

**Arizona Commission on Access to Justice
MINUTES**

Wednesday, February 15, 2017

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, Judge Janet Barton, Mike Baumstark, Judge Thomas Berning, Judge Sean Brearcliffe (*telephonic*), Pamela Bridge, Judge Maria Elena Cruz, Judge Anna Huberman, Michael Jeanes, Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Janet K. Regner (*telephonic*), Dr. Kevin Ruegg

Absent/Excused: Millie Cisneros, Michael T. Liburdi, Anthony Young

Presenters/Guests: Chris Groninger, Cindy Moore, Marcus Reinkensmeyer, Lara Slifko, Caitlyn Watters

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 15, 2017, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Chairperson Judge Lawrence Winthrop, at 10:04 a.m.

B. Approval of Minutes

The draft minutes from the November 9, 2016, meeting of the ACAJ were presented for approval.

Motion: Michael Jeanes moved to approve the November 9, 2016, meeting minutes, as presented. **Action:** Approved. **Seconded:** John Phelps. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on current national trends impacting access to justice.

- The status of access to justice projects sponsored by the White House could be jeopardized as it is unknown how the new federal government will handle civil justice, legal aid, and the Legal Services Corporation (LSC) funding.
- The American Bar Association (ABA) is sponsoring a national conference call on February 28, 2017, to discuss the steps that access to justice commissions can take to advocate for LSC.

- The ABA is holding a national meeting May 4-6, 2017, in Pittsburgh, for all access to justice commission chairs and staff as part of its annual Equal Justice Conference.

Judge Winthrop announced the reorganization of the workgroups and asked members to consider which workgroup to join:

- Public Information and Messaging Workgroup: Will create and manage a media plan; establish a speaker's bureau on access to justice issues and opportunities; update website information through the AOC; promote the state tax credit; and draft the annual report.
- Judicial and Attorney Engagement Workgroup: Will coordinate Continuing Legal Education (CLE) programs on access to justice issues (e.g., limited scope representation and other *pro bono* opportunities); evaluate statewide legal service triage programs; engage retired lawyers and judges in *pro bono* clinics and projects; and coordinate COJET programs for judges (e.g., ethical parameters and dealing with self-represented litigants).
- Limited Jurisdiction Courts Workgroup: Will continue to focus on self-represented litigant issues and eviction-related issues; and consider a "navigator" project in the Maricopa County Justice Courts regarding housing and debt collection cases.
- Inter-Governmental Collaboration Workgroup: Will facilitate communication and collaboration between agencies, particularly as it relates to the impact that civil legal aid can provide in the delivery of services and meeting collective goals; explore applying for available grants; evaluate existing state programs to encourage the creation of an Arizona model for a legal aid interagency roundtable; and develop a strategy for engaging legislative leaders on access to justice issues.

Judge Winthrop discussed collaborative efforts in Arizona that should be encouraged and publicized to provide needed resources and increase community and political awareness. For instance, [SB1274](#) proposes the creation of an Arizona Intergenerational Welfare Reform Commission. He reminded members to look for opportunities to participate in community events where they could advance the commission's goals. Examples of events included:

- The [Arizona Veterans Stand Down Alliance](#) held a multi-day series of events for veterans needing assistance.
- The opening of the [Armory](#), a non-profit organization helping veterans who want to start businesses.
- The opening of the Maricopa County Law Library Resource Center, which incorporates the Law Library with the Self-Service Center. A [YouTube video](#) is available for more information.

Since the last meeting, Judge Winthrop met with Glen Hamer, president and CEO of the Arizona Chamber of Commerce, about the role of the business community in advancing the commission's goals. Mr. Hamer agreed to include the

commission in the Chamber's educational programs, and will recommend Chamber members who would be suited to volunteer for a Commission workgroup.

Judge Winthrop noted that there is still time to make presentations to groups about the state tax credit. There has been positive response from letters that were sent to Arizona's 100 largest employers. Two additional non-profits have qualified as eligible donees.

News from Commission members:

- Judge Cruz reported the launch of a fine reduction pilot program in Yuma County. The main components include: 1) 50 percent reduction in fines for non-criminal offenses that are outstanding for at least two years; 2) if the individual is eligible for the program, has a valid address, and accepts a payment plan, the driver's license can be reinstated immediately; and 3) the program lasts 60 days from the time the notice is issued. Data should be available by the June Judicial Conference. She noted that law clinics are being held on a recurring basis in the areas of family law, guardianships, landlord/tenant, restoration of rights, and probate. Judge Cruz is interested in developing a Court Navigator program in conjunction with Arizona Western College.
- Judge Berning reported the rollout of a customer assistance program in Tucson where an individual can have their driver's license and registration reinstated with a ten-percent down payment, elimination of collection fees, and monthly payments.
- Community Legal Services began a law assistance project in Mohave County where volunteer attorneys work with the court to provide free legal aid assistance in family law and probate matters.

B. Update from the LJC-Resources Sub-Workgroup

Judge Huberman advised that the first workgroup meeting is scheduled for February 23, 2017, and will focus on responding to the rule petitions filed.

C. Update on Access to Justice related rule change petitions

Julie Graber, AOC staff, provided an update on rule petitions filed that are related to access to justice issues.

- **R-16-0022** – Would permit a change of judge as a matter of right and for cause in eviction actions in Justice Court. An order was filed adopting the rule with an amendment for a one-year experimental basis, effective January 1, 2017. The amendment has been reopened for comment on the issue of whether or not the experiment should be extended or made permanent. Comments are due July 14, 2017.

