

PROMOTING
ACCESS
 TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

May 15, 2019 - 10:00 a.m. to 2:00 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 345A/B ♦ Phoenix, Arizona

[ACAJ WEBPAGE](#)  

TIME	AGENDA ITEM	PRESENTER
1 10:00 a.m.	Welcome and Opening Remarks Approval of minutes from February 13, 2019 <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Judge Lawrence F. Winthrop, Chair</i>
2 10:05 a.m.	Chairperson's report	<i>Judge Winthrop</i>
3 10:25 a.m.	Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup <ul style="list-style-type: none"> • <u>R-19-0018</u>: Amend Rules 5(d) and 10(a), Arizona Rules of Procedure for Eviction Actions, to require the landlord to serve additional relevant documents with the complaint 	<i>Judge Anna Huberman</i>
4 10:35 a.m.	Report on Other Rule Petitions <ul style="list-style-type: none"> • <u>R-19-0011</u>: Amend Rules 38 and 39 and abrogate Rule 40, Rules of the Arizona Supreme Court, to reorganize exceptions to the usual attorney admission process. 	<i>Julie Graber, AOC Staff</i>

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| 5 | 10:40 a.m. | AZFLSE report on law-related educational programs | <i>Lara Slifko, AZFLSE
Joannie Collins</i> |
| 6 | 11:00 a.m. | Update on the Public Information and Messaging Workgroup | <i>Aaron Nash, AOC
Communications Director
Alberto Rodriguez, ASB,
Public Relations Manager</i> |
| 7 | 11:15 a.m. | Report on the AZCourtHelp.org website | <i>Dr. Kevin Ruegg
Cathleen Cole
Theresa Barrett</i> |
| 8 | 11:30 a.m. | Report on Evictions: Politics, Policy & Possibilities public event | <i>Will Knight</i> |
| | 11:45 a.m. | 🍴 Lunch Break 🍴 | |
| 9 | 12:15 p.m. | Report from the Legal Services Task Force | <i>Judge Maria Elena Cruz
Judge Joseph Kreamer
Don Bivens</i> |
| 10 | 12:45 p.m. | Preliminary results of the 2017 Legal Needs Study | <i>Anthony Young</i> |
| 11 | 1:00 p.m. | Report from the Inter-Governmental Collaboration Workgroup | <i>Chris Groninger
Janet Regner
Maria Morlacci
Kevin Groman</i> |
| 12 | 1:30 p.m. | New Strategic Plan for Arizona Supreme Court | <i>Justice Robert Brutinel</i> |
| 13 | 1:55 p.m. | Good of the Order / Call to the Public | <i>Judge Winthrop</i> |
| | 2:00 p.m. | Adjournment | |

Next meeting:
November 13, 2019 ~ Room 119 A/B
 10:00 a.m. to 2:00 p.m.
 State Courts Building, Phoenix, Arizona

- 2020 meetings**
- **February 5**
 - **May 13**
 - **November 18**

**Arizona Commission on Access to Justice
DRAFT MINUTES**

Wednesday, February 13, 2019

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

State Courts Building, 1501 W. Washington Street, Conf. Rm. 119A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson (*telephonic*), Judge Janet Barton, Mike Baumstark, Judge Thomas Berning (*telephonic*), Pamela Bridge, Joel England, Anni Foster (*telephonic and in-person*), Kevin Groman, Judge Anna Huberman, William Knight, Judge Joseph C. Kreamer, Maria Morlacci, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Valerie Wyant, Anthony Young

Absent/Excused: Judge Maria Elena Cruz, Judge David Haws

Presenters/Guests: Stacy Butler, Cathleen Cole, Michele Feeney, Chris Groninger, Shawn Haught, Cheryl Kulas, Alicia Moffatt, Aaron Nash, Lara Slifko, Matt Wood

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 13, 2019, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:04 a.m. Judge Winthrop introduced new members, William Knight, Deputy Public Defender with the Maricopa County Public Defender's Office, and Joel England, CEO/Executive Director of the State Bar of Arizona.

B. Approval of Minutes

The draft minutes from the November 14, 2018, ACAJ meeting were presented for approval.

Motion: Janet Regner moved to approve the November 14, 2018, minutes, as presented. **Seconded:** Helen Purcell. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics.

- Judge Winthrop reviewed articles from the New York Times about ground-breaking work creating an app to assist tenants in New York facing eviction, and from the East Valley Tribune about court navigators from social service agencies assisting defendants in Mesa Municipal

Court. Judge Winthrop asked staff to upload articles to the Commission's webpage.

- Judge Winthrop updated members on the online dispute resolution (ODR) project, which launched to address barriers to access, such as economic challenges, geographic barriers, and psychological difficulties. ODR provides increased access, reduced costs, and information exchange. Proof of concept projects are currently being piloted in the Superior Courts in Maricopa, Pinal, and Yuma Counties in family law and civil judgment debtor cases, and in Scottsdale City Court in traffic cases and misdemeanor pleas. The pilot projects will help determine if ODR is effective with these case types and whether it is cost effective.
- Justice Brutinel will be attending the May 15, 2019, ACAJ meeting to present his strategic agenda. The first goal of the strategic agenda is to continue promoting access to justice, which includes expanding ODR projects, continuing to improve information for self-represented litigants, expanding language access services, and implementing recommendations from the Legal Services Task Force.
- Another goal relates to developing best practices in family court, which Chief Justice Bales jumpstarted with a study committee on domestic violence and mental illness in family court cases. This study committee's report includes action items that tie in with the Commission's interests, such as partnering with AZCourtHelp.org to develop resources, collaborating with Legal Talks coordinators, and providing resources for self-represented litigants (SRLs) in navigating the court system, such as court navigators and lay persons. In light of the strategic agenda, the SRL in Family Court Workgroup might return as an active ACAJ workgroup.
- Chief Justice Bales and Judge Winthrop spoke at the "Innovation for Justice" class at the University of Arizona. Judge Winthrop also made presentations to the Utah Access to Justice Commission and the Mohave County Bar Association. Other future presentations are being scheduled.
- Judge Winthrop reminded members to promote the 2018-2019 State Tax Credit and that resources and templates are available on the [Member Toolkit](#) webpage for members to make presentations to groups.
- Judge Winthrop reported that attorney, John J. Bouma, passed away. Among his many accomplishments, Mr. Bouma was a staunch advocate for delivery of *pro bono* services and a key supporter for civil legal aid in Arizona.
- Judge Winthrop noted that last month, following in Maricopa County's lead, Pima County converted its law library into an expanded resource center for SRLs.

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

Judge Anna Huberman reported that the workgroup continues to work on eviction Legal Info Videos and is currently finalizing the English and Spanish mobile home and RV videos. The workgroup will hold a joint meeting with the Public

Information and Messaging Workgroup to discuss a marketing push for the eviction content that has been developed. The workgroup started brainstorming about potential topics to focus on after the eviction work is completed. Pam Bridge reported using the videos in presentations and receiving positive feedback from attendees.

C. Update Step Up to Justice efforts and Innovation for Justice program

Stacy Butler, Director, Innovation for Justice, University of Arizona James E. Rogers College of Law, described the new program launched at the University of Arizona entitled Innovation for Justice, which focuses on the power and impact of innovation on the legal system and in legal education. The program teaches undergraduate and law students to think differently about problem-solving and learn a new set of skills to protect access to justice and potentially change the delivery of legal services, inform how courts engage with self-represented litigants, and train policy makers about systems-level change. The program is based on a community-engaged and project-based learning approach that uses collaborative technology, and participatory design and systems-thinking.

