GOAL 1

PROMOTING ACCESS TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

February 4, 2015 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona
Conference call-in number: (602) 452-3288 Access code: 8788
ACAJ WEBPAGE WebEx link:
https://arizonacourts.webex.com/arizonacourts/j.php?MTID=m92c38abc086e7bf93598b6ebe6e5b5f1

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks	*Judge Lawrence F. Winthrop, Chair, Div. One, Court of Appeals*
	Approval of minutes from October 15, 2014 ☐ ***Formal Action/Request***	
10:05 a.m.	Report from SRL-Family Court Workgroup	*Judge Janet Barton* *Janet Fisher*
	Discussion regarding SRL-FC report ☐ ***Formal Action/Request***	*Judge Winthrop*
11:05 a.m.	Report from SRL-Limited Jurisdiction Courts Workgroup	*Judge Rachel Torres Carrillo*
	Discussion regarding SRL-LJC report ☐ ***Formal Action/Request***	*Judge Winthrop*
Noon	**Lunch**	
12:30 p.m.	Report from Pro Bono Service and Funding Workgroup	*Barb Dawson*
	Discussion regarding Pro Bono/Funding report ☐ ***Formal Action/Request***	*Judge Winthrop*
1:30 p.m.	Discussion regarding report and recommendations to AJC ☐ ***Formal Action/Request***	*Judge Winthrop*
1:50 p.m.	Good of the Order/Call to the Public	*Judge Winthrop*

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

Arizona Commission on Access to Justice
DRAFT MINUTES
Wednesday, October 15, 2014
10:00 a.m. to 2:00 p.m.
State Courts Building, 1501 W. Washington Street
Phoenix, AZ 85007

Present: Judge Lawrence Winthrop, Chair; Judge Dean Fink (proxy for Judge Janet Barton); Dave Byers (proxy for Mike Baumstark); Kip Anderson; Judge Thomas Berning; Millie Cisneros; Judge Marie Elena Cruz; Barb Dawson; Michael Jeanes; Ellen Katz; John Phelps; Janet Regner; Kevin Reugg; Steve Seleznow; Judge Rachel Torres Carrillo; Anthony Young

Telephonic: No one appeared telephonically

Absent/Excused: Judge James Marner; Lisa Urias

Presenters/Guests: Vice Chief Justice John Pelander; Bonnie Rose Hough; Stacey Butler; Pat Gerrich; Judge Mark Moran; Steven Keist; Kelly McCullough; Jeff Fine; Janet Fisher; Andrea Gutierrez; Todd Lang; Chris Groninger; Lara Slifko

Administrative Office of the Courts (AOC): Marcus Reinkensmeyer; Heather Murphy; Paul Julien

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the October 15, 2014, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:12 a.m.

Vice Chief Justice John Pelander made opening remarks to members of the commission, guests and staff. Justice Pelander noted a widening justice gap in this country, especially in Arizona. He discussed the new five-year strategic agenda adopted by the Supreme Court, wherein the goal of achieving access to justice has risen to the number one goal.

Judge Winthrop informed the members that this commission is subject to the public meeting code requirements. He referred the members to a page of proposed rules for conducting this committee's business that were included in the meeting packet. These rules establish policies for a quorum, decision-making, and proxies.

The members unanimously agreed to adopt the proposed rules as presented.

Ms. Graber and Ms. Sekardi provided an overview of the physical briefing binder, the digital version of the briefing binder, and the commission's website. Mr. Olm briefed the commission members on emergency building evacuation measures.

II. BUSINESS ITEMS

A. Review of Administrative Order 2014-83

Judge Winthrop provided an introduction and overview of poverty and legal aid issues in this state and reviewed the administrative order, which established the Commission on Access to Justice and outlined the purpose of the commission.

Judge Winthrop noted:

- Arizona's poverty level has risen for the third year in a row, with 20.2 percent of Arizonans living below the poverty level.
- Some statistics indicate that half of the people who even know how to seek out legal assistance are turned away.
- In Arizona's family courts, over 80 percent of cases have one or both parties self-represented.
- Generally, there are no lawyers or other types of advocates to assist our indigent population relative to housing issues, particularly eviction matters.
- Chief Justice Bales has mandated this commission to look at discrete issues and to make recommendations for comprehensive assistance to self-represented litigants, both in family court and in limited jurisdiction courts.
- The Supreme Court is interested in recommendations to encourage and enhance how lawyers volunteer their services to the indigent population.
- The commission will also look at how to enhance the funding of legal services, such as promoting the availability of the state tax credit for donations to qualifying non-profit groups that provide legal assistance to the working poor.

B. Overview of Access to Justice Initiatives: A National Perspective

Bonnie Rose Hough, Managing Attorney of the Judicial Council of California (JCC), appeared by teleconference to present an overview of California's access to justice initiatives that pertain to servicing self-represented litigants in the courts.

Ms. Hough informed the commission that California employs a variety of solutions that have developed into a continuum of services for poor and middle income self-represented litigants.

The California Access to Justice Commission focused on case resolution for self-represented litigants. The Self-Represented Litigant Task Force found:

- Providing self-help services is in everyone's best interests. It is the "Unity of Interest" between the public and the courts.
- Self-represented litigants need more than the information that is merely contained in self-help packets.
- Self-represented litigants need more assistance with filling out forms and understanding court procedures.

- Self-represented litigants need services throughout the entire case and not just at the onset of a case.
- In order to provide services to self-represented litigants, California courts partnered with legal services organizations, libraries and schools to provide comprehensive services.

Self-Help Centers

- The self-help attorneys within the courts provide self-represented litigants a high level of quality work and understanding of legal issues.
- Research shows that the self-help center and other legal services for self-represented litigants were highly effective: the self-represented litigants were satisfied; more self-represented litigants were able to start and finish an entire case; and judges were satisfied because of the resulting efficiencies to their calendars.

Ms. Hough presented solutions and best practices for providing self-help and other legal services to self-represented litigants:

Self-help kiosks

Ms. Hough noted it is important that the kiosks are staffed otherwise the self-represented litigant will not use this service. She stated self-represented litigants need personal contact, recognition, need to be shown how to use a computer and need to be able to have questions answered from a person working at the kiosk. California, through the JusticeCorps program, used 300 college students to assist with these types of services.

Assistance in rural communities

Nationally, the current trend is to provide telephone and email assistance to self-represented litigants in rural areas; but more recently, there has been a move to use the internet (i.e. email and "live chat") rather than the telephone. Ms. Hough related that self-help websites have proved to be extremely helpful to litigants, as they can be easily expanded, they can provide necessary bilingual services, and they can effectively focus on the issue or process the litigant wants more information about.

Families Change website

California uses this website to provide a three-hour online parenting class for parents. The website also hosts videos that help the public to navigate small claims court.

Simplification and translation of rules and forms

California received funding to translate certain forms for SRLs who are not fluent in English. California worked to make it simple for SRLs to complete domestic violence forms. These forms were shortened, the legal jargon was eliminated and the language is written in a short and concise manner.

Law Help Interactive

Ms. Hough explained the Law Help Interactive tool used in the Los Angeles County courts that significantly reduce the amount of time needed to fill out self-help forms. She explained the program is like the Turbo Tax program for completing your tax return forms

but this program helps develop and simplify forms and processes for SRLs. This program helps cut down fill out time significantly. Because of tools like this one, only two full-time attorneys are needed in Los Angeles County, a population of 10 million, for self-help forms.

SRL Calendars

Ms. Hough reported that some California courts have self-represented dockets, meaning only cases involving self-represented litigants are placed on the same calendar, on the same day. This type of calendar places necessary resources into that courtroom for maximum efficiency and effectiveness. Self-help representatives, mediation, legal aid, and relevant social services are all present, working together to resolve cases. Ms. Hough explained the model works well for family law and housing issues and is an opportunity for attorneys to obtain pro bono work.

Case management

California makes use of automated check points, which can be built into case management systems. This system ensures that email, text messages or paper mail reminders are sent to litigants who have not completed all the steps to resolve their case fully.

Judicial and judicial staff education

Ms. Hough stated the need for extensive judicial curriculum, specialized bench guides, and online resources that can all be incorporated into new judge orientation. She reports that judicial staff also need education on legal information as opposed to legal advice; on-going information and changes in the law; conferences and webinars for self-help providers.

Facilities

Ms. Hough indicated that research shows self-help centers and services are more effective than off-site; however, outreach locations are also very helpful.

Fiscal impact

California expanded funding in order to provide for more services. JusticeCorps and other grants are great opportunities to expand self-help services at minimal cost. Ms. Hough reported that cost benefit studies have shown savings to the courts for providing self-help centers and services.

The chair opened the floor to questions for Ms. Hough (not verbatim):

- *How are the in–person self-help programs managed locally through support of the JCC and are the different counties allowed to tailor their program to their specific needs?*
    - Ms. Hough responded by saying that the JCC has general guidelines for the counties to follow but the Judicial Council keeps in mind that there are going to be different services provided between counties. Technology can be used on a centralized basis in terms of forms development and each county can insert specific information into these forms. Listservs are another way that people share information with each other about what programs are working in their counties.

- *How has California promoted the availability of these services to the constituencies that needed these services?*
    - Ms. Hough indicated that the JCC responded to the numbers and knew beforehand where help was most needed. JCC reached out to community agencies who in turn reached out to those in need of services. Because many self-represented litigants were already going the court, the JCC gave information to the clerk's office and court staff so they could inform self-represented litigants where assistance is provided. The JCC website was promoted initially, and now the website appears often through Google searches related to legal matters in California.

- *Local rules that can be hard to overcome with regards to forms. How did California overcome that challenge?*
    - Ms. Hough responded by saying that it was difficult for lawyers to practice in different jurisdictions due to different local rules. Being the third branch of government, the JCC knew it needed to have more of a statewide presence to get to standardization, which it accomplished through the leadership of the JCC and the Chief Justice despite contention from jurisdictions. Additionally, there was a California Supreme Court case regarding a local court who had local rules that made it impossible for self-represented litigants to try their own case. The Supreme Court opined that family law litigants have the same right as everyone else to assistance and there should be statewide rules of court that address this issue.

- *How are self-help centers able to sort out domestic violence and high conflict cases and refer those clients to appropriate resources?*
    - In terms of triage and assessment of cases, 90% of those in domestic violence cases know how to fill out forms in preparation for court and judges are trained to handle domestic violence cases. This saves pro bono attorneys for more complicated cases. Self-help centers also help respondents in orders of protection and domestic violence cases and refer parties to specific treatment programs if necessary.

A few general comments were made reminding the commission that:

- Court funding in California is based on a centralized state-funded court system; whereas Arizona has a decentralized, non-state funded court system as the trial courts are funded by their respective County Board of Supervisors. This makes it difficult to fund certain needs for the courts in different counties.
- Access to justice should not be limited to only indigent defense, rather the courts and the commission need to be cognizant of the legal needs of the middle class and not just the low-income class.

C. AmeriCorps Grant opportunity in Maricopa County

Maricopa County Superior Court Judge, Dean Fink, presented the JusticeCorps program, how it operates in California, and the Arizona pilot program.

Maricopa County is pursuing a grant opportunity from AmeriCorps JusticeCorps program. Prior to pursuing the AmeriCorps grant, Maricopa County received a grant from the National Center for State Courts to pay for one judicial officer to travel to California and observe how the JusticeCorps program works. Judge Fink traveled to Los Angeles and visited self-help centers and spoke with JusticeCorps staff.

California's program is administered in the Bay Area, Los Angeles, and San Diego and the program is involved with various universities in each of the regions to recruit and retain members. Currently, California's funding levels provide for 263 members and 24 full-time fellows.

Arizona's AmeriCorps funding is controlled by the Arizona Governor's Commission on Service and Volunteerism. The submission of a grant application for the JusticeCorps program by Maricopa County Superior Court is in the works.

Judge Fink anticipates a few challenges administering this program:

- Matching funds or in kind matches of 50% are required.
- Future funding and shifting of funding sources will need to be ascertained.
- Initial startup will need to include recruitment and training of members, and proper infrastructure to support them.

Judge Fink declared the next steps for Arizona are to determine the biggest needs, develop other non-academic partners and obtain letters of support for Maricopa's grant application. As far as rural counties and expansion of the program, engaging assistance from community colleges and public libraries can prove to be beneficial.

Members expressed a concern with the overall culture of the courts as self-represented litigants feel intimidated when they seek help at the courthouse. The experience of interacting with the court has to be addressed, such as an employee that is fearful of providing information that could be deemed legal advice, so they offer little to no beneficial service. Members discussed self-help centers outside of court buildings in order to eliminate the intimidation factor and to make the self-represented litigants feel more welcomed. More discussion included the observations that there are self-help centers at some public libraries; however, self-help centers located outside the courthouse may not be as effective as the centers located inside the courthouse.

III. OTHER BUSINESS

A. Work groups

Judge Winthrop informed the committee of their respective workgroups and informed members that each individual workgroup's information can be found on the commission's website.

B. Charitable Tax Event

Judge Winthrop provided a brief overview of the October 9, 2014 Advancing Justice Together Charitable Tax Event and played the Working Poor Tax Credit video from the Arizona Legal Foundation.

C. Good of the Order/Call to the Public

None present.

D. Adjournment

Meeting adjourned at 2:05 p.m.

E. Next Commission Meeting Date

Wednesday, February 4, 2015
10:00 a.m. to 2:00 p.m.
State Courts Building
Conference Room 119A/B
1501 W. Washington
Phoenix, Arizona 85007

January 20, 2015

In the coming months, the Maricopa County Superior Court will apply for an AmeriCorps state grant to bring the Justice Corps program to the citizens of the Valley. The program, modeled off the Justice Corps in California, aims to increase access to justice for citizens who come to court without legal representation. Justice Corps members would improve customer service and access to the legal process in the Superior Court Self-Help Center and Protective Order Center by assisting self-represented litigants to complete forms and processes for family law, domestic violence, protective orders and probate law. Justice Corps members will engage with the citizens who require an extra level of assistance, providing an added level of confidence and assurance to customers while increasing the accuracy of forms for more expedited court hearings. The Justice Corps directly impacts the Court's strategic plan to "increase access to Justice," a plan that will benefit and better serve the legal rights of all citizens.

Arizona State University is delighted to partner with the Superior Court to provide a robust recruitment pipeline for the Justice Corps. We strive to be fully integrated into the communities we serve through mutually-beneficial partnerships, a practice we call social embeddedness. This commitment is rooted in our charter as a New American University, measured not by who we exclude, but rather by who we include and how they succeed; pursuing research and discovery that benefits the public good; and assuming major responsibility for the economic, social and cultural vitality and healthy wellbeing of the community.

Arizona State University is the largest public university in the country, with over 82,000 undergraduate and graduate students. Driven by the belief that access and excellence are not mutually exclusive, we offer educational opportunities to a highly diverse student body. 34% of enrolled students come from underrepresented groups, over 4000 students are veterans or veteran dependents and over 29,000 students receive Pell grants. Of the over 6,200 Arizona residents in the 2014 freshman class, more than 42% reported themselves as first-generation college students, and 39% come from low-income families. The College of Public Service and Community Solutions, whose programs house students specifically targeted to join Justice Corps, is home to ASU's most diverse student body; 51% of undergraduates are from minority backgrounds and over half of its population are first-generation college students. The diversity of ASU student perspectives and backgrounds will heighten students' abilities to engage with the variety of customers needing assistance in the court self-help centers.

ASU is also committed to impact, providing tools, guidance and inspiration for all students to create meaningful social change. Through the "Make Your Impact" initiative led by ASU Career Services, students connect their desire to create positive social change to high-impact national service opportunities like AmeriCorps, Peace Corps and Teach For America. ASU has strong partnerships with each organization and provides comprehensive recruitment support to solidify a pipeline of exemplary candidates eager to share their talents and create meaningful change in local and global communities. Our strong partnership combined with the ethos of service we instill in our students is evident; in 2014, ASU ranked 11th in the nation for Teach For America Corps Members and 16th in the nation for Peace Corps volunteers. ASU also has an existing relationship with AmeriCorps opportunities for its current students; in 2012-2013, over 500 ASU student educators, student nurses and America Reads participants completed over 188,000 hours of service throughout the school year.