Member comments:

- A member inquired about the impact of the rule change and statistics reported. Judge Barton noted that courts have not been reporting any change of judge requests.
 - How would a self-represented litigant know that he or she could request a change of judge?
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- **R-17-0016** – Would provide the same information on computing time periods to eviction court litigants as other civil litigants in Justice Court and Superior Court. Comments are due May 22, 2017. ACAJ will draft a comment in support.
 - **R-17-0011** – Would clean up ambiguities in Supreme Court Rule 38(e).
 - **R-16-0047** (*item out of order*) – Would address the secondary registration requirement in Rule 38(B) for in-house counsel who want to provide *pro bono* service. Comments are due May 22, 2017. ACAJ will draft a comment in support.
 - **R-16-0041** – Implements recommendations of the FAIR Justice for All Task Force by amending Criminal Rules of Procedure 3, 6, 7, and 41, effective April 3, 2017.
 - **R-17-0015** – Would amend several criminal rules in order to provide options to courts when convicted defendants have failed to pay their monetary sanctions in a timely fashion and make changes in bail determination proceedings for dangerous felony defendants. Comments are due May 22, 2017.

D. Update on the AZCourtHelp.org website

Dr. Kevin Ruegg updated members on the progress of the AZCourtHelp.org website, which was officially launched on January 11, 2017. She clarified that the purpose of the virtual resource center is to increase access to justice through building awareness of court processes and enhancing support resources across Arizona. Partners include Arizona courts, the Department of Economic Security, the Attorney General's Office, and AmeriCorps.

Dr. Ruegg noted that there have been 35 Legal Talks at a growing number of locations on topics such as child safety, estate and probate planning, family court 101, guardianship, immigration, and landlord/tenant. Legal Talks are being recorded and broadcasted live with the goal to allow live interaction in the future. Some Legal Talks are also provided in Spanish. A Vista volunteer is working on developing shorter videos that can be translated in Spanish and posted at a later time.

Dr. Ruegg described AZCourtHelp.org as a web service and “one-stop shop” for self-represented litigants, including limited English speakers, with content that is continuously being updated through the feedback and ongoing collaborative effort of courts and other agencies. She reviewed the website’s features:

- Statewide form access
- Court locator
- Virtual tours
- Legal Talk calendar
- Live chat
- Legal term glossaries
- Frequently asked questions
- ADA compliant

Dr. Ruegg discussed marketing challenges and how to get the information to self-represented litigants. She reported on the website’s traffic since the launch:

- 1,520 sessions
- 1,100 users
- Users browse five pages for at least four minutes
- Bounce rate is an impressive 41%
- Platforms: 77% desktop, 18% mobile, and 3% tablets

E. Report from the Self-Represented Litigants in Limited Jurisdiction Court Workgroup

Mike Baumstark reported on rule petitions filed by the commission.

- **R-16-0040 – Mandatory Eviction Action Forms:** The Supreme Court ordered to continue and reopen the rule petition for comment with comments due February 17, 2017, and a reply due March 15, 2017. Mr. Baumstark reported meeting with landlord attorneys and shared with them the commission’s goals and the importance of meaningful due process for those who appear in court. Landlord attorneys offered to assist in the process and their assistance is encouraged.

Even though the rule change petition process is ongoing, Representative Farnsworth sponsored HB2237, which would prohibit an agency from enforcing a rule that requires a mandatory form for providing notice or for pleadings in an eviction action.

- **R-17-0020 – Stipulated Judgments in Eviction Action:** A rule petition was filed on January 9, 2017, following a sub-workgroup meeting in December. Maricopa County Justice Courts volunteered to gather statistics and conduct a pilot project from January 1, 2017, to June 18, 2017, that requires the judge to ask a series of questions to make sure the parties, usually the tenant, understand what the person is signing. It appears that housing industry attorneys are not participating and have stopped using stipulated judgments

resulting in virtually no data in which to advise the court. Public comments are due April 30, 2017, and an amended petition is due May 28, 2017.

F. On-line dispute resolution software update

Marcus Reinkensmeyer, AOC's Court Services Division Director, provided background information and an update for on-line dispute resolution (ODR) software since the Matterhorn platform solution was presented to the commission at the August 2016 meeting. Mr. Reinkensmeyer reviewed current on-line litigant services provided by Arizona courts (e.g., docket and case management system information, forms and instructions, eFiling, noticing, and video), and possible services (e.g., on-line citation payment, proof of insurance and registration, on-line payment agreement, and on-line dispute resolution). He described the components and process of ODR from intake to integration with case management systems, the court's document repository, neutrals, and other service providers. Mr. Reinkensmeyer identified several ODR planning challenges for courts, including case types, privacy and security, platform, resolution process, and funding. He discussed local and emerging efforts, such as the expanded OASIS standards to help move data for on-line litigant services, IAAL's Compass White Papers, and Michigan's Family Law ODR pilot.

Member comments:

- The on-line mechanism increased self-represented litigants' access and participation by 41 percent.
- Is there a charge for mediation services in a post-decree family case? Yes. The Michigan court absorbs the cost.
- Instituting statewide change is complicated because of the different types of case management systems in Arizona; however, it does not preclude a platform, such as Matterhorn.
- The key is to set standards to exchange information to solve part of the problem. The Supreme Court's Commission on Technology has done a lot of work to move data in a standardized manner.
- Service industries, like courts, must adapt and create more flexibility for the end-user.

G. Report from the *Pro Bono* Service and Funding Workgroup

Judge Kreamer reminded members that the Attorney General's Office (AG) is co-sponsoring the Public Lawyer *Pro Bono* Conference on February 24, 2017, at 9:00 a.m., that will be streamed statewide. He noted that the AG is focusing on providing a menu of *pro bono* opportunities available for public attorneys instead of emphasizing the model *pro bono* policy.

Judge Kreamer noted the difficulty in promoting the law firm *pro bono* network. Kevin Groman will be coordinating a *pro bono* summit dinner in April or May to get the conversation going with several law firms' managing partners.

To further explore opportunities, Judge Kreamer and Kevin Groman met with Judge Randall Warner, to discuss allowing in-house counsel to provide mediation services on a *pro bono* basis.