Ms. Butler discussed the Fall 2018 class challenge to increase housing stability for tenants in underserved communities by reducing the frequency of eviction. The challenge was done in collaboration with LabX, a legal design lab at Brigham Young University, so the problem could be seen from two jurisdictions and a solution could be built that scaled. Eviction was selected as the challenge because the statistics show evidence of a systems failure. The challenge was first tackled by students in court observations and stakeholder interviews to understand and define the problem. Then, they unpacked the community-engaged work to the classroom, brainstormed creatively, and assumptions were tested in the field. Students decided on one project that was built out into a prototype and tested it in the community. Key themes from the community-based work included miscommunications by tenants and landlords leading to evictions; landlords would be willing to work with a tenant in crisis if the tenant reached out; and lawyers and judges identified failure to document a habitability issue as a leading cause of eviction. Students came up with a web-based solution called Hello Landlord, which is a guided interview that assists tenants in writing letters that can be printed and sent out to landlords. Hello Landlord is available in English and in Spanish and is not jurisdiction specific.

Member comments:

- Judge Winthrop inquired about the cooperation received from courts in this project. Court administration willingly shared court data with the class and allowed students to observe proceedings.
- How do you envision working with the landlord community? One of the proposed projects is partnering with Step Up to Justice, which just received a grant to provide two years of tenant education workshops in the community and involving landlords as partners to offer the workshops.

- Judge Huberman supported the focus on landlords but was not encouraged because in her courtroom, she is not seeing landlords being willing to work with tenants as much as in the past. Judge Winthrop suggested that landlords may be more willing to deal with tenants at the front end rather than at the back end.
- Is Hello Landlord available online now? The website is still in development and is expected to launch in March.
- Members liked that the Innovation for Justice program was training law students to become community lawyers. Members also liked the concept of Hello Landlord because it educates tenants and engages the community.

Ms. Butler provided an update on Step Up to Justice’s efforts since its last presentation to the Commission and compared statistics from 2017 and 2018 to show the organization’s growth.

- The number of applicants assisted increased from 1,000 to 1,253
- The number of volunteer lawyers increased from 133 to 181
- The number of students increased from 9 to 11
- In 2017, Step Up to Justice provided \$1 million in free civil legal services; in 2018, the amount increased to \$1.4 million.

Step Up to Justice is focused on increasing operational efficiency because it does not receive any federal, state, or IOLTA funding. The cost per case has been decreasing from \$282 in 2017, to \$201 in 2018, and \$192 in 2019, while 90 percent of clients reported receiving “substantial benefit” and 10 percent of clients reported receiving “some benefit.” Despite no public advertising, Step Up to Justice receives between 10 and 15 applications per day from referrals from Pima County Superior Court, Southern Arizona Legal Aid, Emerge! Center Against Domestic Abuse, and the United States District Court. Step Up to Justice is not only a model with a reputation for community collaboration and excellence, it is a national model for innovating legal services as winner of the 2018 ABA Legal Rebel Award.

Member comments:

- How are volunteer attorneys recruited? Volunteer attorneys come to the organization by word of mouth about the positive volunteer experience and from the staff’s reputation for excellence in *pro bono* services.
- What type of representation do you provide? Usually, individuals are seen on-site within the office and at court clinics, but about 25 percent are through direct representation.

D. Report on Rule Petitions

Julie Graber, AOC staff, reported on two rule petitions filed.

R-19-0018: Amend Rules 5(d) and 10(a), Arizona Rules of Procedure for Eviction Actions, to require the landlord to serve additional relevant documents, such as the lease and ledger, with the complaint. Comments are due May 1, 2019.

The SRL-LJC Workgroup considered the rule petition at its last meeting, and while members agreed that the rule petition's concept was good, several had concerns about its practicality, cost and privacy issues. The workgroup's suggestion was to add language to Rule 10(c) stating that "If the tenant does not receive the lease by the initial appearance, trial may be continued at the request of either party." The Commission members further discussed the rule petition and raised similar points and concerns as the workgroup regarding its implementation.

Motion: Judge Huberman moved for the SRL-LJC Workgroup to draft a comment and circulate to Commission members for review, as discussed.

Seconded: Judge Janet Barton. **Vote:** Unanimous.

R-19-0011: Amend Rules 38 and 39 and abrogate Rule 40, Rules of the Arizona Supreme Court, to reorganize exceptions to the usual attorney admission process. Comments are due May 1, 2019.

Member comments:

- Judge Winthrop added that the rule petition has access to justice components. It would make changes to the rules governing legal service organizations. In addition, it would make changes to exceptions to allow someone not licensed in Arizona to practice, like a foreign legal consultant. There is also a new proposal that would encourage retired and inactive attorneys to provide *pro bono* services by waiving the State Bar's annual registration fee if the attorney has provided more than ten hours of *pro bono* service in the preceding 12 months.

E. Update on Public Information and Messaging Workgroup

Aaron Nash, AOC Communications Director, introduced himself as the new workgroup's co-chair. Alberto Rodriguez from the State Bar of Arizona also co-chairs the workgroup. Mr. Nash requested that members email the workgroup when events are being held to assist the workgroup with populating the master editorial calendar and to leverage exposure of events with cross-promotion. The workgroup is considering rebranding the podcasts to direct content to a specific audience by adding a moderator, so the podcast is not scripted, and adding video to place them on a YouTube channel. The podcasts would still be hosted by Justices. Based on the top searches on AZCourtHelp.org, the workgroup is looking to develop content and work product on warrants with the help of subject matter experts. The workgroup is also looking at producing a podcast for the incoming Chief Justice's next strategic agenda and finalizing an updated animated video on the state tax credit.

F. Report on the AZCourtHelp.org website

Cathleen Cole, Arizona Foundation for Legal Services & Education, reviewed the information contained in AZCourtHelp.org's second Quarterly Newsletter.

- The Live Chat feature has expanded in 2018 and is now operated by eight volunteers from various law libraries. In 2018, 700 users were assisted for a total of 7,393 minutes.
- A jury service portal has been populated that complements what the courts have produced.
- To boost AZCourtHelp.org's rankings in Google searches, focus has been placed on Search Engine Optimization (SEO).

Ms. Cole also reviewed 2018 annual Google Analytics results.

- The number of users has increased from 42,629 to 166,043, which represents an increase of 289.51 percent.
- In 2018, 49.38 percent of users used a desktop as compared to 46.01 percent for mobile phones, which highlights the need for the website to be mobile friendly.
- Social media usage increased 470.43 percent from targeted ads on Facebook and Twitter.
- The accessibility tools that were installed are being utilized.

Ms. Cole highlighted new content areas on AZCourtHelp.org that are based on the Legal Talks and the Public Information and Messaging Workgroup's podcasts.

Kathy Sekardi, AOC staff, noted that Yuma County recently redesigned its law library and has the opportunity to stream out their legal clinics in English and in Spanish. Yuma and Coconino Counties will be meeting in April to strategize so there is no duplication of information and to maximize public outreach. Coconino County also hired a new AZCourtHelp Specialist who has been busy conducting Legal Talks.

Member comments:

- Cochise County has also recently updated its law library and installed video equipment that will be used shortly to webcast a legal clinic to another county.
- The public could benefit from a Legal Talk or podcast on how to approach the clerk's window and ask questions, so the public is not nervous when conducting business at the courthouse.

G. Report from the Judicial and Attorney Engagement Workgroup (*agenda item taken out of order*)

Judge Joseph Kreamer focused his report on the workgroup's progress with judicial engagement. The workgroup is looking at developing a web portal for judges for *pro bono* community service to link up opportunities to judges and confirm to judges that they do not need to get separate approval to do these activities. The workgroup has been working with former Judge Margaret H. Downie, executive director of the Judicial Ethics Advisory Committee, to vet opportunities. Judge Kreamer praised Judge Cruz's law-related education program for high school students regarding all parts of the judicial process

because it has access to justice impact and provides direct engagement with the community. The workgroup's strategy on the best way to engage law firms and public attorneys has evolved to identifying a discrete opportunity that a law firm or agency can adopt and own like Intel ("pick one and own it").

H. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop reported that the workgroup met on January 16, 2019 and discussed the nature and scope of its collaboration with the executive branch. One of the workgroup's focus is to identify opportunities for civil legal aid to assist state agencies serving poverty populations and to use federal funds already allocated to Arizona to fund those efforts. The workgroup is proposing to use federal funding to fund the placement of a legal aid lawyer or paralegal in each of the Second Chance Centers. At the meeting, Anni Foster identified several follow up opportunities for the workgroup, and discussed the progress of the Governor's Arizona Management System and how it can compel accountability for the project and help access to justice issues at the agency level from an administrative customer service model. The workgroup's plan is to select individuals to be liaisons between the Governor's task forces and the workgroup to better understand the task forces' goals, to determine how legal aid services can assist, and to present that information to agency representatives in their format.

Chris Groninger provided a brief update on the \$1.1 million VOCA grant that the Bar Foundation received and will be reporting on the progress at future Commission meetings. Janet Regner discussed her efforts identifying federal funds that could come to Arizona or are already here, and the pipeline of collaborative opportunities ranging from statewide to local communities.

I. Presentation regarding the Arizona Legal Center

Michele Feeney, Arizona Legal Center, provided background information regarding the Arizona Legal Center, which is a legal clinic that operates out of Arizona State University, and provides legal consults to individuals who will be acting as their own attorney. Volunteer lawyers do not represent the individuals, except in very rare instances. The legal clinic relies on 1) its law students, who volunteer and get a chance to learn skills not learned in law school; 2) its attorneys, who usually volunteer one or two afternoons per month and work directly with students; and 3) partners in the community, who send over referrals. The legal clinic is open for calls and walk-ins, Monday through Thursday, 1:00 p.m. to 3:00 p.m. There are no eligibility criteria and no limitations about practice areas. The top practice areas include family law, landlord/tenant, low-level criminal litigation, civil litigation, immigration, and employment. The legal clinic also handles *pro bono* mediations for the City of Phoenix and Maricopa County Superior Court in post-decree cases. The legal clinic's main functions are to provide service to the community, and to educate students, which includes assisting them in building relationships and learning how to work with practicing lawyers.

J. LINC Program

Shawn Haught, Law Library Resource Center Dept. Administrator, and Matt Wood, Instructional Technology Coordinator, from the Superior Court in Maricopa County, provided background information regarding the Legal Information & Navigation Clinic (LINC), which was established to address the need for greater access to justice for individuals by taking the Law Library Resource Center (LLRC) on the road, and providing services during non-court hours and at outlying locations. LINC offers free forms assistance in English and in Spanish in mostly family law and probate areas. LINC started by targeting the West Valley because this location is the closest to downtown Phoenix but the hardest to get to during work hours and parking is limited, public transportation is slow, and individuals cannot get time off work to travel. Since September, there have been five LINC events at Tolleson Public Library (weekday), Burton Barr Central Library (week-end), and Palo Verde Public Library (weekday), in which 18 hours of assistance was provided, and 119 distinct legal issues were addressed regarding family law, civil, probate, criminal, and justice court. Requests have been made to extend LINC to other libraries. Future expansion of LINC is planned in the Far North and Southwest areas, such as Wickenburg and Gila Bend, and in other city and county libraries, such as Tempe, Guadalupe, and downtown Glendale. In addition, a grant may be obtained to fund a mobile library unit with filing and payment services available by partnering with the Superior Court Clerk of Maricopa County.

Member comments:

- Judge Winthrop proposed meeting with Secretary of State, Katie Hobbs, who has supervisory jurisdiction over Arizona public libraries, and discussing statewide support for the LINC project, including the mobile LINC, getting the word out, and involving representatives from other counties.
- A member suggested using the kiosks located at some libraries for LINC.
- Could this project be replicated in rural counties? Other libraries might be able to participate remotely to access webinars and use technology solutions, such as Facetime, to assist individuals with forms.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, May 15, 2019

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

State Courts Building, Room 345

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:42 p.m.

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA
★
PROCLAMATION

WHEREAS, as citizens we commit ourselves to the goal of equal access to justice for all;
and

WHEREAS, promotion of meaningful access to justice for all Arizonans helps build confidence in the legal system; and

WHEREAS, most clients for indigent civil legal aid services are single heads of household with children and many among them are victims of domestic violence; and

WHEREAS, it is important to secure to all persons, particularly those with limited financial resources, professional legal help, and meaningful access to the courts, thereby creating meaningful opportunities to preserve families, protect victims of crime, and uphold protection for all under the law; and

WHEREAS, many organizations and individuals - lawyers, legal professionals, judges, court staff, and volunteers - work valiantly to promote equal access to justice for all, and their efforts deserve our support and recognition; and

WHEREAS, we celebrate over 100 years of Arizona's legal community and judiciary working to assure equal access to justice for all Arizonans.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2019 as

ACCESS TO JUSTICE MONTH



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twentieth day of February in the year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty Third.

ATTEST:

[Signature]
SECRETARY OF STATE

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	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 – SRL-LJC Workgroup

Presenters: (Same)

Discussion: The workgroup met on April 1, 2019. The presenter will discuss strategic planning focus:

- The workgroup is finalizing the last English and Spanish eviction-related videos that are available on AZCourts.gov and AZCourtHelp.org.
- The workgroup collaborated with the Public Information and Messaging Workgroup on April 1, 2019 to formulate a marketing plan for the new eviction resources on AZCourtHelp.org.

Recommended motion: None.

Lawrence F. Winthrop
Arizona Commission on Access to Justice
1501 W. Washington St., Suite 410
Phoenix, AZ 85007

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

SUPREME COURT NO. R-19-0018

PETITION TO AMEND RULES 5(d) AND
RULE 10(a) OF THE ARIZONA RULES OF
PROCEDURE FOR EVICTION ACTIONS

COMMENT BY ARIZONA
COMMISSION ON ACCESS TO JUSTICE

Introduction

The Arizona Commission on Access to Justice (ACAJ) was established by Administrative Order 2014-83, pursuant to the Court’s 5-year strategic agenda of “Advancing Justice Together: Courts and Communities.” The order specifically directs the ACAJ, among other things, to make recommendations that provide meaningful access to the court system, particularly for those individuals representing themselves in eviction matters. In that regard, the Commission has a standing work

group devoted to evaluating issues that affect self-represented litigants in our limited jurisdiction courts. Members of that work group include court administrators, limited jurisdiction court judges and attorneys representing both the housing industry and tenants.

The Proposed Rule Changes

The proposed Rule changes require a plaintiff to serve (1) a copy of any lease and any addendums with the complaint (proposed Rule 5(d)(3)); (2) if the action is based on non-payment of rent, a copy of the accounting of charges and payments for the preceding six months (proposed Rule 5(d)(4)); and (3) documents and exhibits the plaintiff intends to present or rely upon at the trial, if the complaint seeks a judgment for reasons other than the non-payment of rent (proposed Rule 5(d)(5)). Additionally, the proposed Rule change provides for sanctions for non-compliance without good cause, including granting a continuance, excluding evidence not disclosed, and dismissal of the complaint (proposed Rule 5(e)). Lastly, the proposed Rule change allows a party to request, prior to the hearing or trial, (1) a list of witnesses, and (2) copies of any documents the party intends to introduce as an exhibit at trial that were not attached to the complaint (proposed Rule 10(a)).