If efforts to meet the placement needs of Justice Corps, which requires sophomores through graduate students to serve 300 hours over two semesters or over the summer, ASU will employ a strategic

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publicservice.asu.edu

recruitment plan to connect students with a passion for public service, government practices and language translation while also advertising the opportunity to the broad student population.

Targeted Academic Programs:

- College of Public Service and Community Solutions
    - School of Public Affairs
    - School of Social Work
    - School of Community Resources and Development
    - School of Criminology and Criminal Justice

Student Services Support:

- ASU Career Services'
    - "Make Your Impact" preparation workshops and programming
    - Internship and Career Fair representation
    - Presence on Sun Devil Career Link
- Changemaker Central *(a student-driven social innovation hub on each campus)*
    - Information sessions hosted by the Superior Court/ Justice Corps leaders
    - Online and in-space advertisement of opportunities

Additional Opportunities:

- ASU Public Service Academy *(a co-curricular leadership program that engages students in every field in government, nonprofit and private internships to facilitate collaboration in solving society's major challenges.)*
    - Pipeline of 100 eligible students completing government internships the summer after sophomore year (starting Summer 2017)

ASU looks forward to expanding the learning environment of our students while serving our surrounding communities through mutually beneficial partnerships. We believe that the goals of the Maricopa County Superior Court to be innovative, accessible and first-rate align with our own commitment to access, excellence and impact, and we look forward to supporting Justice Corps efforts with a pipeline of passionate, capable students.

Sincerely,

Jonathan Koppell, Dean
College of Public Service and Community Solutions

Office of the Dean
Mail code 3520, 411 N. Central Ave., Suite 750, Phoenix, AZ 85004-2163
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JusticeCorps
Volunteer Program

Revised 9/18/14

The following are proposed practice areas for JusticeCorps Volunteer Students.

Protective Order Center - DV Prompt System

- Volunteers will assist customers with using the Domestic Violence Prompt System (DV Prompt) to complete petitions for protective orders.
    - This assistance will fill a need for customers who require more one-on-one attention with working their way through the questions and screens. It is intended that this extra level of assistance will also provide a level of confidence and assurance to customers in completing the forms and process.
- Volunteers will be trained to provide a remedial review of the screens and paperwork to ensure the customer has answered each question as intended.
    - This extra level of assistance will assist in producing more accurate and complete forms.

Self-Service Center - ezCourtForms System

- Volunteers will provide one-on-one assistance to customers using the ezCourtForms system to complete forms for family court processes.
    - Some customers are not comfortable with computers and the volunteer would help them navigate unfamiliar equipment as well as the interviewing software. This assistance will fill a need for customers who require more one-on-one attention with working their way through the screens. It is intended that this extra level of assistance will provide a level of confidence and assurance to customers in completing the forms and process.

Guide

- Volunteers would be available to escort customers to various areas in the Court when it's apparent the customer is struggling with understanding where to go.
- Volunteers can walk DV customers through the process after leaving the Protective Order Center, to the Clerk of Court for filing, then to the Division and Courtroom.
- Volunteers would provide basic triage to ensure the customer is directed to the correct Court location the first time and not sent to multiple places to obtain the service needed.
    - This extra level of assistance will be particularly helpful for court customers who have special needs such as customers who are elderly, overwhelmed or have difficulty understanding the court process.

Spanish speaking volunteers will also add a higher level of assistance and will fill a need in all three areas.

GOAL 1

PROMOTING ACCESS TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

May 20, 2015 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona
Conference call-in number: 602-452-3288 Access code: 7863
ACAJ WEBPAGE WebEx link

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks Approval of minutes from February 4, 2015 ☐ ***Formal Action/Request***	*Hon. Lawrence F. Winthrop, Chair, Div. One, Court of Appeals*
10:05 a.m.	**Chairperson's report on presentations and meetings** • Arizona Judicial Council – March 26, 2015 • Arizona Forward meeting • National Summit on Innovation in Legal Services • National Access to Justice Chairs meeting	*Hon. Lawrence F. Winthrop*
10:30 a.m.	**Report from SRL-Family Court Workgroup** • Update on Law4AZ training programs • Maricopa County's application for AmeriCorps grant • Application form and order for deferral or waiver of court fees or costs regarding the Parent Education Program - AD 2015-03 • Progress report on FAQ development	*Hon. Janet Barton* *Janet Fisher*
10:55 a.m.	**Report from SRL-Limited Jurisdiction Courts Workgroup** • Update on Forms and instructions Sub-workgroup for landlord and tenant issues ☐ ***Formal Action/Request*** • Update on Resources Sub-workgroup efforts	*Hon. Rachel Torres Carrillo* *Paul Julien, AOC*
12:00 p.m.	**Lunch**	

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12:45 p.m.	**Report from CIDVC regarding remote access to orders of protection in rural counties**	*Hon. Wyatt Palmer, Graham County Justice of the Peace*
1:00 p.m.	**Report from *Pro Bono* Service and Funding Workgroup** • Update the *pro bono* and outreach efforts • Arizona Charitable Tax Credit campaign work	*Barbara Dawson*
	• Presentation regarding Intel Corporation's *pro bono* debt assistance clinic	*Daniel K. Christensen, Intel Corporation*
	• Demonstration of the Arizona *pro bono* portal	*Kevin Ruegg, Executive Director, AZ Foundation for Legal Services & Education*
	• Discussion of media planning and strategy	*Heather Murphy, Director of Communications, AOC*
1:40 p.m.	**"From Point A to Point B" - Discuss accomplishing the Commission's work** ☐ ***Formal Action/Request***	*Hon. Lawrence F. Winthrop*
1:55 p.m.	**Good of the Order and Call to the Public**	*Hon. Lawrence F. Winthrop*

Next Meeting
August 12, 2015
10:00 a.m. to 2:00 p.m.
State Courts Building, Phoenix, Arizona
Conference Room 119

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

Arizona Commission on Access to Justice
DRAFT MINUTES
February 4, 2015
10:00 a.m. to 2:00 p.m.
State Courts Building, 1501 W. Washington Street
Phoenix, AZ 85007

Present: Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Millie Cisneros; Judge Marie Elena Cruz; Barbara Dawson; Michael Jeanes; Ellen Katz; Judge James Marner; Janet Regner; Kevin Ruegg; Judge Rachel Torres Carrillo; Lisa Urias; Anthony Young

Telephonic: Janet Regner

Absent/Excused: Steve Seleznow; John Phelps

Presenters/Guests: Chief Justice Scott Bales**;** Harold Brister; Stacey Butler (telephonic); Judge Peter Cahill**;** Janet Fisher; Josh Grabel; Chris Groninger; Andrea Gutierrez; Michael Manola; Brent Miller; Maggie Kile-Morse; Lara Slifko; Jennifer Holsman Tetreault (telephonic); Judge Quentin Tolby; Cara Nicole Trujillo

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

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

I. REGULAR BUSINESS

A. Welcome, Opening Remarks and Approval of Minutes

With a quorum present, the February 4, 2015, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:12 a.m.

Chief Justice Scott Bales made opening remarks to members of the Commission, guests and staff.

Mr. Young moved to approve the October 15, 2014 minutes. The motion was seconded and passed unanimously.

II. REPORT FROM SRL-FC WORKGROUP

Judge Barton and Ms. Fisher presented the Self-represented Litigants in Family Court (SRL-FC) workgroup efforts and the Commission discussed the workgroup's recommendations.

A. AMERICORPS

- Maricopa County plans on submitting a grant application for AmeriCorps in March. The grant application has garnered support in the form of a "Letter of Support" from Arizona State University.
- Under this grant college students recruited from Arizona State University will volunteer in Maricopa County's new resource center to assist self-represented litigants in family law and probate matters.

- Plans include having the volunteer college students to conduct classes that will teach self-represented litigants how to navigate the court system.
- Once this program is in place, the hope is to take Maricopa County's institutional knowledge and assist other counties to start similar programs, using university and community college students in each respective county.
- Upon inquiry, Judge Barton stated that the Maricopa County Family Law Assistance Project (FLAP) provides representation for self-represented litigants in court; conversely, the AmeriCorps program will be tailored to help self-represented litigants with forms and navigate the court system.
- Members discussed the question of "What does success look like?" in regard to the programs to assist self-represented litigants and commented as follows:
    - Success is providing enough information and education for self-represented litigants to understand how to navigate the court system and what to expect, which will also provide a greater comfort level when they appear in court.
    - Success can be measured by the number of students who receive training, who assist self-represented litigants and, in turn, gain a better knowledge of the judicial system, the court process, and law.
    - Success is being able to provide self-represented litigants help to complete the correct forms, in order to have their issues heard, and to get a timely resolution for their case.

Motion: Judge Berning moved to have the Commission draft a letter of support for Maricopa County to attach to their AmeriCorps application. The motion was seconded by Judge Cruz and passed unanimously.

B. FORMS

- The Self-represented Litigants in Family Court workgroup discussed the possibility of creating statewide forms; however, the workgroup believes excellent forms are already in place, particularly in Maricopa and Pima counties that could be made available statewide. Creating and more importantly, maintaining and updating of statewide forms is not an easy task, which requires numerous resources. Instead, the proposal is to make current forms available statewide and make access to these forms, especially online, more prominent.
- The award winning project in Pima County entitled *Simpla Phi Lex* has generated easily understood instructions designed to empower self-represented litigants.
- The workgroup wants to promote intelligent forms for self-represented litigants to use; this is a system that asks questions and generates the needed and completed forms. Intelligent forms could be made available statewide and AmeriCorps students could assist self-represented litigants to fill them out.
- Ms. Urias offered her communication expertise to market the forms availability to the public, in addition to exploring the potential use of mobile devices by way of a social media campaign.

Motion: Judge Winthrop moved for the Commission to support the efforts to have the statewide forms available and move forward with Commission members using their expertise as needed. The motion was seconded and passed unanimously.

C. FAQ and PUBLIC LIBRARY PROJECT

- One of the objectives of this Commission should be to develop a list of frequently asked questions (FAQ's) and answers that court personnel could use statewide to assist self-represented family court litigants and assure that they receive consistent and accurate information. Training should be provided to court personnel throughout the state regarding the differences between providing legal information and providing legal advice and encouraging the use of the FAQ booklet where appropriate.
- The members also discussed the importance of incorporating a legal information v. legal advice component that provides consistent and lawful guidance to court staff. In 2007, the Supreme Court Task Force on Legal Advice v. Legal Information prepared a booklet that provided questions and answers for court staff on a variety of different types of cases. The workgroup recommends using the booklet as a starting point for family court frequently asked questions, gathering other frequently asked questions from the Clerk of the Courts' staff, public law librarians, and public librarians. Additionally, statutory references, terminology, and changes in law will need to be updated and refreshed. The workgroup also recommends including a section on fee waivers and deferrals.
- Judge Barton noted that Maricopa County is in the process of creating a video explaining the court process that will be used with the Parent Information Program. This video will have basic information that other counties could use to create their own Parent Information Program video.
- Judicial training (COJET) in the area of legal information v. legal advice should be a mandatory course (possibly every year); it was noted that court staff want to help self-represented litigants as much as they can but feel restricted because they do not want to cross the threshold of providing legal advice.
- The Arizona State Library coordinated a grant-funded pilot project (Law4AZ) to provide public library staff in Maricopa County with training on responding to legal questions. This training is moving to five more counties in 2015 with training starting later this month. The first session in Gila County will be using iTV connections to allow Arizona State Library staff to train a greater number of public library staff in that county.
- The State Library is working with Legal Aid of Arizona, a group that will develop the curriculum and identify attorneys to lead the classes on three or four highly requested legal topics. The first class will be divorce, which is scheduled for February 26.
- Coconino County Court is currently working with DNA-People's Legal Services to create instructional and informational videos for their court on the topic of evictions. There are two other videos already available – one describes how to seek an order of protection, and the second is a brief overview of the family law process.
- Judge Moran agreed that Coconino County can serve as a pilot site for creating and offering videos and webinars for counties outside of Maricopa and Pima.

Motion: Judge Winthrop moved to have the Commission formally endorse the Self-represented Litigants in Family Court workgroup recommendations, specifically, using 2007 Supreme Court Task Force Report and handbook as a starting point to update and expand FAQs, and include a section regarding fee deferral and waivers; to solicit input from court administrators and clerks around state both general and limited jurisdiction courts as to what

questions to include; to encourage enhancing statewide training and whether that training will be a mandatory COJET topic each year or offered even more frequently; and to encourage and support outreach into public libraries in terms of creating training, content, and encouraging lawyer involvement to assist in that regard. Amendment to not limit legal information v. legal advice as topic of the year, rather to make it a more frequent training. The motion was seconded by Ms. Dawson and passed unanimously.

D. EXAMINE LAY ADVOCATE REPRESENTATION

- Without providing a formal recommendation, the workgroup discussed exploring, in the future, the pros and cons of lay advocate representation for family court litigants, such as the Limited Licensed Legal Technician program in Washington State.

E. REMOTE ACCESS FOR DOMESTIC VIOLENCE VICTIMS

- The workgroup discussed remote access technology that is currently being used in a few courts for victims of domestic violence to remotely seek orders of protection from the safety of a hospital or domestic violence shelter. The workgroup members believed the concept should be supported and referred to the Committee on the Impact of Domestic Violence and the Courts (CIDVC).

  Motion: Judge Winthrop moved for the Commission to authorize Judge Barton or Janet Fisher to contact CIDVC to raise the issue of remote access for domestic violence victims and request them to explore the protocol and best practices further. This motion was seconded by Judge Barton and passed unanimously.

F. EXPLORE USING FEDERAL TITLE IV-D FUNDING

- The workgroup believes that an objective of this Commission should be to assist those counties who are currently eligible to receive reimbursement monies. With respect to counties who are not currently eligible, the Commission should assist them in developing programs that would, in turn, make them eligible.
- Explore partnering with the Attorney General's Office and work with them regarding assistance they can provide.
- Develop and organize a coordinated approach that will allow interested counties to tap into Federal Title IV-D funding.

  Motion: Judge Barton moved for the Commission to consider assisting those counties who are currently eligible to receive federal reimbursement monies. With respect to counties who are not currently eligible, the Commission should assist them in developing programs that would, in turn make them eligible. The motion was seconded and passed unanimously.

III. REPORT FROM SELF-REPRESENTED LITIGANTS IN LIMITED JURISDICTION COURTS WORKGROUP

Judge Carrillo described the efforts of the Self-represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup and the Commission discussed the following recommendations:

A. Forms and Rules Sub-Workgroup

- The courts must make information about and the applications for fee waivers and deferrals readily available to the public. In order to have access to the courts, those litigants who are unable to pay filing fees and costs: (1) must be informed by the courts that there is a process to request a fee waiver and/or deferral; and (2) the fee waiver and deferral forms and instructions must be readily available at courthouses, self-help centers and online.
- The courts must translate form notices, pleadings, instructions, and other information into Spanish and any other languages required by Title VI of the Civil Rights Act. For form notices and pleadings, the workgroup suggested a bilingual format reflecting English and the second language.

B. Resources Sub-Workgroup

- The workgroup looked at the creation of videos explaining processes and options for self-represented litigants, which would be made available in courthouse lobbies and on the web. Other options include a collaborative video developed by the Volunteer Lawyers Program (VLP) and attorneys that provide eviction representation.
- Efforts have been made to collect materials regarding landlord and tenant issues from various legal service agencies to post on azlawhelp.org.
- It was reported that there is a new judge orientation "2.0" for Justices of the Peace. After the initial new judge orientation, the new judges return for a second round of training after a certain amount of months (maybe six). There is also a proposal to create a self-represented litigant orientation for court managers and staff.
- Judicial training is needed for learning the basics of processing requests for waiver or deferral of fees.
- The work group concluded that the most effective method of providing effective legal services in landlord and tenant cases would be to adequately fund the existing authorized legal services programs (Community Legal Services, Southern Arizona Legal Aid and DNA Peoples Legal Services). Absent this, there are a variety of clinical approaches (both onsite in the courthouse, and offsite, either in a public library setting or on the web) that could be effective. In order to be effective, clinics will need funding for administrative overhead and in-kind assistance.
- The three existing legal services programs have Volunteer Lawyers Programs (VLPs) with an existing infrastructure and expertise in providing both off-site and courthouse clinics. In Pima County, the Southern Arizona Legal Aid VLP successfully operates courthouse clinics in cooperation with the Pima County Superior Court and the United States District Court in the areas of domestic relations, guardianship and bankruptcy. They utilize the services of volunteer lawyers, law students and paralegals along with VLP and legal services staff. The commission recommends exploring the expanding of these services in the landlord and tenant area.
- The workgroup recommends collaborating with the State's three law schools in order to create or expand existing landlord and tenant clinics, as provided by Supreme Court Rule 38(e).