Finally, Judge Kreamer reported that a new statewide legal needs study will be launched as a follow up to the 2007 study to identify needs, what industry practices are beneficial, and what processes or practices are not working well. Dr. Kevin Ruegg added that several survey methods will be used in different languages to reach as many people as possible and obtain responses from the judiciary, law firms, community organizations, and legal aid organizations. The needs assessment will include data on poverty that is collected from other agencies, accomplishments since 2007, and suggested priorities and solutions. Judge Winthrop remarked that needs change over time and obtaining this type of data is critical and timely.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, May 10, 2017

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

State Courts Building, Room 119

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:53 p.m.

**Arizona Commission on Access to Justice
MINUTES**

Wednesday, May 10, 2017

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, Judge Janet Barton, Mike Baumstark, Judge Thomas Berning, Pamela Bridge, Millie Cisneros, Michael Jeanes, Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Dr. Kevin Ruegg, Anthony Young

Absent/Excused: Judge Sean Brearcliffe, Judge Maria Elena Cruz, Judge Anna Huberman, Michael T. Liburdi, Janet K. Regner

Presenters/Guests: Rick DeBruhl, Shawn Friend, Kevin Groman, Chris Groninger, Jake Hinman, Cheryl Kulas, Alberto Rodriguez, Lara Slifko

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 May 10, 2017, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Chairperson Judge Lawrence Winthrop, at 10:06 a.m.

B. Approval of Minutes

The draft minutes from the February 15, 2017, meeting of the ACAJ were presented for approval.

Motion: Anthony Young moved to approve the February 15, 2017, meeting minutes, as presented. **Action:** Approved. **Seconded:** Michael Jeanes. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on the status of legal aid funding, American Bar Association (ABA) initiatives, project updates, and continued partnership building.

Legal aid funding

- The future of federal access to justice support is unclear. Several Commission members and SBA representatives met with our

Congressional leaders concerning Legal Services Corporation (LSC) funding of civil legal aid. Congress later voted to keep existing funding in place for LSC through September.

- There has been a national campaign to restore legal funding by delivering twenty thousand personalized cards to lawmakers, and by submitting letters of support from state executive, legislative and judicial leaders. This campaign will continue until the budget issue is resolved.

Action Item: The ABA is a strong supporter of LSC and Linda Klein, ABA President, recently testified before Congress regarding LSC. Her compelling remarks will be posted on the website.

ABA initiatives

- The ABA's access to justice national work groups will resume meeting on May 18, 2017. The conference calls are helpful to exchange information, discuss barriers and problem solve.
- The ABA held its annual access to justice chairs meeting in Pittsburgh on May 4-5, 2017, in connection with the Equal Justice Conference. Two new commissions (Kansas and Nebraska) were established. This annual meeting provided a chance to exchange information regarding structure, staffing, program ideas, successes, and strategic planning.

Tax credit initiative

- Lara Slifko reported on the Arizona Tax Credit. As of May, the tax credit generated \$263,018, which represents a 197 percent increase over 2015.

Project updates

- Judge Barton updated members on the Maricopa AmeriCorps Court Navigator Project. It might be the last year to get funding through the State. Additionally, the future of federal funding for AmeriCorps projects is uncertain. She highlighted statistics since the Law Library Resource Center (LLRC) moved to its new space.
 - Work hours two months before and after the move increased from 2,439.41 to 2,820.18
 - The Clerk now has a filing window in the LLRC space. Average filings increased from 30 per day during the first month to 50 per day.
- Judge Winthrop reported on the launch of a collaborative two-year pilot project, "Justice in Government," with consultant Karen Lash. State participants include California, Wisconsin, Mississippi, and Arizona. He summarized the initial meeting, in which Ms. Lash outlined expectations of state participants and anticipated next steps. Initial discussions centered on identifying funding opportunities for states to assist veterans, victims of crime, health care, housing and employment. This project will be part of the new Inter-Governmental Collaboration Workgroup responsibilities.

- Update: SB1274 regarding creating an intergenerational welfare commission died in the Senate, but it is expected that Senator Worsley will refile it next session.
- The Commission anticipates filing its annual report and making a presentation to the Arizona Judicial Council in October.

Partnership building

- Judge Winthrop encouraged members to work on fostering existing relationships. In that regard, he met with the Arizona Chamber of Commerce, the Greater Phoenix Economic Council, the O'Connor Institute, the Governor's Office, and the Legislature.
- Judge Winthrop was interviewed on April 4, 2017, on the public television show "Horizon," and was also interviewed on NPR radio (KJZZ) concerning the LSC funding crisis.

Announcements

- Judge Cruz was appointed to the Court of Appeals. Nancy Gray Eade, the Yuma County Conciliation Court Manager and responsible for enhancing self-help services and clinic projects with CLS, was recognized as the Yuma County Employee of the Year.

B. Presentation on the new Arizona State Bar Public Service Center

John Phelps discussed the Arizona State Bar's current efforts and future plans regarding access to justice in light of its new mission statement centered on serving and protecting the public. Per Ethical Rule 6.1, attorneys should volunteer 50 *pro bono* hours per year but the average number voluntarily reported on the dues statement is 21 hours. With 24,000 registered attorneys in Arizona, there could be 1.2 million *pro bono* hours possible. The State Bar is looking to further engage attorneys and meet consumers' needs.

Alberto Rodriguez reviewed recent successful State Bar access to justice programs:

- Law Day Legal Aid Clinics: Last year the State Bar collaborated with ABC15 and Univision, and 28 volunteer attorneys provided 1-on-1 consultations to almost 300 consumers. Translators were also available for consumers.
- Arizona StandDown: This event has grown to a full-service legal aid clinic in areas of estate planning, family law, bankruptcy, veterans' issues, and landlord/tenant issues.
- Glendale's Stand Up for Veterans: The State Bar recruits volunteers in their practice areas to provide free legal service.
- Glendale Community College: The State Bar works with the college's administration of justice program to encourage students to engage with consumers.
- Deferred Action for Childhood Arrivals: In this four-hour program, the State Bar connects immigrant and undocumented consumers to attorneys to assist with navigating the immigration process.