Policy Considerations

Without question, the time parameters surrounding eviction proceedings by statute are accelerated and place a tenant at a substantial disadvantage. Even assuming a tenant has time to seek civil legal aid assistance, those agencies report that many tenants do not receive, or maintain, a copy of their lease, or where the complaint is based upon unpaid rental charges, have ready access to the accounting records of the owner/landlord/property manager as to the subject rental unit. Without immediate access to these documents, a *pro bono* or legal aid attorney is hampered in providing timely assistance. Similarly, tenants who represent themselves in these proceedings are at a significant disadvantage if they have to proceed without timely access to the subject lease provisions and/or a detailed explanation as to why the eviction action has been filed, including how the alleged unpaid rental and other charges have been calculated.

The Commission's work group has reviewed the proposed rule change petition. While all agreed that as a matter of due process a tenant is entitled to have the information called for in the petition, there was no consensus on the mechanism to provide it, either through amending these rules or otherwise.

Concerns Identified and Recommendations

on Behalf of Tenants

- Due process mandates that a defendant be provided with adequate notice of the plaintiff's claim; in this setting that requires access to or a detailed explanation of unpaid rental and other charges. As to other alleged lease violations, the tenant is entitled to timely production of the particulars of the alleged violation, including a description and/or production of the evidence to be produced in support of such allegations;
- Without timely production of the information, tenants are not in a position to negotiate a resolution or be prepared for accelerated proceedings;
- The suggestion that tenants can obtain the information by requesting same from the landlord or property manager is illusory. It is impractical to expect a tenant to timely track down the relevant information from often-unavailable landlords or property managers, particularly in light of the compressed time from service of the complaint to an eviction hearing;

- The proposal to allow a tenant to request a continuance if the information has been requested but not produced is not a practical solution, particularly where a tenant has had to secure limited time off from an employer in order to attend the scheduled hearing, or has to make transportation or child care arrangements;
- At a minimum, a copy of the accounting charges and payments for the preceding six months should be attached to the complaint when the action is based upon non-payment of rent. Any redaction required for that form or explanation would be non-existent or minimal;
- To address concerns raised by the housing industry, proposed Rule 5(d)(3) should be modified to require attachment to the complaint of only those portions of the lease and any addendum that are related to the underlying basis for the proposed eviction;
- There is no practical ability to conduct traditional discovery in an eviction case. As such, proposed Rule 5(d)(5), requiring the owner/landlord to simultaneously produce documents or other materials plaintiff intends

to rely on at the time of trial, is the only way to timely receive those materials and be prepared to meaningfully participate at the hearing.

Concerns Identified and Recommendations
by Housing Industry Representatives

- 85-90 per cent of eviction actions are triggered by non-payment of rent; only a small number of actions are triggered by other alleged lease violations;
- Attaching voluminous and mostly irrelevant information to a non-payment of rent eviction complaint is costly;
- Requiring that the documents be attached to the complaint would mean that such information will often be posted on the tenant's door as part of service of process. The lease and accounting records contain confidential information and providing it without redaction would place the tenant at risk for identity theft, would violate federal law and expose the landlord/owner to potential liability. That information of necessity contains tenant signature(s), may include social security numbers, bank account numbers, prior residential addresses, emergency contact

information, children's names and birthdates and the location of the tenant's assigned parking spot;

- Redaction of confidential information would require lawyer supervision and time, thereby increasing the cost of litigation;
- Many large multi-family housing entities have secure tenant portals that provide access to all lease-related documents. An alternative to the proposed rule change could require the landlord to ensure that a detailed accounting record is available on the portal. For those owners/landlord representatives in rural areas or who don't have a tenant portal, perhaps the documents could be provided as an attachment to an e-mail to the tenant.

Concerns Identified and Recommendations

by Maricopa County Justice Court Representatives

- Attaching lease documents to eviction complaints only creates storage and redaction problems for the courts;
- A different solution would require more detailed information concerning the basis for the eviction action be contained in the Residential Eviction

Information Sheet (REIS), including the method of calculating rental arrearages and other outstanding charges.

Conclusion

All involved in the eviction process agree that tenants are entitled to timely receive documentation relevant to the issue(s) raised by the eviction action. The disagreement concerning the proposed rule changes center on what and how the information is to be provided. The Commission believes the Court should consider a resolution that insures timely delivery of the relevant information without creating any risk of identity theft or release of otherwise confidential information.

RESPECTFULLY SUBMITTED this 18th day of April, 2019.

/s/ Lawrence F. Winthrop
Lawrence F. Winthrop
Chair, Arizona Commission on Access
to Justice

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report on Rule Petitions
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From: Julie Graber, AOC staff

Presenters: (Same)

Discussion: The presenter will report to the commission on the following rule petition:

- **R-19-0011:** Petition would reorganize exceptions to the usual attorney admission process.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: AZBF Report on Law-Related Educational Programs
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From: Lara Slifko, AZBF CRO, and Joannie Collins, AZBF, CAO

Presenters: (Same)

Discussion: Overview of a variety of law related education programs administered through the Arizona Bar Foundation including ICivics, We the People, and Mock Trial.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	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: Aaron Nash and Alberto Rodriguez (Co-chairs)

Presenters: (Same)

Discussion: The workgroup met on April 1, 2019.

- Presenter will discuss the workgroup's plan for a media kit to demonstrate the new eviction resources, such as videos and *Legal Info Sheets* that will be presented into the community.

Recommended motion: None.

AZCourts.gov Landlord/Tenant Online Resource Bank

Social Media Content and Schedule

Twitter

Day One: Do you know what to do if your AC goes out during an Arizona summer and your landlord won't fix it? You'll find answers at azcourts.gov/eviction.

Day Two: Evictions are real and they're scary. Know your rights by visiting azcourts.gov/eviction.

Day Three: Your landlord is taking you to court, now what? Visit azcourts.gov/eviction to watch a quick video on what you can do.

Day Four: Did your landlord follow the rules and laws related to your eviction? You can check by visiting azcourts.gov/eviction.

Day Five: Can you stop your landlord from evicting you? Maybe. Learn how by visiting azcourts.gov/eviction.

Day Six: Want to make sure you get your full deposit back from your landlord? Pull out your rental agreement and visit azcourts.gov/eviction to learn how.

Day Seven: Is your tenant's dog causing a ruckus for their neighbors and won't do anything about it? Visit azcourts.gov/eviction to see if there's anything you can do.

Facebook

Day One: Evictions are real and they're scary. Know your rights by visiting azcourts.gov/eviction.

Day Two: Your landlord is taking you to court, now what? Visit azcourts.gov/eviction to watch a quick video on what you can do.

Day Three: Did your landlord follow the rules and laws related to your eviction? You can check by visiting azcourts.gov/eviction.

Day Four: Can you stop your landlord from evicting you? Maybe. Learn how by visiting azcourts.gov/eviction.

Day Five: Want to make sure you get your full deposit back from your landlord? Pull out your rental agreement and visit azcourts.gov/eviction to learn how.

Day Six: Is your tenant's dog causing a ruckus for their neighbors and won't do anything about it? Visit azcourts.gov/eviction to see if there's anything you can do.

Day Seven: Do you know what to do if your AC goes out during an Arizona summer and your landlord won't fix it? You'll find answers at azcourts.gov/eviction.

Instagram

Day One: Your landlord is taking you to court, now what? Visit azcourts.gov/eviction to watch a quick video on what you can do.

Day Two: Did your landlord follow the rules and laws related to your eviction? You can check by visiting azcourts.gov/eviction.

Day Three: Can you stop your landlord from evicting you? Maybe. Learn how by visiting azcourts.gov/eviction.

Day Four: Want to make sure you get your full deposit back from your landlord? Pull out your rental agreement and visit azcourts.gov/eviction to learn how.