Motion: Judge Winthrop moved for the Commission to recommend:

1. Making fee deferral or waiver forms more accessible to litigants.

2. Revising and making all eviction forms easier to read and to understand; including explaining options, removing incorrect information from existing forms, revising the language on the forms as appropriate and encouraging and requiring translation of those forms into Spanish.
3. Encouraging specific training for judges and for court staff; particularly concerning the role of the judge when dealing with a pro per litigant.
4. Encouraging the placement of computers in court reception or lobby areas that provide self-represented litigants the ability to use intelligent forms that the litigant can understand, access and complete on site.
5. Exploring the creation and use of law school based clinical programs, as well as VLP clinics, in the landlord and tenant area.
6. Gathering or creating informational videos that can be accessed at the courthouse or on related websites, such as azlawhelp.org.

The motion was seconded and passed unanimously.

IV. REPORT FROM *PRO BONO* WORKGROUP

Barbara Dawson reported on the efforts of the *Pro Bono* Workgroup and noted that the areas of focus of the workgroup are:

A. Promotion of Arizona Charitable Contribution Tax Credit

- Donations doubled in 2014 compared to 2013; increasing these donations tenfold is a real possibility. We should target our efforts on the community that we know about.
- Questions for the Commission:
  - Do we start campaigning earlier?
  - How do we increase outreach to the non-legal community?
  - Can we help other legal aid agencies learn from Southern Arizona Legal Aid's efforts?
- A Flagstaff working poor tax partnership comprised of qualified organizations in Coconino County was created last year. Each organization contributed money for shared marketing, using the Flagstaff Community Foundation as the fiscal agent, and ultimately tripled the intake of contributions.
- Educate the public about the tax credit earlier in the year, possibly starting as early as April, as opposed to the last quarter of the year, which can make a meaningful difference.

B. Focus on media coverage opportunities

- Use Channel 8 (PBS) as outreach to the public on this Commission's initiatives and televise stories that reflect those efforts.
- Use online clinics as a medium to promote the Commission's initiatives.
- Push for human interest stories that capture the public's attention.

C. Expansion of public lawyer involvement in *pro bono* work

- To expand public lawyer's involvement with *pro bono* work, the State Bar's Legal Services Committee drafted a policy that was approved and endorsed by the Board of Governors in 2014. Since then, that policy was shared with various governmental agencies; champions

are now needed from these agencies to further promote public lawyer involvement with *pro bono* work.

D. Outreach to retired judges and lawyers

- Expand outreach to retired judges and lawyers, and find champions in this area to build more momentum and information to recruit additional retired lawyers and judges. In addition to providing legal services, these individuals can provide training and supervision of other volunteers.

E. Development of a law firm *pro bono* network. Collaboration with other organizations.

- Josh Grabel, chair of the *Pro Bono* Committee at Snell & Wilmer LLP, has contacted other large firms in the valley in an effort to develop a law firm *pro bono* network.
- The challenge is to create an infrastructure that connects attorneys with clients who need legal services. One way to improve *pro bono* participation is to empower the volunteer lawyer programs with the resources and funding needed to administer additional attorneys that want to volunteer.
- Bring together resources and make proposals collectively. Explore the use of technology grants from the State Justice Institute and the American Bar Association for short term technology projects.

F. Engagement of corporate community and in-house counsel.

- Explore partnering legal service organizations with corporate sponsors.

G. Ways to honor *pro bono* participants

- Explore creating an event at the State Bar Convention to honor individuals who promote and provide leadership on access to justice initiatives.

V. OTHER BUSINESS

A. Work groups

The chairs of the workgroups were tasked with assembling in the near future to debrief, solidify recommendations, and to decide the next steps for implementing the projects that can be started now.

B. Good of the Order/Call to the Public

One person requested to speak during the Call to the Public.

- Mr. Brent Miller spoke regarding self-represented litigants in family court.

C. Adjournment

Meeting adjourned at 1:53 p.m.

D. Next Commission Meeting Date

May 20, 2015; 10:00 a.m. to 2:00 p.m.
State Courts Building, Conference Room 119A/B
1501 W. Washington
Phoenix, Arizona 85007

Arizona Commission on Access to Justice

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Report to the Arizona Judicial Council

March 26, 2015

ADVANCING JUSTICE TOGETHER | 2014-2019

Arizona Commission on Access to Justice (ACAJ)
Report to the Arizona Judicial Council
March 26, 2015

"Arizonans look to our courts to protect their rights and to resolve disputes fairly and efficiently. To serve these ends, Arizona's judicial branch must work to ensure that all individuals have effective access to justice. This goal is advanced not only by examining legal representation for moderate and low-income persons, but also by helping self-represented litigants and others navigate the judicial process and by using technology to make courts more accessible to all."

-- Chief Justice Scott Bales, *"Advancing Justice Together." Five Year Strategic Plan: Courts and Communities, 2014-2019*

"An Access to Justice Commission is a state-based body, typically created by a state (or territorial) high court… [to] develop and implement solutions toward ensuring that people of limited means have meaningful access to civil justice. Commissions promote *pro bono*, increased legal aid funding and resources for self-represented litigants, among other initiatives." – ABA Resource Center for Access to Justice.

The Arizona Commission on Access to Justice was established August 20, 2014 by Administrative Order No. 2014-83. Chief Justice Bales appointed Judge Lawrence F. Winthrop as chair and 17 other members from a diverse background and from various perspectives as members of the Commission. Arizona was the 34th jurisdiction to create such a commission.

THE COMMISSION'S DIRECTION

Per the Administrative Order, and consistent with the Court's Strategic Agenda, 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. Specifically, the initial work of the Commission is to examine and make recommendations on the following:

- 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.

THE COMMISSION'S WORK GROUPS

In furtherance of the Administrative Order and the Chief Justice's directive, three main work groups were established, and an aggressive meeting schedule of those groups implemented.

Self-represented Litigants in Family Court Work Group (**SRL-FC**) is co-chaired by Maricopa County Presiding Family Court Judge Janet Barton, and by Ms. Janet Fisher, Director of Collections and External Relations of the State Library of Arizona. This work group has 13 members, many with extensive family court experience, and with backgrounds as judicial officers, court staff, administrators, legal service providers, library services and community service. The work group met twice (November 12, 2014, and January 22, 2015) and developed several recommendations for consideration by the ACAJ.

Self-represented Litigants in Limited Jurisdiction Court Work Group (**SRL-LJC**) is chaired by Maricopa County Justice Court, West McDowell Precinct, Judge Rachel Torres Carrillo; the work group has 12 members and they have met twice (November 12, 2014, and January 22, 2015). Members include experienced court administrators, a city court magistrate, a federal public defender, a city prosecutor, an assistant U.S. Attorney, a judge *pro tempore* and judicial services educator, providers of legal services, and the executive director of the William E. Morris Institute for Justice. At its November 12, 2014, meeting the work group formed two sub-work groups to focus on specific areas. The Forms and Rules sub-work group met three times (December 4, 2014, January 13, 2015, and January 29, 2015) and is chaired by Ellen Katz. The other sub-work group, Resources, has met once on December 8, 2014, and is chaired by Paul Julien from the Administrative Office of the Courts.

Pro Bono* Service and Funding Work Group** (Pro Bono***) is chaired by Snell & Wilmer attorney, Barbara Dawson. This work group is comprised of 13 individuals that have experience in managing or providing *pro bono* services, expertise in developing public awareness, or have experience in creating funding opportunities for legal service providers and in developing recognition programs for attorneys providing *pro bono* services. This work group has met twice (November 20, 2014, and January 22, 2015). Members include communications experts from media and public broadcasting, business leaders, the Arizona State Bar, and the Administrative Office of the Courts, as well as

attorneys working in private practice who are familiar with *pro bono* issues and funding challenges.

STATUS OF WORK

The number one goal of the Court's Strategic Agenda is "Promoting Access to Justice." This goal is advanced not only by expanding the availability of legal representation for moderate and low-income persons, but also by helping self-represented litigants and others navigate the judicial process, and by using technology to make courts more accessible to all.

At the full Commission meeting on February 4, 2015, the Commission's work groups reported on their efforts to date and asked the Commission to support or approve the following proposals/recommendations:

Self-represented Litigants in Family Court Work Group

1. **COURT NAVIGATOR PILOT PROJECT**: On a state-wide basis, over 80 per cent of the time, one or both individuals involved in family court disputes are choosing (out of necessity or otherwise) to represent themselves. Understanding filing requirements and court procedures is a significant challenge and barrier for a self-represented litigant. The litigants are frustrated. Judicial and court staff resources are challenged. The collateral effect of protracted family court disputes and delayed ultimate resolution adversely affects not only the litigants, but also children, extended family, existing and potential employment relationships and the business community. With 56,000 + pre- and post-decree filings in FY 2014, Maricopa County Superior Court has the highest volume of family court filings in the state. That court is in the process of re-designing its existing Self-help Center, and is applying for an AmeriCorps grant to create a "court navigator" program for self-represented litigants in family court proceedings. The pilot project, modeled in part on a very successful similar program in California, will use court-trained and supervised college students in a series of dedicated workshops to provide information and hands-on assistance in completing necessary filings and other paperwork, and to help guide the self-represented litigant in efficiently completing the family court process. A working agreement is already in place with Arizona State University to provide undergraduates for the program. Funding for the program will be provided jointly by the superior court and through the AmeriCorps grant. If the grant is awarded, the Self-help Center space will be reconfigured and the navigator training and participant classes designed. The availability of the program will be publicized. The students and court staff will receive appropriate training for these workshops. It is anticipated that this program could launch in the downtown courthouse as early as this fall.

The Commission voted to endorse and support the Maricopa County project, and directed the Chair to provide a letter of support for the County to include in its application packet.

2. **STANDARDIZED/SIMPLIFIED FORMS AND INSTRUCTIONS**: Pima and Maricopa Counties have already done substantial work in creating standardized family court forms. These forms exist in both hard copy and computerized "intelligent" options. Pima County has collaborated with the University of Arizona to develop a set of simplified and easy-to-understand instructions concerning the use of the forms.

The Commission voted to endorse the continuing efforts to make standardized forms and instructions templates available to each county's superior court so the forms and instructions can be modified if necessary to account for local practices. In that regard, the Commission encourages AOC to assist with relocating forms and instructions links on web pages to enhance accessibility for self-represented litigants.

3. **WEB-BASED SELF-HELP SERVICE CENTER**: Not every county can support a physical self-help facility in its superior court building. An idea worth exploring is creating an on-site self service center at one superior court location that can host and provide interactive video broadcast capacity for family court educational programs to other family court facilities, particularly those in the rural counties. Additional information about self-help services, including links to standardized forms and instructions, could be provided via an AOC-hosted website.

4. **COMMUNITY LIBRARY LEGAL INFORMATION PILOT PROJECT**: Court-based self-help centers may not be a practical resource for self-represented litigants who live in remote or rural areas. Community-based libraries are an ideally-located alternative for obtaining information and practical assistance, and under the auspices of the State library system, a pilot project has been designed to create resource centers in the library setting for self-represented litigants. The program will provide (1) court-supervised training for librarians to assist with locating legal information; (2) computer access to electronic court forms, and (3) on-site legal clinics. The clinics will provide both general information and individual assistance. Technology may allow the information sessions to be available via webinar to other remote locations. Groups of *pro bono* lawyers have already agreed to help staff the on-site clinics, and the Commission anticipates the established LSC legal service providers (Community Legal Services, Southern Arizona Legal Aid, DNA Peoples Legal Services) will also be involved. Counties already scheduled to participate in 2015: Maricopa, Coconino, Gila, Graham, Greenlee and Yuma.

The Commission voted to endorse and support the library project. If successful in these six counties, the program could be easily exported to the other counties, and particular consideration given to making the program a collaborative one with the superior courts in those rural counties.

5. **LEGAL ADVICE vs. LEGAL INFORMATION:** In 2007, an Arizona Supreme Court task force provided a comprehensive report, recommendations and a handbook on educating and training court staff on the difference between providing legal information (allowed under the Code of Conduct for Judicial Employees) and providing legal advice (not allowed under the Code). The work group recommends that the handbook created by the task force in 2007 be updated and expanded.

The Commission approved the work group's recommendation, and proposes that the 2007 Legal Advice v. Legal Information Handbook be updated and expanded by soliciting additional input from general and limited jurisdiction court administrators and clerks around the state as to what frequently asked questions ("FAQs)"should be included. That information will lead to a series of redesigned FAQs that will identify common or recurrent legal advice v. legal information scenarios and summarize the types of activities court personnel can assist litigants with, and more importantly, what types of questions court staff are unable to answer. This information should also be summarized and placed on the Arizona Bar Foundation's AZLawHelp web page (http://azlawhelp.org/), as well as individual court web sites. The FAQs and any related information on court web sites should also prominently include information for self-represented litigants concerning the availability and process for obtaining fee waivers or deferrals. Statewide legal advice v. legal information training in courts and clerks' offices should be promoted and encouraged, and similar training made available for the community library legal information/clinic project. In that regard, the Commission recommends the Committee on Judicial Education and Training (COJET) consider specify mandatory legal advice v. legal information training, every year for general and limited jurisdiction courts.

6. **ORDERS OF PROTECTION**: The work group generally identified a need to improve more timely access to orders of protection for domestic violence victims, particularly in a rural setting. The issue has been referred to the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to explore how to make available to rural hospitals and courthouses the best-practice currently being used in several metropolitan areas where victims of domestic violence who are receiving treatment at a hospital can seek an Order of Protection remotely while at the hospital. For example, litigants at Maricopa County's Southeast Regional Courthouse can apply for an Order of Protection while speaking to a judicial officer in the downtown courthouse via remote access equipment.

7. **FUTURE PROJECTS:** The work group recommended it investigate assisting those counties who are currently eligible to apply for and receive federal Title IV-D funding. With respect to counties who are not currently eligible to receive such funding, the recommendation is to assist these counties in developing outreach programs that would, in turn make them eligible.

The work group further noted Washington State has a limited license legal technician program that provides legal advice and assistance to clients in certain areas of law without requiring the supervision of a lawyer. These lay advocates charge for the services they provide, although they presumably charge less than an attorney. No recommendation is being made at this time; however, the Commission recognizes this potential is being explored in other jurisdictions, and there is value in at least exploring and discussing the merits and disadvantages of training and licensing lay advocate representation in a family court context.

Self-represented Litigant in Limited Jurisdiction Courts Work Group

The limited jurisdiction work group has focused its initial efforts on assisting self-represented litigants in housing disputes. Existing forms and best practices from around the state were reviewed, and the group made the following recommendations, all of which were approved by the Commission:

8. **EVICTION NOTICES AND RELATED DOCUMENTS**: Revise and make all eviction forms easier to read and easier to understand; the forms should include a short summary of likely options. The group recommends removing incorrect information from existing forms, revising the language on the forms as appropriate and encouraging and requiring translation of those forms into Spanish.

9. **FEE WAIVER/DEFERRAL FORMS**: Make fee deferral/waiver forms more accessible, both on-line and at the courthouse.

10. **JUDICIAL AND COURT STAFF TRAINING**: Encourage and mandate specific training for judges and for court staff, particularly concerning the role of the judge in dealing with the self-represented litigant.

11. ***PRO PER* COMPUTER ACCESS IN COURTHOUSE**: Encourage the placement of computers in court reception or lobby areas to give self-represented litigants the ability to use intelligent forms that the litigant can access, understand and complete on site. Explore potential technology grants from the State Justice Institute, the National Center for State Courts and the ABA to facilitate purchase/installation of such technology.