- Lawyers On Call: The phone bank is a two-hour program that provides 1-on-1 consultations in partnership with Channel 12 News.
- Abogados a Su Lado: The State Bar cooperates with Univision on the Spanish spin-off of Lawyers On Call.

Mr. Rodriguez compared program statistics between 2015 and 2016. In 2015, 96 volunteer attorneys assisted 1,205 consumers whereas in 2016, 103 volunteer attorneys assisted 1,366 consumers.

Member comments:

- How are the events advertised? The State Bar relies on media partnerships and grassroots efforts (i.e., churches and community organizations).

Rick DeBruhl explained that access to justice should not be limited to those who qualify below the poverty level but should also include those who can pay some money, but not a lot. The Public Service Center was established as a technological and physical solution for Arizona moving forward. Mr. DeBruhl introduced **Cheryl Kulas**, Public Service Center Manager, who noted that annually, 706,000 searches are conducted on the State Bar's "Find a Lawyer" webpage and 21,000 calls are received by the call center. In order to provide clients and attorneys with an automated and mobile referral match service on a 24/7 basis, the State Bar has partnered with Legal Services Link, LLC, to create a portal to find, compare, and connect with attorneys at the click of a button. Ms. Kulas explained how the platform works from 1) the client posting a summary of the civil legal needs, 2) selecting how the client would prefer to pay, 3) answering questions to verify income, 4) attorneys in the area of practice receive an email, 5) attorney provides a quote for services to the client, and 6) the client chooses an attorney. The *pro bono* network would be free to Arizona attorneys in their area of practice while the full service lead generator would cost \$300 per year. Attorneys can also post expanded member profiles for a \$40 fee. She anticipates that the premiums paid by attorneys would cover the costs for *pro bono* and *low bono* clients.

C. Update on Access to Justice related rule change petitions

Julie Graber updated members on the status of rule change petitions.

- **R-16-0022** - Change of Judge in Eviction Actions. No new comments have been filed. Comments are due July 14, 2017. Data has been collected regarding the impact of the experimental rule; however, there is not enough data yet to draw any conclusions.
- **R-17-0016** - Computing Time in Eviction Actions. Comments are due May 22, 2017. Judge Winthrop drafted a comment in support of this rule petition.
 - The Commission supported the filing of this comment.
- **R-17-0011** - In-House Counsel clean-up. No new comments have been filed. Comments are due May 22, 2017.

- **R-16-0047** - Secondary Registration Requirement for In-House Counsel. Kevin Groman filed a comment in support of the rule petition. Judge Winthrop drafted a comment in support of this rule petition.
 - The Commission supported the filing of this comment.

D. Update on Automated Phone Interview system

Dr. Kevin Ruegg updated members on the automated phone interview system, which is available in English and in Spanish, and highlighted statistics for civil cases since the system has been operating from March 14, 2017, to May 10, 2017:

- 3,129 people were helped (1418 online/1711 phone)
- 1,287 qualified for and were referred to legal aid (954 online/333 phone)
- 346 were *low bono*/modest means (99 online/247 phone)
- Over 152 people were transferred to bar associations (If a person is above the income requirement, the person is directed to either the Pima County Bar Association, Maricopa County Bar Association, or the State Bar of Arizona)
- 293 domestic violence victims were assisted
- 155 veterans were helped
- 107 Spanish speakers were provided assistance.

E. Update on the AZCourtHelp.org website

Theresa Barrett, AOC Court Programs Unit Manager, updated members on the marketing plan and presentations to stakeholders. Dr. Kevin Ruegg demonstrated new enhancements to the website that assist those with learning disabilities and those who are not proficient in English.

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

Mike Baumstark reported on rule petitions filed by the Commission.

- **R-16-0040 – Mandatory Eviction Action Forms:** The Commission filed a reply on March 21, 2017. Mr. Baumstark reported that HB2237 was passed and signed by the Governor, which prohibits an agency from enforcing a rule that requires a mandatory form for providing notice or for pleadings in an eviction action. At the April Rules Agenda, the Supreme Court continued this rule petition and denied the motions filed by a commenter to strike the Commission’s reply and to dismiss the rule petition. The workgroup will be reexamining the rule petition and considering an alternative approach, such as the Court denominating and encouraging the use of the proposed forms as “model” forms, and providing additional judicial education and more instructions in the complaint and judgment pleadings.
- **R-17-0020 – Stipulated Judgments in Eviction Action:** The Commission filed a supplement to the petition on April 26, 2017. The deadline for the second round of comments is May 31, 2017. A reply is

due July 7, 2017. Mr. Baumstark anticipates that the Supreme Court will consider the rule petition at the August Rules Agenda.

Member comments:

- According to legal aid services, stipulated judgments are the biggest issue for legal aid services attorneys, especially for the elderly, people with disabilities, and those with language barriers. The changes incorporated in the Commission’s proposed supplement do not adequately protect the tenant.
- Housing industry attorneys stopped using stipulated judgments when the pilot project began in Maricopa County Justice Courts on January 1, 2017. The workgroup tried to balance the comments received from private tenant attorneys and landlord attorneys, and included an option for the attorney to avow that the tenant was informed of the right to appear and declined. The workgroup believes the best practice is to trust officers of the court during an avowal to the judge.
- Some members called for consistency throughout Arizona courts because in Pima County, attendance by both parties is required for a stipulated judgment. However, other members pointed out that sheer volume of cases in Maricopa County affect the way cases are processed. Additionally, tenants who do understand and do not want to stay should not be “held hostage” in the courtroom until their case is called.
- Members discussed further simplifying the warning language, clarifying that the tenant will not be able to appeal if the stipulated judgment is signed, and including the warning language in multiple languages. The Commission recommended that any stakeholders with concerns or suggestions file comments with suggested language to give the court additional perspective and proposed revised language.
- Some members suggested withdrawing the rule petition to get more data and to reconsider and reoffer the rule change at a later time, but, on balance, agreed that they did not want to lose the momentum and the rule petition does improve the process.