Day Five: Is your tenant's dog causing a ruckus for their neighbors and won't do anything about it? Visit azcourts.gov/eviction to see if there's anything you can do.

Day Six: Do you know what to do if your AC goes out during an Arizona summer and your landlord won't fix it? You'll find answers at azcourts.gov/eviction.

Day Seven: Evictions are real and they're scary. Know your rights by visiting azcourts.gov/eviction.

Linked In

Day One: Know someone with landlord or tenant issues? Show them this: [Supporting Graphic]

Day Two: Sure, you're a lawyer, but your landlord is taking you to court. Do you KNOW what you need to know? Check azcourts.gov/eviction.

Day three: Landlords can evict tenants, but they must follow the rules. Do you know people in this situation? Share this link with them: azcourts.gov/eviction.

Day Four: Scenario: Friends/family know you're a lawyer and bring you all their legal questions – including news they are being evicted. Solution: Send them here: azcourts.gov/eviction.

Day Five: Empower the people around you to know their rights as a tenant and as a landlord. Get them the help they need here: azcourts.gov/eviction.

Day Six: Here's a great resource for the landlords in your life: azcourts.gov/eviction.

Day Seven: The heat is coming, and another AC unit will bite the dust. Do the renters in your life know what to do if their landlord won't pay to fix it? Have them visit azcourts.gov/eviction.

Hashtags

#evictionaz #tenantright saz #landlordright saz #landlordtenantaz #landlordtenantright saz

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	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: (Same)

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

Recommended motion: None.

Arizona Access to Justice Commission

Name and Professional Title of Commission Chair:

Hon. Lawrence F. Winthrop, Judge Arizona Court of Appeals, Division One

Name and E-mail of Commission Staff:

Theresa Barrett = tbarrett@courts.az.gov

Kathy Sekardi = ksekardi@courts.az.gov

Julie Graber = jgraber@courts.az.gov

AZ Bar Foundation liaison staff, Dr. Kevin Ruegg = kevin.ruegg@azflse.org

Mission

The Commission's directive is to study and make recommendations on innovative ways of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases.

Goals

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

Top Three Accomplishments in the Last Year

Redesign of the Arizona Judicial Branch's on-line Self-Service Center, available in both English and Spanish versions, on the Arizona Judicial Branch's website to assist self-represented litigants and other users. The Self-Service Center's content was expanded, enhanced, and organized using tiles (graphics) to assist users navigate the site more intuitively. In collaboration with Maricopa County Superior Court, over 400 forms, available in both English and Spanish, have been developed. The forms are generic in nature and may be accepted by courts statewide. In collaboration with the Administrative Office of the Court's language access coordinator, 78 topic and form pages were translated to Spanish, as well as numerous AOC forms and instructions, FAQs, videos, and other resources.

Expansion of the Virtual Legal Resource Center in Yuma. For the last several years, the Coconino County Law Library has served as a physical hub for the Virtual Legal Resource Center, which offers webinars and "Legal Talks" on such subjects as "Divorce 101" in both English and Spanish. In 2018, Yuma County Law Library redesigned and expanded a dedicated space that better serves self-represented

litigants. The project was a collaborative effort with AOC and the Arizona Foundation for Legal Services and Education, and Yuma now serve as an additional hub for expanded services for self-represented litigants, also hosting legal clinics and informational talks.

“Justice in Government” Project. With approval of the Governor’s office, Arizona is participating in a pilot project bringing together the various state agencies that provide services to our poverty population, sharing information and best practices, and through accessing existing and potential state, federal or foundation block grants, looking for ways to add civil legal aid services to the menu of services these agencies provide to their constituents. In 2018, continuing the work and relationships started, the project began plans to celebrate the 20th anniversary of the Domestic Violence Legal Assistance Project, a joint effort of the Department of Economic Security, the Arizona Bar Foundation, legal aid agencies, and domestic violence shelters. Additionally, Arizona has just been awarded a two-year, \$1.1 million grant to work with legal aid agencies and other entities to improve technology services for all Arizona victims of crime, including victims of domestic violence, elder abuse and consumer fraud. In addition, the Commission is collaborating with the Executive Branch to make legal aid services available for those participating in the Second Chance Centers created by the Governor’s task force on Reentry and Recidivism and, through another Executive Branch task force, to assist victims of the opioid crisis.

Top Three Accomplishments Since Commission Began

Court Navigator Program. In the third year of the Maricopa County Superior Court’s Providing Access to Court Services (PACS)/AmeriCorps navigator program, 54 undergraduate students from Arizona State University, Northern Arizona University, Grand Canyon University, and several community colleges in Maricopa County have been trained and serve as AmeriCorps Navigators in the Law Library Resource Center (“LLRC”). The student navigators take the time to, assist self-represented people complete court forms and help them find applicable legal information. They answer questions about the court process, and escort self-represented litigants to the proper courtroom. Through its Legal Information & Navigation Clinic (LINC) program, the Navigators and volunteer lawyers take these self-represented litigant resources “on the road” to public libraries throughout the largest population base in the state. In the last 12 months, AmeriCorps Navigators have assisted more than 100,000 self-represented litigants.

AzCourtHelp.org and the Statewide Virtual Legal Resource Center. Since the virtual resource center’s launch in January 2017, over 160,000 individuals have found court-related legal help. Resource information for AZCourtHelp.org – including forms, answers to FAQs, access to court calendars and detailed information about all of the courts in the state -- is gathered from the 15 Arizona counties through in-person meetings, organized committees, and ongoing collaborations with various state and local agencies and organizations. The core features of the site are: substantive legal information for 35 topic areas; a searchable legal glossary with 672 entries; fillable superior court forms for self-represented litigants in both English and Spanish; ADA and language compliance through the use of an audio component that reads text in English and 54 other languages, high contrast imaging for those with color blindness, text resizing, font alteration for those with dyslexia, image captions, and Google translate features; a map component with 384 detailed court, probation, police, Motor Vehicle Department, and Division of Child Support Services (DCSS) locations; an on-line “live chat” service staffed by eight law librarians in different counties; an online user survey in English and Spanish that allows for continued input and feedback on the site’s functionality and content; and, notification of “Legal Talks” information and logistics for the public and volunteers.

In-House Counsel Pro Bono Commission (IHCPBC). The IHCPBC, chaired by Kevin Groman, was developed to increase pro bono participation of corporate counsel and their outside law firms. To date, these efforts have resulted in corporate counsel partnering with schools and colleges to improve the pipeline of future lawyers, helping to represent immigrant children and refugees, assisting veterans with startup businesses as a part of a Phoenix based incubator, and serving first responders through the Wills for Heroes program. Many of the legal departments at Arizona-based companies are becoming more actively engaged in pro bono efforts. For example, Pinnacle West’s legal department created a clinic and partners with the State Bar to create Wills for Heroes. This clinic for the past 12 months has helped 105 veterans and their spouses, prepared more than 315 legal documents, logged over 513 volunteer hours and 238 pro bono hours. Intel’s corporate law department regularly staffs a debt counseling clinic for low income residents. Other clinics are staffed with volunteers from the Salt River Project, Arizona Public Service Company, Blue Cross/Blue Shield and USAA Insurance legal departments.

Current Initiatives

Continued Development of the Legal Info Hub. Since the Commission’s establishment, many legal resources have been developed by its Work Groups for self-represented litigants in different formats. The Legal Info Hub was recently created on azcourts.gov and serves as the Arizona Supreme Court’s central repository for Legal Info Podcasts, Legal Info Videos, Legal Info Sheets, and Legal Info FAQs.