12. **HOUSING LAW CLINICS**: Explore the creation/expansion of law school-based clinical programs as well as Volunteer Lawyer Program clinics in the landlord-tenant area. These clinics could be held on-site at the courthouse, or in a community-based location, such as the public library.

13. **INFORMATIONAL VIDEOS**: Gather and/or create informational videos about the court process that can be accessed at the courthouse and on law-related websites, such as AzLawHelp.org.

14. **RECOGNITION OF JUDICIARY**: Explore the recognition of those judges who are role models in dealing with *pro per* litigants and how to not only recognize their skills but also how to share their expertise and recommendations with others.

Pro Bono Services and Funding Work Group

The Commission considered several works-in-progress and future projects that the Pro Bono Services and Funding Work Group are developing. These concepts include:

15. **ARIZONA STATE TAX CREDIT**: Expand promotion of the Arizona Tax Credit for Qualifying Charitable Organizations. Media coverage and public awareness of the credit, and the social return to the community on such investment needs to be increased. In October, the Commission, along with Chief Justice Bales, hosted a social event promoting the Arizona Charitable Tax Credit and provided information to dozens of law firms and their managing partners and representatives of public law agencies regarding this unique funding opportunity to help legal aid providers at no cost to taxpayers. As a result of these initial efforts, invitations to speak at other large law firms and to groups of judges were generated, and Justice Bales and Judge Winthrop have continued to promote this message, resulting in an estimated $52,887 in increased funding to legal service providers. The work group believes a coordinated media campaign launched earlier in the tax year, and continued use of judicial speakers, will result in a greater understanding of the availability and impact of such donations, and a significant increase in the dollars collected for the benefit of our low-income residents.

16. **LAW FIRM *PRO BONO* NETWORK**: Create a state-wide network of law firm representatives to link resources and coordinate delivery of private *pro bono* services. The “bones” of such a network is already in place through the Equal Justice Foundation/Campaign.

17. ***PRO BONO* VOLUNTEER WEB PORTAL**: Support development of a "one stop" *pro bono* web portal, created by the Arizona Legal Service Steering Committee and the Arizona Bar Foundation, which will identify volunteer programs across the state and specific opportunities for lawyers to volunteer their services.

18. **BUSINESS *PRO BONO* NETWORK**: Create a state-wide network of corporate and business representatives who understand the need for and benefit to the business community of providing legal services to our working poor population. This will include specific outreach to and engaging of corporate and in-house counsel.

19. **ENCOURAGE PUBLIC LAWYER INVOLVEMENT**: Expand public lawyer involvement, including agency adoption of model *pro bono* policy for government lawyers and to create and publicize opportunities for *pro bono* service that fit within the ethical and legal restrictions placed on public lawyers providing volunteer service.

20. **TAKE ADVANTAGE OF RETIRED LAWYERS AND JUDGES**: Create a network of retired judges and lawyers to provide training and *pro bono* services.

21. **COMPREHENSIVE MEDIA PLAN**: Develop a plan for media coverage opportunities and dissemination of legal information via print, television and internet.

22. **RECOGNIZE VOLUNTEER ROLE MODELS AND CELEBRATE SUCCESS**: Develop a plan and find creative ways to celebrate and honor volunteers and enhance recognition of *pro bono* service.

23. **DEVELOP NEW OR SUPPLEMENTAL FUNDING MODEL**: Consider long term funding options for the access to and delivery of pro bono services.

24. **COLLABORATION**: Collaborate with other organizations as appropriate.

FUTURE MEETINGS

The next Commission meetings are scheduled for May 20, August 12 and November 18, 2015.

Respectfully submitted,

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

2015 National Meeting of State Access to Justice Commission Chairs

Materials for Opening Plenary

Brief 2-page 2014-2015 reports from state access to justice commissions

Access to Justice Commission Initiatives: Examples & Resources

Summary of 2015 Access to Justice Leadership Surveys – Executive Summary

New York Task Force To Expand Access To Civil Legal Services 2014 Report – Executive Summary

Challenges to Every Access to Justice Commission 2015-2016

Alabama Access to Justice Commission

About the Commission

The Alabama Access to Justice Commission was created by order of the Supreme Court of Alabama in April, 2007 to serve as a coordinating entity for the legally underserved, the legal community, social service providers and the private and public sectors.

The 20-member commission is comprised of citizens representing the legal profession, educational administration, religious community, military, business sector, advocacy groups representing low-income Alabamians and volunteers. Staffing is provided by the Alabama Law Foundation and consists of an ATJ Coordinator.

- **Mission Statement**

  The mission of the Alabama Access to Justice Commission is to coordinate, expand and promote effective and economical civil legal services for the poor and vulnerable people of Alabama.

- **Goals (Overall)**

  1. Improve and expand the provision of legal assistance to Alabamians, particularly low-income individuals and families.
  2. Increase the participation and provision of services by attorneys, legal professionals and volunteers.
  3. Provide the various social service agencies and organizations with more effective tools to assist those in need of legal services.

Major Accomplishments to Date

- Alabama ATJ website – This is Alabama's Access to Justice website with resources to help clients find lawyers, information on Alabama Courts, pro bono, mediation, Limited Scope Representation, explanations on how a number of other things work, and the ability to download an array of forms for pro-se litigants. The website also has a leadership login with access to educational materials for pro bono lawyers.
- Alabama Legal Answers website - Alabama Legal Answers is a project of the Alabama Access to Justice Commission based on Online Tennessee Justice. The system screens clients for eligibility and, if qualified, allows them to post a question to a private messaging system. The questions are answered by private attorneys volunteering their time. An Alabama Legal Answers client has the ability to check the system for answers at any time. Only the name of the client is shared with the volunteer attorney assisting them. All other information is anonymous to insure complete privacy.
- Manual for Clerks and Court Personnel Who Assist Self-Represented Litigants in Alabama Courts

Current Initiatives

- Establishing an annual pro bono recognition program for attorneys in the State of Alabama to help promote pro-bono work.
- Creating Handouts for self-represented litigants in landlord/tenant cases for both landlords and for tenants.
- Increase Limited Scope Representation.
- Bench book on dealing with pro-se litigants.

Planned Initiatives

- Make a series of videos on legal issues for the public especially on self-represented litigation.
- Develop mobile checklists for pro bono lawyers.
- Develop a Bench Card on fines.
- Put HotDocs forms for pro bono clinics on a central server to give lawyers at clinics online access to them.
- Increase the number of volunteer lawyers for our Alabama Legal Answers website.

Alaska Fairness and Access Commission

About the Commission

Alaska's Fairness and Access Commission is a commission with a broad membership composed of leaders representing the state courts, the bar association, private attorneys, rural and urban representatives, and legal aid providers. The commission is co-chaired by Alaska Supreme Court Chief Justice Dana Fabe and Alaska Supreme Court Justice Peter Maassen. The commission comprises two committees: the Fairness, Diversity and Equality Committee and the Access to Civil Justice Committee. The commission's goal is to increase fairness and access to the courts for all Alaskans, particularly those who are members of cultural and minority groups, Alaskans of limited means, and self-represented litigants. The two committees are also chaired by Chief Justice Fabe and Justice Maassen, and are co-chaired by Palmer Superior Court Judge Eric Smith, and Anchorage Superior Court Judge Mark Rindner.

Major Accomplishments and Current Initiatives

Current Fairness, Diversity and Equality Committee projects and strategies to improve fairness and access and increase diversity include:

- Promoting a new court rule setting forth procedures by which a state court may refer cases to local restorative justice programs. The rule allows communities to play a role in assessing the impacts of criminal behavior and to help shape the consequences through circle sentencing and other restorative justice programs.
- Regularly co-sponsoring joint judicial education programs and trainings with tribal court judges. The court has held three joint trainings with tribal judges on circle sentencings; the history, types of cases, and approaches of tribal courts; and techniques for handling cases involving self-represented litigants.
- Co-sponsoring diversity luncheons with distinguished and diverse panel members addressing the topic of diversity and how diversity has impacted their lives.
- Providing the Color of Justice law-related education program for diverse youth including workshops, mentoring events, and hands-on learning to promote awareness about careers in law and the judiciary, to encourage youth of diverse backgrounds to pursue legal education and careers.
- Co-sponsoring an annual women judges event to promote and encourage women lawyers to consider applying for judicial positions.
- Providing the Supreme Court LIVE program where the court holds oral argument at different high schools around the state before an audience of students, and teams of volunteer attorneys teach the students about the cases prior to the argument.
- Co-sponsoring the Justice for All Art Contest where students submit artworks on the theme "*Fairness, Diversity, Equality: Our justice system depends on them. What do they mean to you*?"
- Supporting Seattle University School of Law's successful effort to establish a satellite law school in Alaska (the first law school located in Alaska) to help increase diversity within the profession and to improve access to justice as student interns assist Alaskans with their access to justice needs.

Current Access to Civil Justice Committee projects and strategies to improve fairness and access to justice include:

- Providing information to Self-Represented Litigants. The court has created self-help website information that provides detailed information about court procedure and options for forms in the following areas:
    - Family Law
    - Civil Appeals to the Supreme Court

    - Probate: Estates
    - Guardianship and Conservatorship.
- Supporting the Family Law Self-Help Center (FLSHC) to provide legal information to Alaskans who are without legal counsel in divorce, custody, paternity and support cases. In addition to the website, the FLSHC staffs a statewide telephone helpline which assists approximately 7,000 callers annually with questions about procedure and forms. The FLSHC has created several short videos which are on the website in English, Spanish and Tagalog, and domestic violence protective order videos in English, Yup'ik and Spanish.
- Establishing court mediation programs for child custody and visitation, child protection, small claims, and adult guardianship and conservatorship cases. There is also a new court mediation program for Forcible Entry Detainer (FED) cases.
- Supporting the court's adoption of a new rule that addresses language interpreter services in court proceedings. The rule helps ensure that individuals who need an interpreter in court will be able to obtain services. Resources created to accompany the new rule include a guide for clerks and judges on proceedings involving interpreters and persons of limited English proficiency; revised instructions for accessing language line telephonic services; and frequently asked website questions (FAQs) about language interpreters. The commission will also regularly track efforts to facilitate access to the courts by Limited English Proficiency (LEP) populations. The court system is also working with the Language Interpreter Center to create a Yup'ik legal glossary for court interpreters to use.
- Supporting the Early Resolution Program (ERP) that has helped hundreds of families in four of Alaska's highest volume courts. Families in newly filed divorce and custody cases can avoid protracted legal proceedings by working with volunteer attorneys coordinated by Alaska Legal Services who provide unbundled legal services, court mediators, and settlement judges who work with the parties at the ERP hearings to resolve their child custody, child support, and marital property disputes usually within weeks after their cases are filed. Models are being explored for expanding components of ERP, including contacting self-represented litigants in advance of their court dates to remind them of when and where to go, what to bring, and to give them the opportunity to ask questions about court procedures. The court is also considering expanding the program to other court locations, and having remote parties appear by videoconference into the ERP hearing at a different court location.
- Increasing the range of user-friendly forms for the self-represented.
- Partnering with public and private efforts to promote appropriate legal services to at-risk populations.
- Coordinating with the pro bono section of the bar association to develop methods for linking pro bono activities with court system improvements and self-help resources.

Planned Initiatives

- The Fairness Diversity and Equality Committee will continue to provide initiatives designed to increase equality and diversity, and is in the process of evaluating next steps for increasing diversity.
- The Access Committee has three subcommittees focusing on:
    1. Increasing low cost/pro bono representation
    2. Expanding services for self-represented litigants
    3. Addressing persistent challenges and barriers to access.
- The Access Committee subcommittees have also developed specific recommendations for advancing the broader goals.
- The Commission is also reviewing options for creating an innovative legal incubator to increase the number of public interest attorneys practicing in Alaska.

GOAL 1

PROMOTING ACCESS TO JUSTICE

ARIZONA COMMISSION ON ACCESS TO JUSTICE

Created in August of 2014, the Commission's initial work has focused on: 1) Assisting self-represented litigants (**"SRLs"**) and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases; 2) encouraging lawyers and law firms to provide *pro bono* services and financial support for civil legal aid for those who cannot afford counsel; and 3) developing 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.

ACTIONS TO DATE: The Commission established three work groups, and the Arizona Judicial Council has recently approved the following recommendations and proposals from the Commission:

1. **COURT NAVIGATOR PILOT PROJECT**: Maricopa County Superior Court will create a "court navigator" program for SRLs in family court proceedings. The program will utilize court-trained and supervised undergraduates working with SRLs in focused workshop settings to assist in creating required filings and interaction with the court system. The Commission will monitor the implementation of this grant project in order to identify opportunities for expansion of the model to other counties and share information developed to courts statewide.

2. **SIMPLIFIED INSTRUCTIONS AND STANDARDIZED FORMS**: Make standardized forms and instructions templates available to each county's superior court (modifiable for local practices). Relocate forms and instructions links on court and Bar Foundation web pages to enhance accessibility for SRLs.

3. **WEB-BASED SELF-HELP SERVICE CENTER**: Create an on-site and virtual self service center at one superior court location to host and provide interactive video broadcast capacity for family court educational programs to other family court facilities, particularly those in the rural counties.

4. **COMMUNITY LIBRARY LEGAL INFORMATION PILOT PROJECT**: Support on-going statewide pilot project creating resource centers in public library settings for self-represented litigants and explore opportunities for the superior courts in rural counties to collaborate with pilot locations.

5. **LEGAL ADVICE vs. LEGAL INFORMATION:** Update and expand the handbook created by former task force in 2007, and enhance training of judicial officers and staff.

6. **ORDERS OF PROTECTION**: Explore ways to improve more timely access to orders of protection for domestic violence victims, particularly in a rural setting.

7. **EVICTION NOTICES AND RELATED DOCUMENTS**: Revise and make all eviction forms easier to read and easier to understand; the forms should include a short summary of likely options.

8. **FEE WAIVER/DEFERRAL FORMS**: Make fee deferral/waiver forms more accessible, both on-line and at the courthouse.

9. **JUDICIAL AND COURT STAFF TRAINING**: Encourage and mandate specific training for judges and for court staff, particularly concerning the role of the judge in dealing with SRLs.

10. ***PRO PER* COMPUTER ACCESS IN COURTHOUSE**: Explore potential technology grants to facilitate purchase/installation of computers in court reception or lobby areas in order to give SRLs the ability to access, understand and complete intelligent forms on site.

11. **HOUSING LAW CLINICS**: Explore the creation/expansion of law school-based clinical programs as well as Volunteer Lawyer Program clinics in the landlord-tenant area. These clinics could be held on-site at the courthouse, or in a community-based location, such as the public library.

12. **INFORMATIONAL VIDEOS**: Gather and/or create informational videos about the court process that can be accessed at the courthouse and on public websites.

13. **RECOGNITION OF JUDICIARY:** Recognize those judges who are role models in dealing with SRLs and identify ways to share their expertise and recommendations with others.

14. **ARIZONA STATE TAX CREDIT**: Expand promotion of the Arizona Tax Credit for Qualifying Charitable Organizations by increasing media coverage and public awareness of the credit and the social return to the community on such investment. The Commission has also worked with the Arizona Bar Foundation and the State Bar to create the Working Poor Tax Credit video and Helping the Legal Poor Tax Credit video.

15. **LAW FIRM *PRO BONO* NETWORK**: Create a state-wide network of law firm representatives to link resources and coordinate delivery of private *pro bono* services.

16. ***PRO BONO* VOLUNTEER WEB PORTAL**: A "one stop" *pro bono* web portal identifying lawyer volunteer opportunities has been created by the Arizona Legal Service Steering Committee and the Arizona Bar Foundation.

17. **BUSINESS *PRO BONO* NETWORK**: Create a state-wide network of corporate and business representatives who understand the need for and benefit to the business community of providing legal services to our working poor population.

18. **ENCOURAGE PUBLIC LAWYER INVOLVEMENT**: Propose adoption of model *pro bono* policy for government lawyers, and create/publicize opportunities for *pro bono* service that fit within the ethical and legal restrictions placed on public lawyers providing volunteer service.

