPC) a part of their community service commitments, and Connor and Palumbo agreed to coordinate the participation of firm attorneys who wanted to serve. They still do, today.

The SVDPC takes place on the third Thursday each month, in tandem with the evening meal on the Watkins Campus, from 4:30 p.m. to 6:00 p.m. Alameddin and Meyers are co-directors, each of them facilitating the clinic on alternate months. Myers says, "I'm there to keep it running." That means preparing the space, announcing the availability of the service, greeting those seeking consultations, and providing orientation, educational materials and resource information interviewing attorneys may find helpful. It can also mean conducting advice interviews, if needed.

The concerns people present during advice clinics reflect a wide range of life problems and legal issues. Connor summarized some typical interviews,

saying "While there are occasional questions about criminal law issues, residential leases or real estate, car loans, judgments, and job or wage problems are more frequent. For many people, I am the only attorney they've ever met. They can be overwhelmed by paperwork or matters that seem 'routine' to me."

Meyers adds that people requesting legal advice at the SVDPC might not otherwise seek it. "People are being assisted with other services St. Vincent family ministries offers, such as food or medical and dental care. Having legal advice available to them at the Watkins Campus is unique and important because most of them would not go to a separate legal facility."

In 2014, attorney Ravindar Arora of Alcock & Associates became a monthly volunteer at the SVDPC, offering his expertise as an immigration lawyer. He notes immigrants are particularly susceptible to fraud because they fear

contacting legal authorities if there are problems with their immigration cases. Arora says, "There are document preparers and notaries who will charge to fill out forms and submit them without any supporting documents, or submit forms for applications for which people don't legally qualify." He believes any solution has to include education of the relevant population, as well as enforcement of laws against the unauthorized practice of law.

Since the SVDPC takes place in a facility where an evening meal is being provided to families, it's

**The Volunteer Lawyers
Program thanks the following
attorneys for their participation
in the St. Vincent de Paul Legal
Advice Clinic, October 2016
through December 2017:**

Ann-Marie D. Alameddin
Ravindar K. Arora
Jessica L. Beckwith
Jodi Bohr
Jeffrey P. Boshes
Shanna N. Bowman
Robert E. Brown
William A. Clarke
C. Lincoln Combs
James B. Connor
Andrew Dudley
R. Matthew Emerson
Scott F. Frerichs
Eric D. Gere
Paul G. Johnson
Anne L. Leary
Lindsay G. Leavitt
Ronald W. Meyer
Kenneth M. Motolenich-Salas
Garrett J. Olexa
Michael R. Palumbo
Christopher J. Rogers
Dominick San Angelo III
Patrick F. Welch

not uncommon for adults seeking legal advice to choose to have their children with them during the interview. Palumbo describes these instances as "more palpable" for him. "Family law, landlord-tenant and debt issues are prevalent, and the presence of children reminds me the kids are being impacted by their parent's situation." He's noticed people he meets at the clinic sometimes seem intimidated by their circumstances, and are especially appreciative of his time. He says, "Providing this service without consideration of remuneration gives me a special reward."

Naturally, each of the attorneys who contribute to the collaboration that makes the SVDPC so viable and effective humbly gives credit to their colleagues. Arora's expression of gratitude seems a fitting summary of their cumulative good works: "It's a great program and I'm honored to be a part." ■

Arizona Commission on Access to Justice

<p>Meeting Date:</p> <p>November 14, 2018</p>	<p>Type of Action Requested:</p> <p><input type="checkbox"/> Formal action or request</p> <p><input checked="" type="checkbox"/> Information only</p> <p><input type="checkbox"/> Other</p>	<p>Subject:</p> <p>Tucson Family Advocacy Program Medical Legal Partnership for Health</p>
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From: Anne M. Ryan

Presenters: Anne M. Ryan, Esq., Assistant Professor, University of Arizona Dept. of Family and Community Medicine and Director Tucson Family Advocacy Program; and Jessie Pettit, MD, IBCLC, Residency Program Director, University of Arizona Family Medicine Residency Program and Medical Director Tucson Family Advocacy Program.

Discussion: Overview of Tucson Family Advocacy Program Medical Legal Partnership for Health including medical legal services provided and populations served.

Recommended motion: None.