Legal Info Podcasts were first created by the Public Information and Messaging Work Group and feature a Supreme Court Justice who interviews an expert on a topic of general interest. These podcasts are available on both azcourts.gov and AZCourtHelp.org.

Legal Info Sheets were initially developed by the Self-Represented Litigants in Limited Jurisdiction Courts Work Group (SRL-LJC) in housing-related matters as quick reference sheets for self-represented litigants, which courts could also make available in their own self-service centers. The Legal Info Sheets use tiles (graphics) to illustrate content and legal processes in a more user-friendly way. They are available to print on azcourts.gov in English and in Spanish and the content is searchable via access to individual pages on AZCourtHelp.org.

To complement the Legal Info Sheets and answer the needs expressed by the public, the SRL-LJC Work Group began developing **Legal Info Videos** in housing-related matters, using animation software to address specific legal issues. The video series provides legal information tailored to the type of housing involved: residential, mobile home, and recreational vehicles. Legal Info Videos are available in both English and Spanish on azcourts.gov and AZCourtHelp.org. Transcripts of the Legal Info Videos are provided on azcourts.gov while closed-captioning videos are available on AZCourtHelp.org. Legal Info FAQs were developed based on the **Questions & Responses Handbook** that the Commission updated and expanded, which was originally only targeted for court staff to answer questions at the front counter. Legal Info FAQs are available on both azcourts.gov and AZCourtHelp.org.

The Commission will continue to develop legal information products for self-represented litigants in housing-related matters and other case types, and urge Arizona Supreme Court committees to consider using the same concept.

With respect to all of these resources, special consideration was taken to provide Spanish speaking self-represented litigants with identical content in a separate Spanish Legal Info Hub.

Justice In Government. The Commission will continue its efforts to work with the relevant state agencies to identify opportunities and funding sources to provide civil legal assistance for the state's most vulnerable populations. Also, planning is underway to celebrate the 20th anniversary of a long standing unique Judicial/Executive Branch collaborative effort, the Arizona Domestic Violence Legal Service Project.

Continuation of initiatives defined in above sections.

Planned Initiatives

Highlighting a few:

Online Dispute Resolution. As facilitated by the Commission, AOC continues to study the viability of an online dispute resolution (ODR) option for self-represented litigants. Based on information initially provided by the Commission, AOC is currently conducting a Proof of Concept Pilot in multiple courts to determine whether ODR could be utilized to increase the percentage of residents who actively participate in their court case, and to more efficiently resolve those cases. The technology platform under consideration allows litigants to provide and receive information and to actively negotiate their civil legal dispute or criminal misdemeanor charge through an on-line resource without having to leave work or their home to travel to a courthouse. Pilot courts in Yuma and Pinal counties will be addressing family law cases with the use of on-line court mediators regarding requests to modify child support, parenting-time, and legal decision-making matters. Effective January 2019 Administrative Order No. 2018-78 provides that if parties reach an agreement, the confirming documents can be executed using electronic signatures, and electronically filed with the court. This order also eliminates the need in this application for such agreements to be notarized. Scottsdale Municipal Court launched their pilot in January 2019, and will allow for resolution of traffic cases and for accepting, negotiated plea documents in misdemeanor cases. In July, the Maricopa County Superior Court launched a parallel on-line project, the Accountability and Enforcement Court (ACE). This court will supervise a separate ODR pilot for family and civil cases. Additionally, Maricopa County Superior Court recently launched an on-line platform to allow parties to remotely negotiate and resolve credit card and other consumer debt cases under \$50,000. All pilots are underway, and data will be gathered regarding the results of these cases in the coming months. Future plans include creating a statewide Request for Quotes, which will allow courts to independently select and purchase the on-line dispute resolution product that best meets their specific business needs.

	Creation	Members	Appointment	Membership	Chair	Staffing and Commission Support Time	Report
Arizona Commission on Access to Justice	Supreme Court Order, August 2014	18	Chief Justice	1 appellate court judge (serving as chair); 1 superior court clerk; 1 superior court administrator; 2 superior court judges; 2 limited jurisdiction court judges; 2 AZ lawyers in active law practice; 1 AZ Judicial Council member; Administrative Director of the Courts or designee; AZ Bar Foundation ED/designee; SBA ED/designee; 2 legal services reps; 2 public members; ad hoc members as Chief Justice appoints.	Appellate court judge appointed by Chief Justice	Administrative Office of the Courts	At least annually, to the Arizona Judicial Council



AZCourtHelp.org

Google Analytic Results

<i>Timeframe</i>	<i>Sessions</i>	<i>Users</i>	<i>New Users</i>	<i>Pageviews</i>
11/1/18 – 1/29/18	53,764	45,117	44,010	139,556
1/30/19 – 4/29/19	58,135	49,130	47,387	155,608
<i>Difference</i>	8.13%	8.89%	7.67%	11.5%

Devices Used

<i>Timeframe</i>	<i>Desktop</i>	<i>Cell Phone</i>	<i>Tablet</i>
11/1/18 – 1/29/18	22,688 (49.77%)	20,870 (45.78%)	2,031 (3.45%)
1/30/19 – 4/29/19	25,269 (51.42%)	21,777 (45.78%)	2,101 (4.72%)
<i>Difference</i>	11.38%	4.35%	3.45%

Acquisition of Users

<i>Timeframe</i>	<i>Organic Search</i>	<i>Referral</i>	<i>Direct</i>	<i>Google Ad</i>	<i>Social Media</i>
11/1/18 – 1/29/18	28,917	7,495	6,950	2,743	76
1/30/19 – 4/29/19	29,196	8,204	7,831	4,842	130
<i>Difference</i>	.96%	9.46%	12.68%	76.52%	71.05%

Top 10 Referrals

<i>11/1/18 – 1/29/18</i>	<i>1/30/19 – 4/29/19</i>
AZCourts.gov – 4,387	AZCourts.gov – 5,385
courts.Yavapai.us – 570	courts.Yavapai.us – 574
AZLawHelp.org – 216	AZLawHelp.org – 229
jp.Pima.gov – 178	jp.Pima.gov – 192
sc.Pima.gov – 135	sc.Pima.gov – 143
Maranaaz.gov – 111	Coconino.az.gov – 139
Goodyearaz.gov – 110	Navajocountyaz.gov – 120
Coconino.az.gov – 105	Goodyearaz.gov – 113
Navajocountyaz.gov – 100	Maranaaz.gov – 109
Mohavecourts.com – 97	Flagstaff.az.gov – 96

Top 10 Cities

<i>11/1/18 – 1/29/18</i>	<i>1/30/19 – 4/29/19</i>
Phoenix – 12,718	Phoenix – 14,391
Tucson – 2,564	Tucson – 2,775
Los Angeles – 1,799	Mesa – 1,935
Mesa – 1,682	Los Angeles – 1,735
Scottsdale – 1,059	Scottsdale – 1,245
Tempe – 989	Tempe – 1,171
Chandler – 795	Chandler – 915
La Victoria – 729	Gilbert – 827
Glendale – 718	Glendale – 813
Gilbert – 690	La Victoria – 707

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



Searches from 1/30/19 – 4/29/19

Top 10 Pages Viewed on the Site

#Views	Page Name/Link
6,822	Maricopa Court Records
5,842	Forms
5,293	Find My Court
4,981	Qué significa días calendario?
3,823	Self-Help Resources
2,393	Pima Court Records
2,115	Live Chat
1,939	Child Support Calculator
1,919	Traffic Violations
1,880	Courthouse Calendars

Top 10 Searches on the Site

#Views	Search Term
733	Divorce
595	Name change
324	Child support
315	Probate
273	Guardianship
257	Power of attorney
254	Eviction
242	Small claims
231	Set aside
228	Order of protection

Top 10 Searches on Google

Search Term
Types of warrants
Arizona divorce papers
How to get unsupervised probation
Arizona divorce forms pdf
Divorce papers az
Az divorce papers
Different types of warrants
Arizona divorce forms
Types of warrant
What are the different types of warrants

Top 10 Pages with the Most Reactions

Page Name	Like	Legal	Comment
Qué significa días calendario	255	2	2
Live Chat	211	73	101
Pima ECR	57	5	22
Preparing to Calculate Child Support	53	1	0
Legal Decision Making and Parenting Time Form	48	5	13
Maricopa ECR	35	6	28
Mohave ECR	33	3	4
What Happens at Pretrial	35	2	0
Having a courthouse wedding	22	0	2
Eviction Filing Form Criteria - Landlord	14	3	3

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

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report on “Evictions: Politics, Policy & Possibilities” event
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From: Will Knight, Public Defender

Presenters: (Same)

Maricopa County Justices of the Peace signed 43,800 eviction judgments in 2018 alone.