19. **TAKE ADVANTAGE OF RETIRED LAWYERS AND JUDGES**: Create a network of retired judges and lawyers to provide training and *pro bono* services.

20. **COMPREHENSIVE MEDIA PLAN**: Develop a plan for media coverage opportunities and dissemination of legal information via print, television and internet media.

21. **RECOGNIZE VOLUNTEER ROLE MODELS AND CELEBRATE SUCCESS**: Develop a plan and find creative ways to celebrate and honor volunteers and enhance recognition of *pro bono* service.

22. **DEVELOP NEW OR SUPPLEMENTAL FUNDING MODEL**: Consider long term funding options for the access to and delivery of *pro bono* services.

ARKANSAS ACCESS TO JUSTICE
REPRESENTING HOPE

1300 West Sixth Street, Room 113 • Little Rock, AR 72201 • (501) 492-7175 • www.arkansasjustice.org

ARKANSAS ACCESS TO JUSTICE COMMISSION

About the Commission

In 2003, the Arkansas Bar Association submitted a petition to the Arkansas Supreme Court requesting the formation of the Arkansas Access to Justice Commission. The petition was developed by a working group initially convened in 2002 by the state's nonprofit legal aid providers. The Court granted the petition in an opinion handed down on December 18, 2003, tasking the newly-formed Commission with the mission of providing "equal access to justice in civil cases to all Arkansans."

The Commission consists of 15 voting members—3 appointed by the Governor, 5 appointed by the Arkansas Supreme Court, 5 appointed by the Arkansas Bar Association, and one member appointed from among the members of each chambers of the Arkansas General Assembly. Voting members include judges, attorneys, and non-attorney representatives of the nonprofit and business communities. Nonvoting members of the Commission the executive directors of the state's two legal aid organizations, the Chair of the Board of Directors of the Arkansas Access to Justice Foundation, and representatives of the two Arkansas law school clinical programs.

The Commission accomplishes its work through the following standing committees and task forces: Executive Committee, Governance Committee, Pro Bono Task Force, Resource Development Task Force, Task Force on Self-Represented Litigants, and Legislative Task Force. It is staffed by a full-time executive director and executive assistant who are funded by attorney license fees paid through the Arkansas Supreme Court.

Major Accomplishments to Date

Below are several of the Arkansas Access to Justice Commission's most notable accomplishments. For a complete list, visit www.arkansasjustice.org/accomplishments. Copies of the Commission's various reports and studies can be found at www.arkansasjustice.org/research.

- The Commission has conducted a number of surveys of circuit court judges in an effort to track trends in self-representation and to assess what resources and support courts need to facilitate resolution of cases involving SRLs on their merits.
- The Commission assisted in securing civil court filing fee increases in 2005 and 2009, which benefit Arkansas legal aid providers.
- In 2006, the Commission held town hall meetings in each of the state's four congressional districts, resulting in uniform support from the state's congressional delegation for increases to LSC funding.

- The Commission has hosted two statewide conferences—one in 2009 and another in 2012—to discuss how access to the legal system can address issues that perpetuate poverty.
- In 2010, the Commission successfully petitioned the Arkansas Supreme Court to permit attorneys licensed in other states to provide pro bono services in Arkansas under the sponsorship of a legal aid organization.
- The Commission has conducted a number of research projects, including studies on pro se litigation in Arkansas, on the economic impact of civil legal aid, and on access to justice in rural Arkansas; the Commission also developed a strategic plan for addressing the needs of self-represented litigants prepared by Greacen Associates, LLC, through a State Justice Institute Grant.

Current Initiatives

- The Commission is currently in the process of implementing its SJI-funded plan for addressing the needs of self-represented litigants through the efforts of its Self-Represented Litigant Task Force. The Task Force has developed recommended rule changes that would augment and clarify current provisions regarding the provision of limited scope legal services, as well as outline clear guidance for what kind of information and services non-attorney court staff and librarians may provide to self-help patrons without engaging in the unauthorized practice of law. These recommended changes are being vetted by stakeholders from the bench and bar before submission to the Arkansas Supreme Court.
- The SRL Task Force is also in the process of developing a judicial curriculum and benchbook on what judges may ethically do to facilitate resolution of cases involving self-represented litigants, as well as training materials for court staff and other non-attorneys who assist the self-help public.
- The SRL Task Force is overseeing the development of a comprehensive toolkit and training materials for attorneys that is designed to promote the provision of limited scope legal services to otherwise-self-represented litigants. These materials, along with the proposed rules, are going to be introduced through a pilot program underway that will route self-help users to limited scope attorneys using legal aid automated documents as a conduit. Funding for the self-help resource being used for the pilot was provided through an ABA Commission Expansion Grant.
- The Commission is partnering with its sister Foundation and two legal aid providers in expanding a statewide fundraising "Campaign for Legal Aid" effort, which is ongoing.

Planned Initiatives

- The Commission plans to coordinate with its sister Foundation to craft a proposed rule that would route unclaimed and unidentified IOLTA funds to the Foundation for grants to support legal aid. Other possible alternative resource development initiatives will be explored as well.
- The Commission plans to renew efforts aimed at educating state and federal legislators about civil legal aid and the importance of state and federal funding. This will be accomplished through another set of Town Hall Meetings and through the development of district-specific data on court cases and legal aid/pro bono case assignments.
- The Commission is set to rework its strategic priorities this year to identify other future initiatives to pursue.

About the Access Commission

The California Commission on Access to Justice was established in 1997 to pursue long-term fundamental improvements in our civil justice system so that it is truly accessible for all, regardless of income, geography, or language ability.

The 26-member commission is comprised of lawyers and judges, as well as academic, business, labor and community leaders. For a current roster, please visit: http://cc.calbar.ca.gov/Portals/11/documents/accessJustice/2015_ATJcommissionmembers.pdf.

Each member serves on one or more of the following committees:

- Administrative Agency Committee
- Court Fees and Fines Working Group
- Federal Courts Committee
- Judicial Branch Support Committee
- Language Access Committee
- Modest Means/Incubator Task Force
- Funding Committee
- Pro Bono Coordinating Committee *(joint with the State Bar's Standing Committee on Delivery of Legal Services)*
- Right to Counsel Committee
- Communications and Outreach Committee
- Funding Committee

Major Accomplishments to Date

The Access Commission has been recognized nationally, and in 2004 received the ABA Louis M. Brown Award for Legal Access in recognition of the innovative work of its Limited Scope Representation Committee. The Commission's work was also the key reason the State Bar received the ABA's prestigious Harrison Tweed award in 2001,

> *"…for its collaborative efforts in obtaining the first state appropriation for legal services in the amount of $10 million and seeking to increase it, for addressing the needs of unrepresented litigants and for supporting the important work of legal services programs in the state."*

In the eighteen years since its inception, the commission's accomplishments are numerous:

- **Equal Access Fund.** Worked with the Judicial Council to establish the $10 million Equal Access Fund in 1999, and helped implement supplemental filing fee funds in 2005. Since its inception, over $170 million has been granted to legal services programs across the state.
- **Task Force on Self-Represented Litigants.** Worked closely with the Judicial Council to expand self-help centers, and supported the work of the Judicial Council's Task Force on Self-Represented Litigants which developed statewide goals, timetables, and guidelines—and ensured the availability of self-help centers in every county.
- **Limited Scope Representation ("Unbundling").** Conducted innovative studies to expand the availability of Limited Scope Representation, particularly in the area of Family Law; developed risk management materials designed to help advocates provide limited scope services competently and ethically; provided significant assistance to the Judicial Council in crafting new court rules and court forms; and offered over 50 training events on the subject. All of these efforts led to the expansion of legal assistance for moderate income Californians who otherwise could not afford legal representation.
- **Statewide Web Site.** Helped to develop LawHelpCalifornia.org, a statewide web site for legal services clients and lawyers, currently administered by the Legal Aid Association of California.
- **Evaluation of Programs.** Worked closely with the Judicial Council and the State Bar's Legal Services Trust Fund Program to help improve evaluation systems used by approximately 100 legal services programs across the state.
- **Campaign for Justice.** Created to increase funding for the important network of legal aid organizations that give a voice and representation to Californians who need help accessing justice. The Campaign now educates key policymakers about the importance of legal assistance, encourages banks to maximize interest and waive fees on IOLTA accounts, increases individual contributions to the Justice Gap Fund and legal assistance organizations, and encourages pro bono services that leverage legal aid resources. Additional information can be found by visiting: http://www.caforjustice.org/.
- **Hearings on Civil Justice Crisis.** Worked closely with the California Chamber of Commerce and the State Bar in sponsoring a series of public hearings around the state on the civil justice crisis to address the dramatic cuts in the

judicial branch budget and the funding crisis facing the legal services community. Released a report in October 2012 summarizing the findings, which also included recommendations for protecting the functionality of California's judicial branch and ensuring that legal services organizations are able to provide low-income Californians with access to justice.

- **Minimum Access Standards.** Developed a set of defined minimum access standards for local courts in an attempt to clarify what services and procedures are necessary to truly make good on the commitment to "access to justice". The standards were developed, in part, to demonstrate funding that is needed throughout the state to support access, and identify basic needs that are faced by all courts and the litigants who use them. These access standards have been referenced by numerous groups in their efforts to analyze court funding and recommend adequate levels of funding.
- **Impact of Court Distances and Travel Time on Access to Justice**. Developed a set of recommended factors for the judicial branch to consider when deciding on court closures, openings, or other matters that may impact the distance or time spent traveling to court. These issues have become particularly acute as courts have closed or reduced service hours due to budget cuts.
- **Modernizing Legal Services Corporation Rules.** At the request of 'Access to Justice' colleagues in other states, the commission urged the Legal Services Corporation (LSC) to update its rules regarding how funded legal services organizations may use private attorneys. LSC took particular note of the commission's comments and made revisions to its rules as a result.
- **Increasing Legal Services Funding.** The commission's Funding Committee worked with the State Bar's R&D Legal Services Funding Task Force to establish an opt-out fee for legal services on State Bar member dues statements. In the first year, $4.5 million was raised for legal services, followed by another $5.6 million raised the subsequent year.

  The committee also worked collaboratively to establish a new tax intercept program for uncollectable State Bar accounts receivable from disciplined lawyers, with over $17 million in debt submitted to Franchise Tax Board. In the first year of participation, the Bar has collected $178,000 through the program.
- **Reports.** Published extensive reports on "access to justice" issues, including: *The Path to Equal Justice* (2002), *Language Barriers to Justice in California* (2005), *Action Plan for Justice* (2007), and *Improving Civil Justice in Rural California* (2010), *Incubator Guide* (2014).

Current and Planned Initiatives

- **Incubator/Modest Means Project.** A priority for the commission is to promote the creation and/or expansion of modest means incubator programs through their Modest Means Incubator Project. The commission has established a task force—led by commission members, California Supreme Court Justice Goodwin Liu and Los Angeles Superior Court Judge Mark Juhas—to implement the two-phase project, with the aid of grants from the California Bar Foundation, the Ford Foundation and the Public Welfare Foundation.

  The first phase of the project included three commission-hosted regional outreach and education sessions throughout the state. These meetings were attended by law school deans, clinical professors, legal services directors, pro bono managers, law librarians, and others interested in the topic. Each session included morning presentations by individuals working with incubators or modest means programs, lunch, and afternoon working group sessions. In addition to hosting these convenings, the commission produced and widely distributed an incubator guide, which was featured on the ABA's incubator webpage. The guide is a basic primer on incubators and has been well received by colleagues in California and across the country.

  Late last year, the commission issued a request for grant proposals—which resulted in 24 grant proposal submissions from around the state, ten of which were for rural programs. The commission selected four grantees: one in the Bay Area, one in Los Angeles, one in Orange County, and one in the rural northern part of the state.

  During 2015, the commission will provide technical assistance to the grantees and begin to evaluate their progress.
- **Administrative Agency Best Practices and Minimum Standards.** The commission's Administrative Agency Committee continues to work toward finalization of its report on best practices and minimum standards. The report will be completed this year, and will provide a comprehensive set of recommendations to assist administrative agencies in serving self-represented parties.
- **Court Fees and Fines.** The commission is concerned about escalating court fees and fines and their impact on access to justice. The commission recently urged the Governor and legislature to increase general fund support of the judicial branch. The commission is asking the state to stop relying upon court fees and fines to fund the justice system, citing the U.S. Department of Justice's recent report on Ferguson, Missouri.

Colorado Access to Justice Commission

Initiatives 2014 -2015

The mission of the Colorado Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. The Commission is an independent entity formed in 2003 with the support of the Colorado Supreme Court, the Colorado Bar Association and the Statewide Legal Services Group. The various entities involved in the Commission work through and with the Commission on many projects.

The Access to Justice Commission is comprised of twenty members. The Colorado Supreme Court appoints four members and the Colorado Bar Association appoints ten members. One member is appointed by each of the following: Colorado Legal Services, COLTAF (IOLTA), the Legal Aid Foundation of Colorado, the Governor, Speaker of the House of Representatives and President of the Colorado Senate. Members serve staggered three-year terms.

Major Accomplishments to Date:

Legal Services Funding:

- The Commission held congressional style hearings statewide in 2007 and 2013. The hearings focused on educating the Colorado General Assembly members about the need for civil legal services, and lead to an increase in state appropriation for civil legal services to $2.67 million in FY 2016 from $500,000 in FY 2007.
- The Commission promoted a rule change that requires attorneys to place their trust fund accounts in banks providing comparable interest rates to similar accounts. (Approved by the Colorado Supreme Court in 2014.)

Local Access to Justice Committees:

- Through efforts of Chief Justice Rice and members of the ATJ Commission, 22 of the 23 judicial districts in Colorado created local access to justice committees. Membership in each local access to justice committee is diverse, including judges, lawyers, domestic violence service providers, legal services representatives, mediators, and others interested in promoting access to justice in their community. Each committee sponsors clinics and programs based on the needed in their community.
- Local ATJ's are instrumental in the hearing processes (described above) in 2007 and 2013.

Pro Bono and Limited Scope Representation

- The Commission worked with the Supreme Court to change the Rules of Civil Procedure and Professional Responsibility to encourage pro bono participation by lawyers, as well as limited scope representation. These include providing CLE credit for pro bono, pro bono emeritus rule, providing forms for entry and withdrawal of representation in limited scope matters, and conflict of interest in nonprofit and court annexed programs.
- The Colorado Supreme Court and ATJ Commission encourage lawyers to provide pro bono and limited scope representation through presentations at local bar and CLE events.

- The Colorado Supreme Court promotes pro bono representation through its Pro Bono Recognition program, recognizing firms, solos and corporate counsel that provide an average of 50 hours per attorney per year of pro bono legal service.

Self-represented Litigants (SRL)

- The Commission supported the Supreme Court's initiative to develop self-help centers in each judicial district and the State Law Library (assisting with appeals). In calendar year 2014 the self-represented litigant coordinators provided legal information to 100,000 contacts.
- The Commission's Court's Committee collaborated with Colorado Legal Services and the Colorado Bar Association to spearhead the development of online video tutorials on legal topics that SRL find confusing, such as contempt hearings and child support.

Current Initiatives

Legal Services Funding:

- The Commission is supporting legislation to require that any unclaimed funds in a trust account of a retired or deceased attorney will be transferred to COLTAF (IOLTA) instead of the State's unclaimed property fund.

Self-represented Litigants

- The Commission is providing review and any requested assistance in the development by the Supreme Court of an Equal Access Center. This center will be a portal for information for SRL and attorneys. It will provide online legal information and resources, and will link to other legal services websites and information.
- The Colorado Bar Association's "Unbundling Road Show" is focusing on providing tools and training to lawyers to provide limited scope representation. The "Road Show" is coordinating with local bars and CBA sections (such as Family Law) in facilitating these CLE's. This is a project of the Modest Means Task Force that disseminated "Successful Business Planning: Representing the Moderate Income Client."
- The Colorado Bar Association is enhancing its online "Find-a-Lawyer" directory by adding a search component that allows the public to search for lawyers who provide "alternative fee arrangements", such as limited scope representation.