Mr. Baumstark discussed the workgroup’s strategic planning, including developing short eviction videos to post on AZCourtHelp.org; exploring a navigator program for eviction actions; and revisiting forms. The workgroup’s next meeting is scheduled for June 29, 2017.

G. *Pro Bono* programs in federal courts

Millie Cisneros reported on four efforts to expand *pro bono* programs in federal courts by focusing on partnerships with other organizations.

1. Bankruptcy Court. At Self-Help Centers in Phoenix and Tucson, the State Bar of Arizona provides volunteer attorneys to consult with individuals about bankruptcy for 20 to 30 minutes without charge.
2. Tucson Self-Service Clinic. The federal court works in collaboration with Step Up to Justice, a civil *pro bono* law center in Tucson. Volunteer lawyers meet self-represented litigants who either wish to file a civil case in federal court or who have already filed and need help navigating the system. Issues include jurisdiction, civil rights, social security appeals, federal tort claims, disability rights, employment discrimination, wrongful termination, and contract disputes. There is no income level required.
3. Phoenix Self-Service Clinic. As of May 25, 2017, the federal court will start collaborating with the Maricopa County Volunteer Lawyers Program based on the Tucson model. Areas of focus include claims under § 1983 and *Bivens* claims, employment discrimination, and social security matters.
4. Mediation Program for Prisoner Litigation. Ms. Cisneros noted that prisoner litigation is a big share of the court's civil caseload. From June 2013 to June 2014, 41 percent of civil cases were filed by prisoners (excludes 3,477 frequent single filer prisoners). The court can compel mediation with a volunteer mediator for medical care, religion, conditions of confinement, and failure to protect issues. In 2014, there were 25 mediations and 10 cases settled.

H. Update on Legal Needs Study

Judge Joseph Kreamer and Anthony Young of SALA updated members on the need for and progress of the proposed legal needs study. Mr. Young explained that needs assessments are conducted by legal aid programs to inform how services should be provided and set case priorities. He reviewed the purpose, methodology, and impact of surveys conducted in 2007 and 2013 (limited). According to the 2007 study, there is a significant gap between the civil legal needs of Arizonans and their ability to access the tools necessary to address these needs.

- 71 percent of households with a total income of \$25,000 or less believed that they could not afford an attorney.
- 81 percent did not know where to go for legal services when they had a civil legal problem.
- Of the 32 percent reporting a civil legal problem, only 25 percent got help from a person or agency.

Mr. Young noted that the 2007 study helped change the landscape of legal services and highlighted concrete outcomes and programs today that can be traced back to the 2007 survey:

- There is a Modest Means program.
- Librarians have been trained and equipped to assist with legal information for the public.
- Rule allows CLE credit for *pro bono* work.

He stressed the importance of repeating the study to identify the top unmet needs and most vulnerable applicants to help target resources in the most effective and efficient manner; to compare needs between the decade; and to assess measurements of success and social impact. The Arizona Legal Services Steering Committee is still defining the survey questions based on what was learned from the previous studies. The survey's scope will be broadened to ensure that data is obtained from the entire community by using online and hard copy surveys, and conducting surveys in English and Spanish.

Member comments:

- It is important to obtain state-specific information and engage in conversations that go beyond only decision makers.
- The statistics do not reflect the percentage of people who do not understand they have a legal issue and give up. Mr. Young responded that a soon-to-be issued national legal aid agency justice gap study will be used to capture data for those who were turned away, did not receive any service, or obtained some service but not what was needed.
- What kind of support is the Arizona Legal Services Steering Committee seeking from the Commission? The Committee would like ACAJ to lend its name in the publishing of the study and be a forum participating in the questions and answers.

Motion: Judge Joseph Kreamer moved to support the Arizona Steering Committee's launch of a statewide legal needs study, as presented. **Action:** Approved. **Seconded:** Anthony Young. **Vote:** Unanimous.

I. Report from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer noted that the Public Lawyer *Pro Bono* Conference on February 24, 2017, was well attended and especially useful for public attorneys. The Attorney General's Office committed to work on a model *pro bono* policy through Jennifer Perkins, Solicitor General. Judge Kreamer reported on efforts of the Judicial and Attorney Engagement Workgroup to meet goals by extending its membership and focusing on judicial engagement versus attorney engagement. Judge Berning will take the lead to develop a menu of volunteer options for judges that do not create an ethical issue. Options to engage attorneys include answering questions online and providing training and support after identifying a discrete single issue.

J. Update on the Public Information and Messaging Workgroup

Rick DeBruhl reported on efforts of the Public Information and Messaging Workgroup to limit its scope to accomplish goals by focusing the workgroup's message, particularly in promoting the AZCourtHelp website/resource; by following a proactive approach relative to law-related events throughout the year that lend themselves to access to justice stories/events; and by developing recorded podcasts.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, August 16, 2017

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

State Courts Building, Room 119

1501 W. Washington St.

Phoenix, AZ 85007

Adjourned at 1:52 p.m.

**Arizona Commission on Access to Justice
MINUTES**

Wednesday, September 20, 2017

12:00 p.m. to 2:00 p.m.