Tucson Family Advocacy Program: Medical Legal Partnership for Health

Arizona Commission on Access to Justice
November 14, 2018

Jessie Pettit, MD
Anne M. Ryan, JD
Dept. Family & Community Medicine
University of Arizona

Tucson Family Advocacy Program UA Dept. Family & Community Medicine

National Center for Medical Legal Partnership

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HOME THE NEED THE MLP RESPONSE THE PARTNERSHIPS THE NATIONAL CENTER

Because 1 in 6 people needs legal care to be healthy

Our mission is to build a better healthcare team that can identify, address and prevent health-harming legal needs for patients, clinics and populations.

The doctor (and lawyer) are in

ADDRESSING UNHEALTHY POLICIES >

NYTimes: "When Poverty Makes You Sick, a Lawyer Can Be the Cure"

In The New York Times' Fixes Blog, Tina Rosenberg examines why more and more hospitals and health centers are partnering with civil legal aid lawyers to address the social problems...[Read More](#)

100+ MLPs / 294 institutions / 46 states

Medical-Legal Partnership Approach



Building a healthcare team able to identify,
treat and prevent health-harming legal needs
for patients, clinics and populations



Tucson Family Advocacy Program
Medical Legal Partnership for Health

Physician Perspective

- ❑ Quality medical care alone cannot always improve patient health
- ❑ Many acute and chronic diseases are exacerbated by stress of poverty
- ❑ Multi-disciplinary team approach benefits health providers, lawyers and patients:
 - Example 1: Substandard housing
 - Example 2: Barriers to Citizenship



Tucson Family Advocacy Program
Medical Legal Partnership for Health

Example 1: Substandard Housing

- ❑ 60 y/o woman with asthma and moderate mental retardation at doctor for skin rash
- ❑ Lives with disabled adult son with paranoid schizophrenia
- ❑ Home visit by social worker documented broken cooler, cockroach infestation and strained relationship w/ son
- ❑ What can doctor do to help?



Tucson Family Advocacy Program
Medical Legal Partnership for Health

Example 1: Team Actions/Results

- ❑ Doctor: Continued care for asthma and rash; referred patient to TFAP for housing assistance; wrote letter documenting medical impact of substandard housing conditions
- ❑ SW/Legal: DV counseling and patient advocacy at behavioral health clinic
- ❑ Legal: Landlord agreed to immediate cooler repair and pest treatment with subsequent mutual termination of lease. Mother and son moved to separate apts.



Tucson Family Advocacy Program
Medical Legal Partnership for Health

Example 2: Barriers to Citizenship

- 45 year old Bhutanese refugee is deaf, mute and cognitively impaired. She communicates with her niece who cares for her through rudimentary gestures only.
- She recently lost SSI benefits because she is not a US citizen. Her niece told doctor they have no money for rent or food and don't know what to do.



Tucson Family Advocacy Program
Medical Legal Partnership for Health

Example 2: Team Actions/Results

- Doctor had been trained on requirements for N648 forms and oath waiver and referred patient to TFAP
- TFAP
 - Consulted with doctor on waiver standards and provided sample forms
 - Referred niece for social service needs
 - Recruited private attorney to provide free guardianship representation
- Doctor completed N648, request for oath waiver, and guardianship papers
- Result: Niece became court appointed guardian and completed immigration process; Patient became US citizen; SSI reinstated