Pro Bono

- Colorado Legal Services in partnership with Colorado Bar Association received a Pro Bono Innovation grant to research and develop templates of pro bono programs adapted from urban programs for rural areas of Colorado.
- Virtual Pro Se Clinic (VPC) is a public-private collaboration delivering free monthly pro se clinics by computer link through local public libraries across the state. These clinics are conducted by pro bono lawyers in various areas of the state, not necessarily in the community where the clinics are being held. The VPC started with three clinics in 2013, and currently (2015) providing thirteen monthly clinics.

Connecticut Judicial Branch Access to Justice Commission
The Honorable Elliot N. Solomon & The Honorable Maria A. Kahn
Co-Chairs

Connecticut Chief Justice Chase T. Rogers established the Judicial Branch's Access to Justice Commission in 2010, charging the members with identifying gaps in access to justice in civil cases, and developing workable solutions to help shrink that gap.

In addition to Judge Elliot N. Solomon, the Deputy Chief Court Administrator, and Judge Maria A. Kahn, who chairs the Judicial Branch's Limited English Proficiency Committee, the Commission includes Administrative Judge William H. Bright Jr. Judge Bright is also chair of the Branch's Pro Bono Committee, which in 2014 sponsored a Pro Bono Summit, bringing together dozens of attorneys for panel discussions on expanding pro bono efforts at law firms and corporate law departments, and recognizing rising stars in the pro bono movement.

The Commission's makeup has evolved over the years, but has always included the executive directors of two of state's largest legal aid providers, Attorney Susan Nofi Garcia of New Haven Legal Assistance Association, and Attorney Steven Eppler-Epstein of Connecticut Legal Services. Attorneys Garcia and Eppler-Epstein, along with Chief Justice Rogers and Judge Bright, are members of the Advisory Group to LawyerCorps Connecticut, which will be discussed in detail below.

The Commission also includes Chief Public Defender Susan O. Storey; the President of the Connecticut Bar Association, Attorney William H. Clendenen Jr.; Attorney Herman Woodard Jr., a solo practitioner; Attorney Barbara McGrath, director of the Connecticut Urban Legal Initiative at the University of Connecticut School of Law; corporate Attorneys Thomas P. Chapman, and Mark Nordstrom, a Senior Counsel at General Electric and Board Chair of the Pro Bono Partnership; Judicial Branch Program Manager Ms. Krista Hess and Court Planner Ms. Heather Collins, and a representative from Connecticut's 225 public libraries, Ms. Dawn LaValle, Director of the Division of Library Development for the Connecticut State Library.

The efforts of Chief Justice Rogers, since her escalation in 2007 to lead the Judicial Branch, to help level the legal playing field have paid off: In 2014, Connecticut ranked first among states in The Justice Index, compiled by the National Center for Access to Justice at the Cardozo School of Law. The Center measured access for people with limited English proficiency, people with disabilities, systems available to self-represented litigants, and the number of legal aid attorneys serving the poor. Connecticut's weakest performance was in the number of legal aid attorneys, with the state coming in seventh in the nation overall, with 1.85 civil legal aid lawyers for every 10,000 residents living in poverty.

Despite its relatively wealthy status, Connecticut is no more able than other states to provide free attorney assistance to every person who needs help with a civil legal matter. In fact, the state's legal providers serve just 2 in 10 people who qualify for their services, which are based on the federal poverty guidelines. That figure does not include those who need assistance but do not qualify; those in the so-called modest/moderate means income bracket.

In 2014, the Commission undertook efforts at expanding civil legal assistance through the development of four subcommittees, and in its support of the Lawyer Corps Connecticut program, a unique, corporate-funded expansion of legal aid through the establishment of a Legal Fellows program that was designed by Chief Justice Rogers. In order to effectuate these efforts, the Commission turned to its members and added 20 new members to the various subcommittees that look to expand access to justice through a variety of creative ways. Below is a synopsis of the Commission's efforts over the last year.

I. LawyerCorpsConnecticut: This unique project, developed by Chief Justice Rogers, to show Connecticut corporations how a lack of access to civil legal assistance impacts court operations and hurts local communities, is a partnership between major funders United Technologies Inc. and General Electric, corporate contributors Xerox, Price Waterhouse Coopers, IBM, Barnes Group, and Day Pitney LLC, and the Executive Directors of Connecticut Legal Services, Greater Hartford Legal Aid, and New Haven Legal Assistance Association. Additionally, LCC's fiscal management is provided by the Hartford Foundation for Public Giving. In 2013, the Commission received a $10,000 Kresge/Public Welfare Foundation Grant through the ABA's ATJ initiative. The money was used to develop the marketing tools for the program. In late 2014, after securing adequate funding, the Advisory Group began the task of writing the job descriptions and opened up the process in January 2015. In mid-March 2015, the legal aid partners announced that they had selected three Fellows: Valerie Letendre Wood, Kelly Heuser Bonafé, and Oluwafunmilayo Ladeinde. The three women will begin their service, working directly for the

legal aid providers, over the next few months. They will gain invaluable experience, be mentored by senior practicing attorneys, and help the community. The full report on the program's development is available here.

II. Workgroup on Libraries & Access to Justice: This is among the Commission's larger workgroups, with members from the public library system, legal aid community, Judicial Branch law libraries and court service centers, and community college libraries. The Workgroup spent 2014 surveying the state's 225 public librarians on the legal questions of patrons, and determining what resources are requested and available from the Branch and legal aid providers, as well as community colleges. This collaboration will be ongoing and is critical in advancing access to justice to the public. Libraries are community centers; they are open nights and weekends, and by their nature, librarians are keen to help people.

- The Workgroup is working under the Commission to sponsor a Justice Fair, which will be held at the University of Connecticut School of Law on Sept. 16, 2015. Chief Justice Rogers will give the opening remarks at the Fair, which will conduct three moderated panels: *Identifying the Problem: What is the Justice Gap?; Resources to help close the Justice Gap;* and *Solutions to Bridging the Justice Gap.* Judge Solomon will be a panelist on the Solutions panel, which will be moderated by Judge Kahn. Judge Bright will also serve as the Fair's general moderator. Panelists include public, community college, and law librarians; legal aid executives; a law professor, law student, and at least one LawyerCorps Fellow. The Fair will give the library community the chance to learn about the justice gap and its effects on Connecticut, and to meet directly with Judges, Branch staff, legal aid attorneys, law librarians and court service center staff. There will be booths staffed by the groups represented on the panels, and the Commission is requesting that the program be recorded by the Connecticut Television Network for live and on-demand view for the public, via the CT-N.com website.
- The Workgroup is also developing *ongoing training* to be presented to public librarians on what services our court service centers and law libraries can offer to the public. The training will be filmed so that the librarians can watch at their leisure.

III. Workgroup on Videoconferencing & ATJ: This Workgroup assessed the Branch's video capabilities and, in order to serve an underserved judicial district, developed a pilot program, with the Commission's support, that brings together pro bono attorneys in one district with self-represented parties in another urban district. The Branch operates Volunteer Attorney Day programs in eight judicial districts; since the program's inception, more than 3,400 consultations, between self-reps and pro bono attorneys practicing in family and foreclosure law, have occurred. The video pilot is an example of ways in which pro bono can be expanded. The Commission in the future will continue to develop this program, including the possibility of working with the Bar to have attorneys provide pro bono from their offices to self-reps in Connecticut courthouses.

IV. Workgroup on Modest/Moderate Means: This group did an assessment of modest/moderate means programs across the country, surveying numerous states about the issues faced in developing this type of delivery of legal service: attorneys voluntarily cutting costs to provide legal assistance to income-qualified people. The threshold would be 200-400 percent of the federal poverty level, which would help to serve a large majority of the population with civil legal needs. The Commission is going to work with the state bar associations to develop interest in this program and may provide some information support if requested. The Workgroup's role will be to continue to report to the Commission. Attorney Clendenen, who assumes the Connecticut Bar Association Presidency in the late Spring, will work with the Workgroup to develop an incubator program with in the CBA's facilities in support of MMMP.

V. Workgroup on Online Pro Bono Assistance: The Commission received a grant from the National Center for State Courts to send a staff member, Ms. Hess, to Tennessee to meet with the team that developed and operates OnlineTNJustice.org, the online pro bono program for income-qualified people. Armed with the information, Workgroup members, including Judge Bright and Ms. Hess, met with various sections of the bar and created a survey to gauge interest in the program. This ongoing effort will include developing materials and presenting information to local bar associations about the program, and to identify and secure a source for the technology aspect of the program and for a commitment of non-Branch staff time to moderate the program.

Going forward:

The Commission will continue its efforts with each of the Workgroups, with a particular emphasis on creating an ongoing partnership with public librarians, legal aid, and the bar. Further, the Commission will continue to support Connecticut's legal aid providers with their efforts to secure federal funding for projects such as the 2014 grants won to develop online videos and a gaming app that allows self-represented people to 'practice' going to court before they actually do.

The District of Columbia Access to Justice Commission

The D.C. Access to Justice Commission was created by the D.C. Court of Appeals in 2005 to help improve the ability of low- and moderate- income residents to access the justice system. The Commission is also responsible for raising the profile in our community of the need for equal access to justice. Established initially for a three-year term, the Court, in 2007, ordered the Commission's work to continue indefinitely.

The Commission has twenty-one Commissioners, including D.C. Court of Appeals and Superior Court judges, past Presidents of the D.C. Bar, Executive Directors of leading legal services providers, and other community leaders. It is chaired by Georgetown University Law Professor Peter Edelman. A full list of Commissioners is attached. Commissioners are appointed by the Court for three-year terms.

The Commission meets in full session every six weeks. A substantial amount of work is done though the Commission's committees, which include both Commission members and representatives from the larger community. There are currently five committees, each chaired by a Commissioner: the Private Revenue Committee; the Courts Committee; the Office of Administrative Hearings Committee; the Outreach Committee; and the Support Functions Committee. There are also ad hoc committees that focus on public funding, the Raising the Bar in D.C. Campaign and on a new Housing Initiative.

The Commission is privately funded, predominantly by area law firms. A separate 501(c)(3), the D.C. Access to Justice Foundation, manages fundraising for the Commission. The Foundation has a separate Board of Directors.

For additional information, please visit www.dcaccesstojustice.org.

Goals

The Commission seeks to increase significantly the resources for civil legal services, reduce barriers that prevent equal access to justice by low- and moderate-income District residents, advocate for increased pro bono work by local attorneys, and improve planning and coordination of legal services delivery. It also strives to call attention to the importance of legal services for indigent residents and the appalling disparity between the need for such services and the resources available to meet those needs. The Commission works closely with the Courts, the Office of Administrative Hearings, the D.C. Council, legal services providers, the D.C. Bar Foundation, D.C. Bar leaders and members, area law firms and community leaders to achieve these goals.

Initiatives

Public Funding for Civil Legal Services: Civil legal services play a vital role in ensuring that low-income District residents receive assistance with critical legal issues. The need for these services has

increased due to the recession, strained government services, and loss of affordable housing. In its first ten years, the Commission secured over $30 million to provide legal services in underserved areas and in housing-related cases, as well as to establish a shared legal interpreter bank and the District's first loan repayment assistance program for legal services lawyers. During the economic downturn, the Commission was instrumental in protecting the public funds from proposed budget cuts and in the last two years the Commission's advocacy has yielded the highest funding levels since the program's inception.

Private Funding for Civil Legal Services: In December 2010, the Commission, along with eight leading law firms, launched the *Raising the Bar in D.C. Campaign*. The Campaign established platinum, gold, and silver level tiers for law firm giving to legal services organizations and recognizes firms that make contributions at those levels. The District's model is somewhat unique in that it sets benchmarks as a percentage of D.C. office revenue rather than on a per-attorney basis. Last year, the 43 participating firms donated over $4 million to local legal services organizations. This represents over a million dollar cumulative increase in giving by those firms since each joined the Campaign.

Legal Needs Assessment: The Commission released a comprehensive report documenting the civil legal needs in the District as well as the capacity of legal services providers to meet those needs. As part of this assessment, the Commission held listening sessions with community groups across the city and implement some of the outreach-related suggestions made by those groups. The Commission is currently in the process of updating that report.

D.C. Courts: The Commission is working closely with the D.C. Courts to make the Courts even more accessible to low-income and pro se litigants. This year, the Commission's work on limited scope representation resulted in a Superior Court Administrative Order that promises to significantly increase representation for low- and moderate-income litigants. The Commission also collaborated with the court to launch a new fast-track Housing Conditions Calendar which given tenants a simplified mechanism for seeking redress of housing code violations. In addition, it worked with the Court to ensure access to interpreters in all civil cases, improve the application and process for fee-waiver applications, remediate child-support related problems, and improve the experience of pro se litigants.

Housing Initiative: The Commission is working extensively with the legal services community on a major housing initiative which will both increase representation of individuals in Landlord-Tenant Court and pursue structural litigation and policy advocacy to address the affordable housing crisis in D.C. The project contemplates a new partnership between legal services providers and area law firms which has the potential to become a national model.

Pro Bono: In 2011, the Commission and D.C. Bar Pro Bono Program worked with the D.C. Courts to launch the Capital Pro Bono Honor Roll which recognizes attorneys who provide 50 hours of pro bono service or more – or 100 hours or more for the higher recognition category -- yearly. Last year, over 4000 attorneys registered for the Honor Roll, and over 2000 of them registered for the High Honor Roll. In the summer of 2007, the Commission and the D.C. Bar launched an initiative to increase the amount of pro bono work done by the 51st – 100th largest law firms in the District. As a result, nearly half of those firms agreed to devote 3% or 5% of their annual billable hours to pro bono work.

The Honorable Jorge Labarga, Chair
Chief Justice, Supreme Court of Florida

Ramón A. Abadin
President-Elect, The Florida Bar

R. Alexander Acosta
Dean, College of Law,
Florida International University

John A. Attaway, Jr.
Senior Vice President and General Counsel,
Publix Super Markets

The Honorable Jeff Atwater
Chief Financial Officer, State of Florida

Martha Barnett
Attorney at Law, Tallahassee

The Honorable Pam Bondi
Attorney General of Florida

The Honorable Rob Bradley
The Florida Senate

The Honorable Nikki Ann Clark
Appellate Judge, First District Court of Appeal

Gregory W. Coleman
President, The Florida Bar

The Honorable Timothy J. Corrigan
Judge, United States District Court,
Middle District of Florida

Jeffrey S. Craigmile
Chief Counsel, Walt Disney Company

Marshall M. Criser, III
Chancellor, State University System

The Honorable Linda Doggett
Clerk of Court, Lee County

Thomas S. Edwards, Jr.
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Benjamin J. Gibson
Assistant General Counsel,
Executive Office of the Governor

The Honorable C. Robert Hilliard
County Judge, Santa Rosa County

James A. Kowalski, Jr.
Executive Director,
Jacksonville Area Legal Aid

Dominic C. MacKenzie
President-Elect, The Florida Bar Foundation

The Honorable Charles McBurney
The Florida House of Representatives

Kathleen Schin McLeroy
Attorney at Law, Tampa

Byron Russell
Chairman and Chief Executive Officer,
Cheney Brothers

The Honorable Bertila Soto
Chief Judge, Eleventh Judicial Circuit

The Honorable Emerson R. Thompson, Jr.
President, The Florida Bar Foundation

Robin Hassler Thompson
Attorney at Law, Tallahassee

William A. Van Nortwick, Jr.
Attorney at Law, Jacksonville

Gwynne Young
Past President, The Florida Bar

FLORIDA COMMISSION
ON ACCESS TO CIVIL JUSTICE

ABA National Meeting of ATJ Commission Chairs
May 9, 2015

About the Florida Commission:

Last fall Chief Justice Jorge Labarga established the Florida Commission on Access to Civil Justice by administrative order. The Florida Commission will study the unmet civil legal needs of disadvantaged, low-income, and moderate-income Floridians, considering Florida's legal assistance delivery system as a whole: staffed legal aid programs, pro bono services, innovative technology solutions, and other models and potential innovations. It will create strong collaboration among all groups seeking to improve access to civil justice and a heightened awareness of the needs of Florida's citizens.