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Present: Judge Lawrence Winthrop (chair), Kip Anderson, Judge Janet Barton, Judge Thomas Berning (*telephonic*), Pamela Bridge, Judge Maria Elena Cruz, Judge Anna Huberman, Michael Jeanes, Judge Joseph C. Kreamer (*telephonic*), Maria Morlacci, John Phelps (*telephonic*), Helen Purcell (*telephonic*), Janet K. Regner (*telephonic*), Dr. Kevin Ruegg (*telephonic*), Anthony Young (*telephonic*)

Absent/Excused: Mike Baumstark, Judge Sean Brearcliffe, Millie Cisneros, Michael T. Liburdi

Presenters/Guests: Dan Christensen (*telephonic*), Pat Gerrich (*telephonic*), Kevin Groman (*telephonic*), Cheryl Kulas (*telephonic*), Lara Slifko (*telephonic*)

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the September 20, 2017, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Chairperson Judge Lawrence Winthrop, at 12:04 p.m.

B. Approval of Minutes

The draft minutes from the May 10, 2017, meeting of the ACAJ were presented for approval.

Motion: Judge Janet Barton moved to approve the May 10, 2017, meeting minutes, as presented. **Action:** Approved. **Seconded:** Michael Jeanes. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop updated members on access to justice topics.

- Judge Sean Brearcliffe was appointed to the Court of Appeals, Division Two.
- The Commission's Annual Report has been completed and was posted to the website. The redesigned report is engaging visually and will be formally presented to the Arizona Judicial Council in three weeks.
- Judge Winthrop encouraged members to identify one or two groups where a presentation can be given about the need for meaningful access to justice and

availability of the state income tax credit. A power point presentation with speaking notes are available for member use.

- A presentation was made to the Faith Lutheran Church about access to civil justice to start a conversation and build a connection with Arizona's faith-based communities.

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

Judge Anna Huberman reported on rule petitions filed by the commission that were considered at the August Rules Agenda.

- **R-16-0022 – Change of Judge in Eviction Actions:** The rule petition was continued to the December Rules Agenda.
- **R-17-0020 – Stipulated Judgments in Eviction Action:** The rule petition was adopted and is effective January 1, 2018.
- **R-16-0040 – Mandatory Eviction Action Forms:** The forms and pleadings were posted as recommended forms to the Judicial Branch's eviction page.

The workgroup developed Legal Info Sheets on eviction actions that use images to improve readability. They have been posted on the eviction webpage. Judge Huberman raised an issue with the Section 8 Housing Legal Info Sheet. The workgroup is also working on developing eviction videos to post on azcourts.gov and AZCourtHelp.org.

C. Report from the Judicial and Attorney Engagement Workgroup

Judge Kreamer reported three main initiatives, including engaging public lawyers with a model *pro bono* policy applicable to the individual agency; conducting a survey to encourage law firm engagement; and seeking a published/unpublished opinion to promote judicial engagement. The next meeting is scheduled for November 16, 2017.

D. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop reported that the workgroup met for the first time on September 12, 2017. He discussed the workgroup's goals, which include determining whether the LAIR (legal aid interagency roundtable) concept can work at the state level; having civil legal aid assistance in the funding scope of the state agency's work; and increasing fairness in administrative hearings involving self-represented litigants. He reminded members that Arizona has agreed to be part of a four-state pilot project to work with Karen Lash. The workgroup discussed available federal funding sources as well as several state agencies and their mandated plans that already include legal assistance. In addition, the workgroup identified possible areas of focus: 1) Veterans and Service Members in housing, consumer protection and benefit access; 2) senior population in financial exploitation, elder abuse, guardianship/conservatorship issues; 3) victims of crime; and 4) post-conviction relief and reentry services.

E. Report from the Public Information and Messaging Workgroup

Heather Murphy discussed the idea of podcasts hosted by a Justice regarding basic court information, which would be housed on azcourts.gov and AZCourHelp.org. The next step is to identify topics based on the editorial calendar and give assignments to Justices.

A digital marketing proposal was obtained for AZCourHelp.org but funds are needed to advertise. A mass mailing took place on July 21, 2017, and 50,000 English postcards, 10,000 Spanish postcards, and English and Spanish posters were sent to each court.

F. Update on the AZCourHelp.org website

Dr. Kevin Ruegg updated members on the progress of the AZCourHelp.org website. The chat function is being evaluated for usage and eviction forms are being populated.

Dr. Ruegg reported on the website's traffic since the launch:

- 22,301 unique views and 28,000 sessions
- 109,000 page views
- Platforms: 59% desktop, 36% local devices

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, November 8, 2017
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 1:18 p.m.

**Arizona Commission on Access to Justice
MINUTES**

Wednesday, November 8, 2017

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, Millie Cisneros, Judge Maria Elena Cruz, Judge Anna Huberman, Chris Kelly (*proxy for Michael Jeanes*), Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Janet K. Regner (*telephonic*), Dr. Kevin Ruegg, Anthony Young (*telephonic*)

Absent/Excused: Judge Sean Brearcliffe, Michael T. Liburdi

Presenters/Guests: Allister Adel, Summer Dalton, Kevin Groman, Lara Slifko, Martha McConnell, Judge Paul McMurdie, Heather Murphy, Kay Radwanski, Judge Carol Scott Berry, Dr. Susan Trentham

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 November 8, 2017, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence Winthrop, chair at 10:04 a.m.

B. Approval of Minutes

Judge Winthrop presented the September 20, 2017, Arizona Commission on Access to Justice meeting minutes for approval.

Motion: Judge Joseph Kreamer moved to approve the September 20, 2017, meeting minutes, as presented. **Action:** Approved. **Seconded:** Helen Purcell. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop updated members on access to justice topics.

- Several presentations were made to the Arizona Judicial Council (AJC), Presiding Judges, Phoenix Soroptimists, and In-House Counsel *Pro Bono* Commission.
- Judge Winthrop encouraged members to identify one or two groups where a presentation can be given about the need for meaningful access to justice

and availability of the state income tax credit. A power point presentation, speaking notes, and a tax credit flyer are available for member use.