To address this eviction epidemic, a community event was held at South Mountain Community College. The public was invited to engage in productive dialogue and meaningful discussions with legal experts, state officials, advocates, journalists, and peers.

Mr. Knight attended this event and will report on the experience and insight gained from this public gathering.

Recommended motion: None.

Presenters

- Karia Basta**
Special Needs Programs Administrator
Arizona Department of Housing
- Pamela Bridge, JD**
Director of Litigation and Advocacy
Community Legal Services, Inc.
- Rhoshawndra L. Carnes**
Director of Family Services
Pilgrim Rest Foundation, Inc.
- Zaida Dedolph**
Director of Public Policy
Wildfire: Igniting Community Action to
End Poverty in Arizona
- Michael Franczak, PhD**
Director of Population Health
Partners in Recovery
- Enrique Medina-Ochoa**
Justice of the Peace
Maricopa County Justice Courts
- David Moise**
McKinney-Veto and Foster Care
District Liaison
Tempe Union High School District
- Stan Silas, JD**
Senior Lead Attorney
Community Legal Services, Inc.
- Nichole Stevens**
Homeless Solutions Supervisor
City of Tempe
- Alden Woods**
Reporter
Arizona Republic

Program

Welcome

Lois Brown, PhD
Director, Center for the Study of Race and Democracy
Foundation Professor of English, Arizona State University

Activity and Turn & Talk

Presentations

Video
Stan Silas, JD
Pamela Bridge, JD
Karia Basta
"The Eviction Epidemic"
Legal Representation
Populations Affected
Resources

Small Group Presentations

Karia Basta
Affordable Housing

Pamela Bridge, JD
Special Populations

Rhoshawndra L. Carnes
Faith-based Interventions

Zaida Dedolph
Child and Family Poverty

Michael Franczak, PhD
Behavioral Health

Enrique Medina-Ochoa
Justice System

David Moise
Educational Impact

Stan Silas, JD
Legal Representation

Nichole Stevens
Homelessness

Alden Woods
Telling the Story

Discussion

Next Steps

Closing Remarks and Evaluations

Maricopa County Justice Court Report

William E. Morris Institute for Justice

(Summer of 2004)

FROM THE STUDY, WE FOUND:

- Approximately 82,000 evictions cases were filed in the Maricopa County Justice Courts in 2004;
- **Approximately 87% of the landlords were represented;**
- **No tenants were represented;**
- **Less than 20% of tenants came to court;**
- Many Justices do not require landlords to prove their entitlement to either possession of the rental unit or a monetary award;
- The Justices hold tenants to a higher standard of proof for defenses;
- Unrepresented tenants rarely had their eviction cases dismissed;
- The courts provide helpful information to landlords, but limited and occasionally incorrect information to tenants;
- Most eviction cases take less than a minute to hear and many cases are heard in less than 20 seconds; and
- Currently, the extremely fast and abbreviated proceedings mete out swift judgments, overwhelmingly in favor of the landlords.

EXAMPLES OF TENANT EVICTIONS DEFENDED BY COMMUNITY LEGAL SERVICES (CLS)

- 1. MOBILE HOME REPAIRS/NON-PAYMENT OF RENT** – Landlord sought to collect \$99.77 in rent and other charges which accrued in the month of January 2018 and were identified in the Plaintiff’s March Complaint as “previous balance of \$506.65.” The total January 2018 rent was \$830.77. The tenant paid and the landlord accepted \$731.00 for rent. The landlord did not have the tenant sign a partial payment agreement for the \$99.77 balance. Landlord later attempted to collect other partial payments in the amount of \$223.56 (including the \$99.77) from January and February and apply them to the March rent to satisfy claim for unpaid rents due in March 2018. Landlord never had tenant sign a “partial payment agreement for the \$223.56 in rent and other charges as well. Tenant has affirmative defense to defeat landlord’s claim for possession as a result of the landlord’s failure to have the tenant sign a partial payment agreement. A.R.S. § 33-1371(A). Parties negotiated a settlement with the assistance of CLS.
- 2. SECTION 8 PROJECT-BASED VOUCHER PROGRAM (PBV) TERMINATION OF TENANCY** – The landlord issued NOTICE OF IMMEDIATE TERMINATION (“Notice”) to tenant who had committed material and irreparable breach of lease and lost right to possession in June 2018. The tenant’s CLS attorney argued that the Notice was not served in the manner required under federal law as set forth in HUD’s regulations and failed to inform the tenant of her rights under federal law. CLS presented proof that that the HUD regulations required both the mailing and hand-delivery of the termination notice to the tenant. The complaint only provided for personal service of the Notice and failed to comply with the mailing requirement. CLS was able to convince the justice court that the complaint should be dismissed because the landlord failed to comply with the HUD regulations and the lease. The case was dismissed by the Court.
- 3. TERMINATION OF TENANCY FOR LEASE VIOLATIONS RELATED TO MENTAL ILLNESS** – In September, 2018, tenant received NOTICE OF IMMEDIATE TERMINATION for allegations of indecent exposure within the apartment community. Tenant has been diagnosed as suffering from serious mental illness (“SMI”). He was expected to vacate the premises immediately. The tenant’s CLS attorney presented facts and law based upon the tenant’s disability under the federal Fair Housing Amendments Act (“FHAA”), that the tenant could remain on the premises and be lease compliant if provided with a “reasonable accommodation” under the FHAA. The tenant’s behavioral health providers produced documentation to support the request for reasonable accommodation and demonstrated that the tenant with the proper supportive services could remain housed. The landlord agreed to dismiss the eviction complaint as a result.
- 4. TENANT RECEIVED FIVE DAY NOTICE OF INTENT TO TERMINATE LEASE FOR MATERIAL HEALTH AND SAFETY BREACH** (dated 07/17/18) – Landlord accepted rent from defendant on August 6, 2018, with KNOWLEDGE of this prior written notice. On 08/24/18, landlord issued a second ten-day notice (non-curable) to tenant seeking to evict the tenant for failing to maintain leased premises in clean and safe manner related to roach infestation inside her apartment. Defendant has valid waiver defense under A.R.S. § 33-1371(B) because the landlord accepted rent in August with actual knowledge of the alleged July breach of the rental agreement and intended to use it as part of a second non-curable 10-day breach notice issued on 08/28/18.