Chief Justice Labarga appointed the Florida Commission members after looking at the body of knowledge from existing access to justice commissions regarding the most effective size and composition, and after consulting with the leadership of The Florida Bar, The Florida Bar Foundation, the court, the executive and legislative branches and others. Members were selected based upon their experience within the Florida justice system and their anticipated commitment. The 27 member commission not only includes members of the legal community but more importantly it also includes government leaders and the business community. The members offer a diversity of perspectives and expertise that will enable the commission to fulfill its mission and objectives.

Since the establishment of the commission it has divided into subcommittees and began to meet on a regular basis to study the unmet civil legal needs of disadvantaged, low-income, and moderate-income Floridians. In addition to this assemblage of leaders from across our great state, the subcommittees include ad hoc members who are in the trenches everyday trying to help people through life changing events. The Florida Commission will be having their next commission meeting on Friday, May 15, 20105 in Tampa Florida and each subcommittee will be reporting to the commission their current status. The Florida Commission has a head start in it's search for solutions learning from those other commissions and has the potential to make long-lasting, meaningful changes in the state's justice system. In the future the commission shall submit an interim report to the Court no later than October 1, 2015, and a final on June 30, 2016.

ATJ Commission
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The potential of the Florida Commission is extraordinary for it has the tools, knowledge, and ability to bring everyone together and enhance access to civil justice in our state, which will not only have an enormous effect on the lives of countless Floridians both now and in years to come, but will also allow the Florida courts to operate more efficiently and effectively.

Major Accomplishments to Date:

The Florida Commission has divided into the following subcommittees: 1) Outreach, 2) Access to and Delivery of Legal Services, 3) Continuum of Services, 4) Technology, and 5) Funding. These subcommittees are currently meeting and are diligently and efficiently working hard and reviewing what other states have done to fulfill the mission and objectives of the individual subcommittee's charge. Some of the subcommittees have branched out into subgroups in order to specifically study certain issues that impede Floridians from access to the court. While other states have had major accomplishments, the Florida Commission has just begun its work. The establishment of the Florida Commission and the commission members working in the subcommittees is an accomplishment to be proud of and the residents of Florida are aware of this accomplishment. In just the few short months of existence, the subcommittees have met multiple times and will provide a report of their work thus far at the second full Commission meeting on May, 15, 2015. The Florida Commission continues to receive a tremendous amount of positive press and feedback

Current Initiatives:

Mr. Gregory Coleman, President of The Florida Bar and a member of the Florida Commission suggested the commission create a searchable knowledge base that will contain both information about the initiatives by the many Florida organizations and the courts who are already working to increase access to civil justice, as well as the resources that are currently available. This knowledge base will also contain documentation concerning access to justice initiatives from around the country and all the documentation/reports that each Florida Commission subcommittee reviewed and or prepared. During several of the subcommittee meetings members have mentioned and requested that this database be created and operational. The Florida Commission will have this database operational by the next Florida Commission meeting, on May 15, 2015. The knowledge base will be continually updated as new information becomes available. Recently the Commission mailed out over 400 hundred letters to the courts, clerks, law schools, legal aid, local bar associations, legal aid and others requesting them to report their current initiatives and future initiatives related to access to justice. While this may not be a typical access to justice initiative, the knowledge base will allow the Florida Commission members to research and become informed of the resources that are available in Florida to the disadvantaged, low-income, and moderate-income Floridians. In order to have meaningful access to justice all of the stakeholders must know the available resources to Floridians.

Planned initiatives:

The Florida Commission is currently looking at many promising initiatives implemented by other states to evaluate the feasibility of modifying them for implantation in Florida.

The Full Committee will receive status reports from its various subcommittees on May 15, 2015.

HAWAI`I ACCESS TO JUSTICE COMMISSION

About the Commission

On April 24, 2008, the Hawaii Supreme Court formally adopted Rule 21 of the *Rules of the Supreme Court of the State of Hawaii*, which established the Access to Justice Commission. The Commission consists of 22 members who are appointed by different entities (the Hawaii State Judiciary; Governor of Hawaii; President of the Hawaii Senate; Speaker of the House of Representatives; Attorney General of Hawaii; Hawaii Consortium of Legal Services Providers, Hawaii State Bar Association ("HSBA"); Hawaii Justice Foundation; William S. Richardson School of Law, University of Hawaii; and the Hawaii Paralegal Association. Hawaii Intermediate Court of Appeals Associate Judge Daniel R. Foley is the current Chair of the Commission.

"What is unique about the commission from other prior attempts in Hawaii to advance civil legal assistance to those who are underserved is that it formally institutionalized an ideal—that justice must be extended to everyone notwithstanding economic, social, cultural, language, and other barriers to equal access to our justice system," said former Chair of the Commission, Simeon R. Acoba, Jr., former Hawaii Supreme Court Associate Justice. "The impact of the Commission has been to bring access to justice issues to the forefront."

The work of the Commission is accomplished through its ten committees: Administration; Annual Report; Education, Communications, and Conference Planning; Funding of Civil Legal Services; Increasing Pro Bono Legal Services; Initiatives to Enhance Civil Justice; Law School Liaison; Overcoming Barriers to Access to Justice; Right to Counsel in Certain Civil Proceedings; and Self-Representation and Unbundling. These ten committees total approximately 60 to 70 members.

Generally, the Commission initiates projects, adopts policies, suggests court changes, provides support for legal service providers, serves as a forum for different perspectives on access to justice issues, and maintains a state-wide focus on efforts to improve access to justice. The Commission has several ways of implementing the objectives set forth in Supreme Court Rule 21. Examples follow.

By Committees

The Commission's Committee on Education, Communications and Conference Planning has coordinated the annual Access to Justice Conferences from 2009 through 2014 and will be organizing the conference on Friday, June 19, 2015. Generally a keynote speaker is arranged, and morning and afternoon concurrent workshops are structured. The conferences averages about 260 attendees, and continuing legal education credits are available to lawyer-attendees.

By Task Force

For example, the Commission's Pro Bono Initiatives Task Force is charged with two principal objectives: One is to help obtain commitments from law firms and lawyers each year to staff the Access to Justice Room (self-help center) at the Honolulu District Court where volunteer attorneys provide free legal information and advice. Second, the Task Force coordinates a pro bono celebration in October of each year at the Supreme Court in conjunction with the national pro bono celebration. The celebration recognizes lawyers selected by the legal services providers as individuals who have performed outstanding pro bono work and volunteers at the Access to Justice Rooms at the Honolulu district court and at family court in Kapolei.

A statewide high school student essay contest is held as part of the celebration. In 2014, there were 280 entries statewide, and the six student awardees each received a $500 award donated by law firms.

By Support of Independent Initiatives

The Commission supports other initiatives sponsored by other groups:

- Senior Bar members paid their own way and set up a clinic on Molokai to provide free legal advice.
- Volunteer Legal Services Hawaii and the East Hawaii County Bar Association set up a clinic in Kau on the Big Island to offer free legal advice.

By Support of Judiciary-related Programs

The Commission supports self-help centers, which are a partnership among the bar association, the Legal Aid Society of Hawaii, and the judiciary to provide legal information and legal advice on an ongoing regular basis at the courthouses in every circuit.

Major Accomplishments to Date

- Developed model pro bono policies for private firms, government lawyers, and judges
- Obtained commitments from law firms and some government offices to do pro bono work, many of whom volunteer at the Access to Justice Room at the district court
- Initiated a foreclosure mediation program that presently operates in the third circuit and according to Judge Ronald Ibarra, the administrative judge on the Big Island, is successful and is beneficial for all parties.
- Established a roundtable of entities from the University, the judiciary, and the bar that addresses cultural and language barriers in the legal system
- Created a cy pres kit that instructs lawyers on the distribution of unclaimed class action proceeds to non- profit organizations
- Initiated rule changes to promote pro bono activities, access to the legal system, and legal services such as exempting lawyers from conflict of interest rules in pro bono activities, allowing a $500 contribution to non-profit legal entities in lieu of 50 hours of pro bono activities, permitting military attorneys limited admission to practice law and waiving character reports for them, and granting attorneys employed by non-profit entities limited admission to practice for two years.
- Obtaining a grant of $20,000 with the Hawaii Justice Foundation from the ABA to hold training programs for attorneys on language access for clients and for judges on implicit bias in the courts.
- Supporting the amendment of the indigent legal assistance fund statute to enable an increase in the proceeds distributed to legal service providers to help defray their expenses.

Current Initiatives

- Adoption of an unbundling protocol for court proceedings in which an attorney would perform services for part of the case
- Collaboration in response to a senate concurrent resolution, on a study of the feasibility of providing subsidies for law students who choose public interest work;
- Recommendation of a 60-hour pro bono requirement for all bar applicants
- Action on numerous suggestions from participants of the 2014 Access to Justice Conference, such as pro bono representation of persons of low or moderate income in agency appeals
- Establishment of an appellate pro bono program, in which attorneys would represent clients on a pro bono basis in the appellate courts in certain types of civil cases

For further information about the Commission, see http://www.hawaiijustice.org/hawaii-access-to-justice-commission.

Brief Overview of Current Activities of Illinois Supreme Court Commission on Access to Justice

The Illinois Supreme Court established its Commission on Access to Justice to "promote, facilitate, and enhance access to justice with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable." (*Illinois Supreme Court Rule 10-100(a).*)

The Commission's defining strategic goal over the next two years is to promote meaningful access to the Illinois courts for unrepresented litigants, which will make the courts more fair, accessible and efficient for everyone. This strategic goal recognizes that large and increasing numbers of Illinois residents – especially among the poor and vulnerable – effectively have no choice but to proceed on their own in a system that historically has been designed and operated for litigants with lawyers**.** The Commission has identified this focus on addressing challenges caused and faced by growing numbers of unrepresented litigants because it suggests work where the Illinois Supreme Court is uniquely positioned to make the greatest impact on improving access to justice; builds on work of the Administrative Office of the Illinois Courts' new Civil Justice Division; and complements the work being done by other entities.

Limited Availability of Legal Aid Services

The Commission's focus on the needs of self-represented litigants is due in part to the fact that Illinois' legal aid providers can serve only a fraction of the low-income individuals who face significant legal problems.

- Legal aid programs in Illinois employ a total of 385 full-time equivalent attorneys, for a ratio of one legal aid staff attorney for every 7,227 low-income residents statewide.

- The situation is worse in smaller cities and rural areas of Illinois. Outside Cook County the ratio is one legal aid staff attorney for every 10,753 low-income residents. Seven of Illinois 24 judicial circuits have no legal aid staff based within their borders.

- Five out of six cases handled by Illinois legal aid programs are limited to "advice" or "brief services." In many cases the decision to provide limited services was based on the program's available resources rather than the client's actual need. As a result, a significant number of cases that are "handled" by legal aid result in self-represented litigants appearing in Illinois' courts.

For additional information about the work of the Illinois Commission on Access to Justice, please contact Danielle Hirsch at dhirsch@illinoiscourts.gov or (312) 793-2014.

The Commission's for 2015-2017 proposed activities are listed below in order of priority.

1. **Develop and automate standardized, plain-language legal forms** for areas of law frequently encountered by self-represented litigants. Pursuant to Illinois Supreme Court Rule 10-101, these forms must be accepted by all Illinois courts.

2. **Translate standardized, plain-language legal forms into the most common languages other than English** spoken by court users in Illinois, *i.e.*, Spanish and Polish.

3. **Support the continued and expanded use of court-based facilitators/navigators** (including Illinois JusticeCorps) and evaluate the effectiveness of these services as a means to assist self-represented litigants and contribute to the efficient operation of the Illinois courts.

4. **Develop guidelines and promote training opportunities for judges** who deal with significant numbers of self-represented litigants in their courtrooms, consistent with recent amendments to Rule 63(A)(4) of the Illinois Code of Judicial Conduct.

5. **Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs** – to enable them to assist self-represented litigants in a consistent, ethically permissible manner.

6. **Provide leadership to ensure that existing self-help centers continue to serve as a useful resource for self-represented litigants.** Self-help centers based in courthouses and public libraries currently exist in all 102 Illinois counties.

7. **Research policy and technology options to enable remote access to the court system**, which will allow litigants in rural areas and those with mobility issues to have meaningful access to the justice system without having to make multiple time-consuming and expensive trips to the courthouse.

8. **Research options to simplify some court procedures and processes** that are frequently encountered by self-represented litigants, with the goal of making those processes and procedures easier for court users to understand and comply with, while possibly reducing the number of appearances necessary to complete a case.

9. **Develop language access resources for self-represented litigants with limited English proficiency**. Possible resources could include "I Speak" cards, information on how to request an interpreter, and/or changes to signs in court buildings.

Indiana Commission to Expand Access to Civil Legal Services

About the Commission

The mission of the Indiana Commission to Expand Access to Civil Legal Services (ICEACLS) is to identify, enhance, and expand the availability and provision of civil legal services to Indiana residents with limited financial resources.

ICEACLS was created by Indiana Supreme Court Order on September 13, 2013. The Court appointed the first Commission members in December 2013, including Court of Appeals Judge Patricia Riley as Chair; two trial court judges; one member of the Indiana State Bar Association; one member of the Indiana Bar Foundation; one faculty member of an Indiana law school; two lawyers in private practice; two representatives of non-profits; four representatives from legal aid providers; two representatives from business and labor; and the Chair of the Indiana Pro Bono Commission.

The Court order specified that ICEACLS would not operate as a funding organization for legal services. The responsibilities described in the Court order include:

- Fostering the coordination of the delivery of civil legal services and encouraging collaboration and cooperation between all providers of civil legal service to low-income or disadvantaged Indiana residents;
- Developing a five-year plan to improve and enhance the availability and effective provision of civil legal services to low-income or disadvantaged Indiana residents;
- Recommending improvements in the communications, promptness, efficiency, courtesy and other qualities of service provided to those residents who use Indiana courts;
- Providing the Indiana Supreme Court with an annual progress report on June 30 of each year.

Major Accomplishments to Date

The Commission convened a strategic planning process in January 2014 and adopted an initial five-year strategic plan in the spring of 2014. The vision of the strategic plan is: *Within five years, the system of delivering high-quality and appropriate legal services for the poor will be more accessible for clients and more efficient and effective for service providers and attorneys.*

The five goals of the strategic plan are:

Goal 1: Improve the overall systems for connecting low-income Hoosiers with appropriate legal services.

Goal 2: Implement technology solutions to improve attorney/client contacts in underserved areas of the state.
Goal 3: Increase the number of pro bono service hours to a level which will appropriately meet the civil legal needs of all low-income Hoosiers.

Goal 4: Increase the level of funding from public and private sources in support of expanded access to civil legal services.

Goal 5: Heighten awareness with the general public about the variety of ways to access legal services.

In order to accomplish these five goals, the Commission created four working committees: Technology; Public Relations and Outreach; Providers and Development.

Commission Initiatives

In its first annual report to the Court, the Commission made the following recommendations:

1. **Create a centralized web portal for connecting people in need of civil legal services with resources and for encouraging attorneys throughout Indiana to help meet this need.** The technology committee, with members of legal service providers, private law firms and court administration, developed a plan for creating a centralized online portal to serve as a virtual front door to accessing free or reduced rate civil legal services in Indiana. The Commission developed a website called www.IndianaLegalAnswers.com where residents could post legal questions and attorneys could provide pro bono legal assistance by answering these questions.

2. **Work to expand financial resources for the civil legal assistance needs in Indiana through collaborative approaches**. Through this initiative, the Development Committee submitted a grant proposal to the National Association of IOLTA Programs for a leadership grant to educate the philanthropic community in Indiana about the value of partnering with civil legal assistance in their philanthropic initiatives. Under this grant, presentations have been made throughout Indiana to regional meetings of the Indiana Philanthropy Alliance in order to educate them about the critical need for increased private funding for civil legal aid in Indiana.

3. **Develop an Access to Civil Legal Services Conference in Indiana**. With the appointment of Jon Laramore as the new Executive Director of Indiana Legal Services in March 2015 and the scheduling of the National Legal Aid & Defender Association annual conference in Indianapolis in the fall of 2016, the Commission is organizing around a conference initiative for the fall of 2016.

4. **Assign the Indiana Bar Foundation the responsibility for administration of the Commission**. This would allow for better coordination with the existing Indiana Pro Bono Commission which is administered by the Indiana Bar Foundation; and also assure that the Commission would be insulated from direct fundraising activities.