- Funding for the Legal Services Corporation (LSC) remains uncertain and alternate funding sources are needed.
- The “Last Word” column in the December issue of Arizona Attorney is devoted to the work of the commission and the tax credit.
- The 2017 annual report was released and it has been well-received.
- Step Up to Justice in Tucson was awarded first prize and \$15,000 by the McGuire Center for Entrepreneurship in its first Social Impact Pitch Competition.
- The University of Arizona is hosting an Access to Justice Project Launch on November 15 with students presenting proposed solutions to reduce or eliminate access to justice barriers created by domestic violence, minor guardianship, and reentering society following incarceration.

B. Update from the Committee for an Interim Review of the Child Support Guidelines

Judge Paul McMurdie, Court of Appeals, Division 1, and chair of the Committee for an Interim Review of the Child Support Guidelines, provided some background information regarding the child support guidelines review process, and presented proposed recommendations that incorporate changes to state law, federal regulations, and case law before the 2019 quadrennial review. This interim review is very narrow in scope and only covers non-controversial changes. An online public comments forum was created and a public hearing was held for transparent vetting and feedback. The proposed recommendations will be presented on an expedited basis to the Arizona Judicial Council (AJC) at the December meeting and become effective April 1, 2018. The Committee on Superior Court voted to support the proposed recommendations. Judge McMurdie reviewed the issues that were addressed.

1. The increase in the Arizona minimum wage impacts the self-support reserve, which could result in a 37 percent increase in child support.
2. There is new federal guidance on the imputation of income.
3. There is new federal guidance on incarceration and the ability to pay.
4. The child support order should be rounded to the nearest dollar.
5. There was a global change of terminology to make the guidelines more user-friendly.
6. Additional instructions and an example were added for third-party caregivers.
7. Clarification for calculating appropriate child support was added to those situations when there are multiple children with different parenting plans.
8. Propose that a child support order should not be entered if it is less than the current support payment clearinghouse fee.

Member comments

- Do the guidelines address situations where the remarrying parent is more affluent than the other? The guidelines are based on the federal requirements.
- Was this review sent to the State Bar of Arizona's Family Law section? Why has this review been brought to ACAJ? Judge McMurdie clarified that the review was sent for comments to the State Bar of Arizona. The committee was asked to make a presentation to ACAJ because 80 percent of family law litigants are self-represented litigants navigating the family law courts.
- In 2(H), there is a reference to "physical custody." Should the term be changed to "parenting time"? Yes, the change will be incorporated.
- At the time of sentencing, notification should be given to the parent who is going to prison that there is an option to file a petition to modify child support due to a change in circumstance; otherwise, child support amounts will continue to accrue during incarceration.

Motion: Judge Joseph Kreamer moved to support the proposed child support guidelines recommendations, as presented. **Action:** Approved. **Seconded:** Judge Janet Barton. **Vote:** Unanimous.

C. Report from the Committee on the Impact of Domestic Violence and the Courts

Judge Carol Scott Berry, Phoenix Municipal Court, and chair of the CIDVC Orders, Enforcement and Access Workgroup provided background information on this project, which was originally referred to the Committee on the Impact of Domestic Violence and the Courts (CIDVC) by ACAJ. The project was intended to provide greater access to protective orders for victims of domestic violence to prevent tragedies, remove obstacles, provide safe locations, and to assist Arizona courts in establishing protocols for remote protective orders.

The workgroup developed procedures for using remote access technology to allow domestic violence victims to participate by video in *ex parte* protective order hearings in the form of guides, which provide information about safe Internet communications and transfer of documents, and set out the roles for law enforcement, advocates, and the court. Courts are encouraged to take the lead, determine community resources, establish safe communications between the courts and community resources, and between courts and law enforcement, and establish a law enforcement protocol. To address the needs of all courts, remote processes from Phoenix Municipal Court and Graham County Justice Court were combined. During this project, Judge Wyatt Palmer from Graham County Justice Court, demonstrated this procedure and established in two months a remote process between his court and the Graham County Safe House. Judge Berry identified some issues that may cause a delay in the process, including availability of judges and interpreters. She also reported that CIDVC is developing a plan to

inform courts, advocates, and law enforcement agencies about the guides and to promote use of these procedures.

Member comments:

- Who can an agency contact about establishing a remote petition process? The presiding judge at any court.
- When a court takes the lead and selects an agency, it should look at agencies geographically to cover the most ground.
- Has the procedure been shared with tribal courts? That is a good idea that will be shared with the AOC Legal Department.
- Has there been an increase in filings since the remote procedure has been in place? The remote procedure has not been promoted.
- It is a challenge to meet interpreter demand because interpreters must be certified court interpreters, not family members.
- When filling out the petition, which system is the petitioner using? Petitions are being completed by hand with the advocate and faxed back and forth. A member suggested using the domestic violence prompt system and transmitting into the judge's queue, which would also help law enforcement.
- Concerns were raised that if buy-in is not obtained from all Maricopa courts, workload will increase for a specific court.
- A member suggested moving ahead and presenting to the Committee on Limited Jurisdiction Courts to see if the process would work even if it is only on a pilot basis in a few locations.

D. In-House Counsel *Pro Bono* Commission

Kevin Groman, In-House Counsel *Pro Bono* Commission, provided background information regarding the In-House Counsel *Pro Bono* Commission and discussed efforts to breakdown impediments, such as time is not their own, malpractice insurance protection, and double certification issue; to get the right people involved; and to identify opportunities that are good for the attorney's skill sets.

Judge Winthrop commended the synergy involved when access to justice can be promoted across the business community.

E. Update on Online Dispute Resolution Software

Summer Dalton, AOC manager of the eCourt Services Unit, provided an update on the progress of online dispute resolution (ODR) software. The AOC is moving toward a proof of concept with the goal to run three pilot programs simultaneously. Request for bids are due November 17, 2017, and once a vendor is selected, pilot groups will be identified for family law (Yuma County Superior Court), small claims and traffic case types.