HANDOUT NO 8.
JUSTICE COURT CASE ACTIVITY
FISCAL YEAR 2017
FISCAL YEAR JULY 1, 2016- JUNE 30, 2017

Justice Court Case Activity – Fiscal Year 2017 (July 1, 2016 – June 30, 2017)

- **Forcible detainers – 61,841 eviction actions filed:**
 - 61,640 had no legal representation for the tenant.
 - 201 had legal representation for the tenant.
 - 6 times defendant prevailed with monetary judgment.
 - 83 times there was no judgment entered for either side.
 - 4 times plaintiff won but no money awarded.
 - 108 times plaintiff won with monetary judgment.
 - Calendar year 2017 – 63,615 evictions were filed. Approximately 24,899-32,577 tenants defaulted or did not show up for the eviction hearing.
- **In Fiscal year 2017 – 62,680 eviction cases filed:**
 - 1,334 went to bench trial.
 - 53 defendants/tenants had legal representation.

*Source: Scott Davis/MCJ CX 04/18/19 (the number discrepancy is due to varying accounting procedures)

TENANTS CANNOT ENGAGE IN RENT STRIKES IN ARIZONA

Tenants in Maricopa County are not successful in filing and prevailing on counterclaims to compel repairs to dwelling units due to technical rules of giving written notice to landlords under ARLTA (A.R.S. § 33-1361(A)), which is strictly enforced by the landlord bar inside the courtroom. Have roaches? Better give property manager or landlord proper written notice for relief.

Tenants may also seek relief for landlord's failure to supply heat, air conditioning, cooling, water, hot water or essential services. A.R.S. § 33-1364(A)(2) and (3).

- **Remedies:** Procure damages based upon the diminution in fair rental value of the dwelling unit.
- **Remedies:** Procure substitute housing during period of landlord's noncompliance and is tenant is excused from paying rent for period of the landlord's noncompliance.

Tenant may never/never/never withhold rent because landlord failed to comply with their responsibilities under ARLTA. A.R.S. § 33-1324(A).

The following picture is from tenant's floor inside mobile home – showing condition of trailer floor underneath bathroom sink – tenant asserted counterclaim to landlord's claim for nonpayment of rent for diminution in fair rental value to dwelling unit for landlord's repeated failure to remove materials containing mold from mobile home. Tenant lost on issue of possession and was evicted.



HANDOUT 4

TIMELINE FOR EVICTION FOR NON-PAYMENT OF RENT PER A.R.S. § 33-1368 (04/29/19)

1. Rent due November 1, 2018.
2. Rent late November 2, 2018.
3. Rent unpaid – tenant receives 5-day written notice dated and served November 3, 2018 (11/4, 11/5 11/6, 11/7, 11/8). 11/8 is deadline to pay overdue rent.
4. If tenant pays rent and late fees accruing daily before landlord submits nonpayment to landlord attorney, tenant can reinstate tenancy.
5. If rent remains unpaid and after written notice of nonpayment, landlord can submit nonpayment matter to landlord attorney for eviction /special detainer action.
6. If rent has not been paid and the matter has been filed with the justice court, the tenant can still reinstate their tenancy by paying all back rent, all outstanding late fees as stated in the lease, court costs and attorney fees before judgment is entered.
7. Landlord will commence the eviction action/special detainer, by way of a standardized summons and complaint form filed with the justice court and have these documents served on the tenant at least two days before the day the eviction matter is assigned for trial. The summons and complaint shall require that the tenant appear for court not more than six nor less than three days from the date of the summons. November 9th date of summons. Trial is set for November 14, 2018 (5 days from date of summons). Tenant must be served at least two days before the hearing (A.R.S. §33-1377(A)). Tenant must be served by 11/11/18.
8. The initial hearing date is November 14, 2018. The eviction trial can be continued no longer than 3 calendar days. (11/15, 11/16, 11/19). Landlord attorneys rarely ever agree to continuances. Tenant claims an affirmative defense for partial payment of rent to landlord's claim for nonpayment. Eviction trial set for 11/19/18. 11/22/18 is Thanksgiving Day.
9. Tenant will be unrepresented and will most likely lose eviction trial. The judgment will be signed that day 11/19/18. The writ of restitution is the court's order granting possession to the landlord and it will be issued or available to the landlord within five days after the judgment is signed. The constable may show up for the lockout within 12-24 hours typically after receipt of the writ of restitution from the landlord. Writ of restitution will be issued on 11/26/18. Constable may perform the lockout by 11/27/18.

10. Tenant may appeal judgment but must do so within five days from judgment and pays bonds for possession before writ of restitution is issued. If eviction is for material and immediate eviction, then must file appeal immediately. The writ of restitution will issue within 12-24 hours from date of judgment in an immediate eviction.

11. *Rent due November 1, 2018 – tenant out of dwelling by 11/27/18. Total of 27 days including weekends.*

November 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Rent Due	2 Rent Late	3 5-Day Notice for Nonpayment of Rent Served
4	5	6	7	8	9 Landlord Files Summons & Complaint	10
5-Day Cure Period						
11 Tenant Must be Served by Today	12	13	14 Eviction Action Hearing (5 Days from Date of Summons)	15	16	17
18	19 F E D Eviction Action Trial (Tenant Loses)	20	21	22 	23	24
25	26 Writ of Restitution to Issue	27 Constable will Lock Tenant Out by this Date.	28	29	30	

Arizona Commission on Access to Justice

<p>Meeting Date:</p> <p>May 15, 2019</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>Report from the Legal Services Task Force</p>
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From: Judge Maria Elena Cruz, Judge Kreamer, and Don Bivens

Presenters: (Same)

Discussion: Across the nation, judicial and legal community leaders are examining the delivery of legal services to identify issues and improvements in delivery of legal services either by recognizing certain services can be provided by non-lawyers or by embracing new ways for lawyers to provide services, such as “unbundling” or “limited scope representation.”

Judges Cruz, Kreamer, and Mr. Bivens will report on the efforts being made in Arizona’s review of the rules and codes to identify issues and improvements in the delivery of legal services that would further the Arizona Judiciary’s goal of Promoting Access to Justice. The Task Force on Delivery of Legal Services, established by Administrative Order 2018-111 is to review the regulation of the delivery of legal services in Arizona, will make recommendations as follows:

- Restyle, update, and reorganize Rule 31(d) of the Arizona Rules of Supreme Court to simplify and clarify its provisions
- Review the Legal Document Preparers program and related Arizona Code of Judicial Administration requirements and, if warranted, recommend revisions to the existing rules and code sections that would improve access to and quality of legal services and information provided by legal document preparers.
- Examine and recommend whether other non-lawyers, with specified qualifications, should be allowed to provide limited legal services, including representing individuals in civil proceedings in limited jurisdiction courts, administrative hearings not otherwise allowed by Rule 31(d), and family court matters.
- Review Supreme Court Rule 42. E.R. 1.2 related to scope of representation and determine if changes to this and other rules would encourage broader use of limited scope representation by individuals needing legal services.
- Recommend whether rules should be modified to allow for co-ownership by lawyers and non-lawyers in entities providing legal services.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	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: Inter-Governmental Collaboration Workgroup members

Presenters: Chris Groninger, Janet Regner, Maria Morlacci, and Kevin Groman

Discussion: Members of the Inter-Governmental Collaboration Workgroup will provide a brief update on progress made to incorporate access to justice and legal assistance into Executive Branch and Arizona State Agency efforts related to 1) Re-Entry & Recidivism Reduction and 2) Opioid & Addiction.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Preliminary Report on Legal Aid Programs Unmet Civil Legal Needs Study
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From: Anthony Young

Presenters: (Same)

Discussion: Mr. Young will report on methodology and preliminary findings.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 15, 2019	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from Vice-Chief Justice Robert Brutinel
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From: Vice-Chief Justice Robert M. Brutinel

Presenters: (Same)

Discussion: Vice-Chief Justice Brutinel will be the next Chief Justice of the Supreme Court effective July 1, 2019.

Vice-Chief Brutinel will present his vision of the direction and charge for the Arizona Commission on Access to Justice during the next strategic agenda.

Recommended motion: None.