Tucson Family Advocacy Program
Medical Legal Partnership for Health

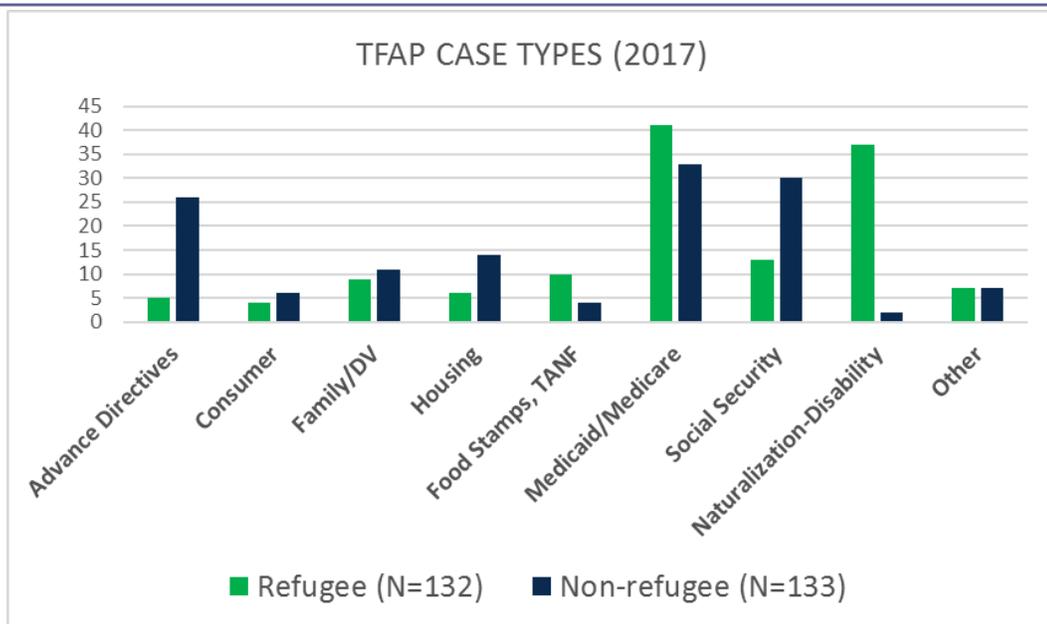
TFAP Core Components

- Integrated medical-legal services
- Education
- Systemic advocacy
- Community partnerships



Tucson Family Advocacy Program
Medical Legal Partnership for Health

TFAP Core Components: 1. Integrated Legal Services



66% reported physical or mental disabilities
50% arrived in US as humanitarian refugees



TFAP Core Components: 2. Education

- ❑ 40 trainings for healthcare providers and community partners in 2017
- ❑ Over 500 individual medical-legal consults on legal issues impacting health



TFAP Core Components: 3. Systemic Advocacy

Goal: Identify, prevent and/or address systemic issues impacting population health

Example 1:

- ❑ Improper change of AHCCCS for refugees to cover emergency services only
 - Retroactive restoration full benefits for 70 clients
 - Statewide restoration for **> 3500 refugees and system corrections** working with AHCCCS and Morris Institute for Justice

TFAP Core Components:

3. Systemic Advocacy, cont.

Ex. 2: Barriers to citizenship for refugees with disabilities

- ❑ Loss of SSI benefits after 7 years in US unless citizen
 - Medical waiver of English/civics tests available for impairments that prevent learning
 - If unable to understand questions/oath, then USCIS representative or court appointed guardian required
- ❑ Education statewide for refugee providers
 - AZ Refugee Summit and resettlement agencies
- ❑ Pro bono guardianship services developed in Tucson
 - Partnership with SALA and identified attorneys



Tucson Family Advocacy Program
Medical Legal Partnership for Health

TFAP Core Components:

4. Community Partnerships



Refugee 101 for Healthcare Providers
Trainings for Refugee Resettlement Agency staff
Advocacy curriculum for Camp Wellness participants

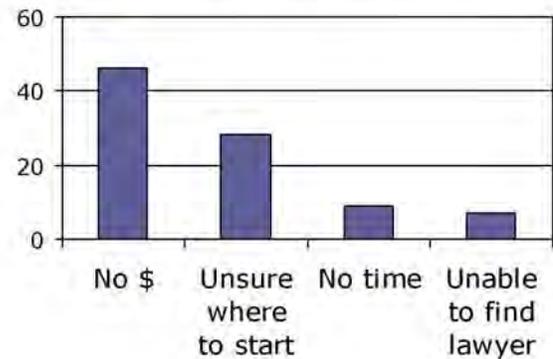


Tucson Family Advocacy Program
Medical Legal Partnership for Health

Reaching Vulnerable Populations: Scope of Unmet Legal Needs

- 96% of patients referred to TFAP in 2017 had not sought legal help for their problem
- 100% had discussed health-harming legal needs with their healthcare provider
- MLPs help reach vulnerable individuals who would not otherwise access legal services necessary for health and well-being

Reasons for Not Seeking Legal Help



Tucson Family Advocacy Program
Medical Legal Partnership for Health

QUESTIONS?



Contact Information

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