Judge Winthrop reminded members that ODR provides more efficiency and a higher level of participation because it allows the user to manage a case outside

the courtroom from a computer or mobile device when it is convenient for the user.

Member comments:

- Maricopa County Superior Court is considering ODR for post-decree family law and civil debt collection case types.
- A member inquired whether states are using ODR for eviction cases. Ms. Dalton is not aware of any at this time.

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

Judge Anna Huberman reported on the increased web traffic to the Arizona Judicial Branch's eviction-related webpages, which were redesigned with the user in mind.

- As of September 5, 2017
 - 169 page views and 129 unique page views to the Eviction Actions webpage (where new eviction forms were posted as recommended forms)
 - 59 page views and 46 unique page views to the Legal Info Sheets webpage
- As of November 6, 2017
 - 519 unique page views to the Eviction Actions webpage
 - 218 unique page views to the Legal Info Sheets webpage

The workgroup's next project is to develop eviction video content using GoAnimate software. Scripts have been assigned to workgroup members with a deadline of January 1, 2018, and the goal is to produce and post five or six new videos by April 2018 to AZCourtHelp.org and the Arizona Judicial Branch website.

G. Update on Rule Petitions

Julie Graber, AOC staff, reported on the progress of rule petitions at the August Rules Agenda.

- **R-16-0040** – Mandatory Eviction Action Forms: Continued until the December Rules Agenda.
- **R-17-0020** – Stipulated Judgments in Eviction Actions: Adopted and effective January 1, 2018.
- **R-16-0022** – Change of Judge in Eviction Actions: Continued until the December Rules Agenda.
- **R-17-0016** – Computing Time in Eviction Actions: Adopted and effective January 1, 2018.
- **R-17-0011** – In-House Counsel Clean-Up: Adopted and effective January 1, 2018.
- **R-16-0047** – In-House Counsel Clean-Up: Adopted and effective January 1, 2018.

H. Update on Public Information and Messaging Workgroup

Heather Murphy reminded members about the workgroup's focus areas, which include promoting AZCourtHelp.org, providing outreach and presentations to the community, and developing opportunities for partnerships. Ms. Murphy reported on the workgroup's ongoing efforts to develop a monthly series on various legal information topics on KJZZ to mark the 50th Anniversary of the Federal Public Broadcasting Act, and to develop a podcast series moderated by Supreme Court Justices with topics in keeping with the editorial calendar.

Ms. Murphy noted that a statewide memorandum was issued to court administration to add links to AZCourtHelp.org on court websites. A letter will also be drafted to mark the anniversary of AZCourtHelp.org's launch. She requested that members contact her with stories that would be good to pitch to the media in keeping with the editorial calendar.

I. Update on the AZCourtHelp.org website

Dr. Kevin Ruegg updated members on the progress of the AZCourtHelp.org website. She reported that there have been 28,835 unique users since the launch.

- The website can house content and forms from smaller courts who do not have a website presence.
- New content has been added regarding evictions.
- Fillable fee waiver and deferral forms have been posted.
- Parenting plans have been populated.
- New PowToons videos are being finalized regarding evictions, the cans and cannots of court, to hire or not hire a lawyer, and preparing for court.
- There are two new chat operators: Yavapai and Yuma. The chat function has changed its hours to 9:00 a.m. to 2:00 p.m. when there is the most traffic.

J. Report from Inter-Governmental Collaboration Workgroup

Judge Winthrop reported on the workgroup's next steps based on input received from the Governor's Office. He identified two main areas of focus: 1) working with the executive branch to reduce barriers for those reentering the community and workforce to meet employment shortages in construction and trucking; and 2) supporting the Governor's challenge to do more for domestic violence victims. Judge Winthrop suggested having Karen Lash attend the February 7, 2018 commission meeting to discuss interagency collaboration and the multi-state pilot project.

K. Report from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer noted that the workgroup is meeting on November 16, 2017. Dr. Kevin Ruegg discussed initial findings regarding the 2017-2018 legal needs survey and the various ways information is being gathered to obtain the most complete perspective on the needs and solutions. Dr. Ruegg reminded members that the survey results will help set specific priorities.

L. Report from County Bar Associations

Dr. Susan Trentham, Pima County Bar Association, and Allister Adel, Maricopa County Bar Association, highlighted several bar programs and discussed their respective bar's interests in access to justice. The presenters welcomed the opportunity for Judge Winthrop to come speak at their Foundations about the commission's work and access to justice issues.

M. Pro Bono Survey from the American Bar Association

John Phelps and Rick DeBruhl compared national and state results from the *Pro Bono* Survey conducted by the American Bar Association (ABA). The presenters noted that the ABA defined *pro bono* very broadly in the survey. They also discussed cultural and statutory barriers to performing *pro bono* hours. Highlights included:

- 39 percent of Arizona attorneys and 48 percent nationally reported not performing any *pro bono* hours.
- 72 percent of Arizona attorneys and 80 percent nationally performed less than 50 hours per year.
- Attorneys under the age of 29 do the least *pro bono* while attorneys over 65 do the most. Women do more *pro bono* early in their career while men do more later in their career.
- The top three practice areas for doing more *pro bono* include family law, criminal law, and estate/probate.
- The top three reasons for limited *pro bono* include lack of time, family and personal concerns, and lack of skills, while CLE credit, judge solicitation, and limited scope are reasons to do more.
- Limited scope representation represents the biggest area for growth opportunity but there are often questions regarding the ethical aspects of limited scope representation.

Member comments

- A possible area of improvement includes educating public attorneys about what they can do and how to do it, which should then be followed up with office leadership.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

Dr. Kevin Ruegg reported that the Foster Care Review Board is experiencing an extreme shortage of volunteers to serve on county boards.

B. Next Meeting Date
Wednesday, February 7, 2018
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 1:58 p.m.