5. **Conduct baseline studies and develop more comprehensive lists of resources available to help people in need of civil legal services now.**

KANSAS

ACCESS TO JUSTICE COMMITTEE

I. About the Kansas Access to Justice Committee

The Kansas Supreme Court established a *Pro Se* Committee in 2007 to study and provide recommendations on how to resolve issues related to self-represented individuals in the state's legal system. This ad hoc group, which was renamed the Self-Represented Study Committee, maintained a limited focus.

In 2010, the Kansas Supreme Court expanded the focus of the ad hoc group to include ensuring access to the courts for all Kansans without regard to their level of income. Kansas Supreme Court Rule 1401 formally established the Access to Justice Committee in 2012 as a standing committee for the purpose of making recommendations to the Court about issues such as (1) increasing resources available for legal service for low-income litigants in civil cases; (2) improving planning and coordination of legal services delivery; and (3) reducing potential barriers to equal access to justice. The Committee has a minimum of 18 members who serve three-year terms, with a limit of two consecutive terms. The Court appoints committee members who include district court judges, court staff, and attorneys from across the state.

II. Major Accomplishments to Date

A. Limited Representation – New Kansas Supreme Court Rule Adopted

Kansas Supreme Court Rule 115A Limited Representation allows attorneys to provide limited assistance to clients. The requirements and procedures for entering into a limited representation relationship are defined in the rule. The Access to Justice Committee, in its earlier incarnation, was instrumental in developing pilot projects and forms that ultimately led to the implementation of Rule 115A.

B. Limited English Proficiency – New Language Access Committee Established

The Access to Justice Committee studied the issue of language access in the Kansas courts and submitted a report to the Kansas Supreme Court. In 2014, the Court created a separate Language Access Committee for the purpose of making recommendations to the Court regarding the development and ongoing administration of a comprehensive language access program. This program is intended to further the accessibility of the Kansas court system for persons with limited English proficiency. The Court appointed several members from the Access to Justice Committee to lead that effort. As a result, the Access to Justice Committee has welcomed several new members and is reevaluating priorities of its initiatives.

C. Material for Self-Represented Litigants

The Committee developed brochures for *pro se* litigants addressing the legal process. These brochures covered topics such as:

- Should I Represent Myself?
- How to Use an Attorney to Represent Yourself in Court
- The Risks and Responsibilities of Representing Yourself
- General Tips for Representing Yourself
- Things to Know
- Can Court Staff Help?
- Finding Legal Assistance
- Types of Courts in Kansas
- Understanding How State Courts Work

The Committee also worked with the Office of Judicial Administration to provide information for self-represented parties on the Court's public website: http://www.kscourts.org/Programs/Self-Help.

III. Current Initiatives

A. Guidelines for District Judges to Restrict Filings

The ATJ Committee is in the final stages of developing Guidelines for District Judges to Restrict Filings that will assist Kansas district court judges in analyzing whether to impose restrictions on litigants that are abusive filers. A draft of the guidelines has been circulated for comment to all judges of the district court, all Kansas licensed attorneys, and members of the public. Once the guidelines are finalized, they will be available publicly on the Court's website.

B. Help Centers for Unrepresented Parties

At its next meeting, the ATJ Committee will tour the first court-sponsored Help Center for unrepresented parties that recently opened in the Tenth Judicial District, which is Johnson County, Kansas. Following the tour, the Committee will discuss how this concept can be developed to serve litigants across the state.

Maine's Justice Action Group—Past Accomplishments/Preparing for the Future

20th Anniversary; Time of Change. During 2014, JAG experienced major changes. Justice Jon D. Levy, JAG's Chair since 2008, stepped down when he left the Maine Supreme Judicial Court to become a U.S District Court Judge. Chief Justice Leigh Ingalls Saufley quickly tapped Justice Andrew M. Mead to be JAG's new Chair. As Justice Mead's term was commencing, JAG's long-time Executive Coordinator Carrie Wilshusen announced that she was accepting an offer from the University of Maine, School of Law to become its Director of Admissions. In addition, the Maine Judicial Branch Access to Justice Coordinator, left her position.

Such major turnover on the eve of JAG's 20th anniversary created an opportunity for stakeholders to reflect on JAG's past and plan for its future. On November 17, 2014, Justice Mead convened a *Reimagining JAG Summit* to "take stock of the current landscape and formulate a strategic plan for the JAG of the future—how we can improve access to justice by supporting civil legal aid programs, attorneys in private practice who provide *pro bono* services, and other innovative initiatives."

Before looking at JAG's future, we will back up and review exactly what JAG is, how it got started, and what it has done.

What Is JAG? JAG is one of the three oldest access to justice commissions in the United States. It is a judge-led coalition of leaders of Maine's legal community, including state and federal judges, legislative leaders, nonprofit civil legal aid providers, University of Maine School of Law, Maine Bar Foundation, Maine State Bar Association, Maine Trial Lawyers Association, Maine Civil Legal Services Fund Commission, practicing attorneys, and others who are passionate about helping all Maine people have access to civil justice.

A Little JAG History. Even before JAG was created, U.S. Court of Appeals Judge Frank M. Coffin wrote about the need for a catalyst. Established in 1995, JAG serves as a convener, facilitator, catalyst for action, and voice on behalf of low income and vulnerable Mainers. Over the years, three organizations consistently have provided most of JAG's funding to cover the costs of part-time staff support—the Maine Bar Foundation, the Maine State Bar Association, and the Court. Other funding has come from foundations, the ABA, and individual law firms. As envisioned by Judge Coffin, JAG has been a catalyst. For example, JAG—

- Supported the creation of two legal aid organizations.
- Played a major role in launching the Campaign for Justice, the unified funding appeal within Maine's private bar.
- Led a 2006 statewide access to justice planning effort, yielding 8 recommendations that have helped guide JAG's work.
- Instituted the annual Access to Justice Day at the Maine Legislature.
- Was instrumental in the creation of the Katahdin Counsel Recognition Program, which recognizes pro bono contributions by members of Maine's private bar.
- Has been a leading collaborator with the Maine State Library and libraries throughout the state on the Lawyers in Libraries Program.
- Has helped organize and present three symposia on timely, significant topics.

Back to JAG's Present and Future. Forty participants in the November 2014 Summit reflected upon JAG's past accomplishments and considered how to improve access to justice by supporting civil legal aid programs, attorneys in private practice who provide *pro bono* services, and other initiatives. They were open to a range of possibilities for the role of JAG from robust to non-existent. The following areas of consensus emerged and have been further refined during 2015:

- Vision. JAG will continue to be a judge-led coalition of leaders of Maine's legal community that serves as a convener, facilitator, catalyst for action, and voice on behalf of low income and vulnerable Mainers. In addition, JAG will:
    - Encourage increased support by public and private sources for civil legal aid and *pro bono* legal services.
    - Advocate for a system of justice that accommodates low income and vulnerable Mainers who, in many ways and at all levels, are not represented by traditional means.
    - Raise awareness among the legal community, legislature, and public about the needs of low income and vulnerable Mainers who face daunting barriers to civil justice and recommend solutions to overcome barriers.
    - Encourage the development of informational and educational resources to help people navigate civil legal issues in their lives.
- How JAG Will Function. At the *Executive Committee level*, along with the current (voting) third-party representative of civil legal aid providers, a rotating (non-voting) provider executive director also will serve on the Committee. At the *full Board level*, a board member of each provider will continue to be the voting representative and each executive director will be welcomed to fully participate in Board discussions. JAG will consider whether other stakeholders should be included.
- Future JAG Activities. JAG will not be involved in running ongoing programs, and activities will continue to be carried out through ad hoc committees and working groups with specific agendas. A structure for implementing future JAG activities has emerged:
    - The Advisory Committee of Providers will continue.
    - A Justice Systems Committee, concerned about both the Judicial and Executive branches, will focus on electronic filing and making sure systems operate fairly for all.
    - A Pro Bono Committee will bring together various pro bono programs and efforts for coordination and support.
    - How to handle private sector outreach and legislative activities is still under consideration.

With consistent and strong leadership by the Court and significant contributions by the rich array of coalition members over the past 20 years, JAG has had success in advancing the cause of access to civil justice. It seems very likely that JAG will continue to be a catalyst (just as Judge Coffin envisioned) leading to more successes over the next 20 years and beyond.

Next Step Forward: New Executive Coordinator. Since June 2014, the Maine Bar Foundation has allowed its Executive Director Diana Scully to help support JAG's work on an interim basis. After several months of reflection about its past and desired future, JAG now is ready to hire a new part-time Executive Coordinator. Twenty-five highly qualified individuals applied for the position. Interviews will be held with the top candidates in early May.

MASSACHUSETTS ACCESS TO JUSTICE COMMISSION

The Commission's Goal is "to achieve equal justice for all persons in the Commonwealth."

The role of the Commission is vision, leadership and coordination for the efforts of many organizations to provide and improve access to justice for those unable to afford counsel.

The first Massachusetts Access to Justice Commission was appointed by the Supreme Judicial Court (SJC) in 2005 with five year sunset; the Commission was reconstituted in 2010 and again this year, this time without sunset.

The Commission is co-chaired by SJC Associate Justice Geraldine Hines and Boston lawyer Susan Finegan; the second Commission was co-chaired by SJC Associate Justice Ralph Gants (now Chief Justice) and Boston lawyer Dave Rosenberg.

The Commission has 33 members: Seven judges and one court clerk, two project directors and two board members from legal services, one from the public defender, three each from business, social services and client communities, two from bar associations, one from state funder (MLAC), two from law schools and six lawyers (two ex officio, two more project directors and two private attorneys).

Staff: One part-time consultant funded by MLAC. Website: www.massa2j.org.

The Commission's work pursues six broad strategic objectives:

1) Make more lawyers available by increasing funding for civil legal aid.

- $51annual "access to justice" attorney registration fee ($1.2 million/year).
- Pro hac vice rule imposing fees on attorneys from other states appearing in Massachusetts courts (nearly $200,000 per year).
- Cy Pres - supported IOLTA eligibility for residuals; proposed 50% to IOLTA.
- Supported the Boston Bar Association's (BBA) Statewide Task Force to Expand Civil Legal Aid in Massachusetts. Seeking $30 million for eviction defense, stopping domestic violence and obtaining federal benefits.
- Public Welfare Fund grant to test feasibility of major philanthropic gifts from nonlawyers led to 501(c)(3) forming to raise such funds.
- Caused legal aid work plans and training to increase attorneys fees by fee shifting.
- Commission's Revenue Enhancement Committee ongoing.
- Support statewide task force efforts on civil right to counsel, and pilot projects.

2) Make more lawyers available by increasing services provided by private attorneys.

- ATJ Fellows Program for retired attorneys to provide 10-20 hours per week on projects for legal aid or other nonprofits.
- Pro bono appeals panel implemented.
- Honor roll for firms that exceed Rule 6.1 standards
- Successfully proposed making "access to justice" a bar exam topic.
- Support and encourage limited assistance representation.

3) Improve assistance to unrepresented (self-represented) litigants so that they can more effectively present their claims and defenses.

- Proposed appointment of a judge as Special Advisor on Access to Justice Initiatives in the Trial Court.
- Held hearings to identify access to justice challenges facing litigants without lawyers.
- Developed relationship with Harvard Law School technology center that led to report to Trial Court "Best Practices in the Use of Technology to Facilitate Access to Justice Initiatives."
- Recommended establishment of Court Service Centers around state to assist self-representing litigants.
- Proposed legislation to make Housing Court available statewide.
- Initiated examination of protocols for judicial inquiry into settlement agreements involving unrepresented litigants.
- Began experiments with Trial Court into whether "Information Sheets" providing information about the legal process, the specific court or the type of case (including defenses) at the summons and complaint stage might lead to outcomes that are more just cases in which at least one party is unrepresented.

4) Improve access to justice in the administrative agencies.

- Obtained Governor's approval of "Best Practices for State Agencies to Enhance State Administrative Justice." Practices apply to agencies that administer benefit programs and emphasize due process and procedures to verify data with beneficiaries before acting to alter benefits.
- Collaborate with agencies on clearer termination notices and application form that is used in multiple benefit programs.

5) Support access to justice efforts by social service and other agencies,

- Sponsored development of extensive online multilingual "plain English" explanations of law and procedure for use by agency staff members advocating for low-income consumers.
- Sponsored development with Rosie's Place, the first shelter for homeless women in the United States, a laminated, self-guided "Walk for Justice," featuring important access to justice sites in Boston.

6) Increase justice by helping civil legal aid programs be more effective.

- Provided planning leadership regarding critical decisions facing state legal aid system, including "Interim Report" in 2011 and "Progress Report" in 2013.
- Encourage providers to increase systemic advocacy, use most effective technology, improve planning techniques and maximize efficiency.

The new Commission is planning to continue many ongoing projects it inherited from its predecessor and will examine undertaking new projects involving building up access to justice efforts outside the courts and administrative agencies, exploring the appropriate roles of nonlawyers, increasing technological advancements and communication with the general public regarding access to justice.

MISSISSIPPI
Access to Justice
COMMISSION

JUSTICE *for* ALL

ABOUT THE COMMISSION

The Mississippi Access to Justice Commission was created by the Mississippi Supreme Court on August 28, 2006 to develop a unified strategy to improve access to the civil courts for the poor. Mississippi was the 23rd state to appoint such a commission. The Commission is tasked to investigate the need for civil legal services to the poor in Mississippi, and to evaluate, develop and recommend policies, programs and initiatives which will assist the judiciary in meeting needs for civil legal services to the poor. Our overall goal is to provide overarching, unifying support for the legal aid system in Mississippi. This support includes exploring means for increased funding and other resources, raising awareness of the need for and value of legal assistance, reducing barriers to access to civil justice and improving the quality and efficiency of the delivery system.

The Commission is made up of twenty-three (23) voting members and eleven (11) *ex-officio* members, including the Deans of Mississippi's two law schools, the University of Mississippi School of Law and Mississippi College School of Law.

MAJOR ACCOMPLISHMENTS TO DATE

- The Commission engaged in statewide public hearings early in its founding and continues to rely on the findings of those hearings to guide its work.
- In 2011, the Mississippi Supreme Court handed down amendments to the Mississippi Rules of Professional Conduct to allow for unbundling of legal services. The Commission has recommended two additional rule changes to the Mississippi Supreme Court. The first recommendation is to seek expansion of the current law student limited practice rules to allow students who attend out-of-state law schools the opportunity to volunteer with legal aid and *pro bono* programs in the same matter as in-state law students. No decision has been reached on this recommendation as of yet. The Commission has also recommended that the Supreme Court relax the requirement that an attorney be required to represent guardians in guardianship cases where a child has few assets and the guardian is a relative. Coincidently, the Mississippi State Legislature was also concerned about this issue and amended the Section of the Mississippi Code to change the requirement.
- The Commission has regularly sponsored local access to justice events to encourage local bar associations and community leaders to work together to ensure access to the judicial system for all on a local level.
- The Commission received an American Bar Association Access to Justice Commission Expansion Grant in 2013 to host a Summit to discuss expanding access to justice to create pathways out of poverty. Approximately eighty (80) people from the legal, health and social services fields attended the event.

CURRENT INITIATIVES

- The Commission is developing forms for self-represented litigants in divorce, emancipation and name change matters. The forms will be made available to low-income individuals through the Mississippi Legal Services Programs and the Mississippi Volunteer Lawyers Projects. Individuals will also be able to access the forms when they participate at access to justice events that are held in coordination with local bar associations.
- The Commission is seeking new opportunities for resource development for legal aid, including through *cy pres* distributions, legislative appropriations and other funding sources.
- The Commission is exploring the use of video technology to educate self-represented litigants about what to expect in court and what happens after they download the forms developed by the Commission for divorce, emancipation and name change matters.
- The Commission is meeting regularly with its three Committees – Delivery System, Public Awareness and Resource Development – to develop a three-year Action Plan.
- The Commission has created two Sub-Committees – Medical-Legal Partnership and Faith-Based Initiatives – to explore opportunities for collaboration with partners in the medical and religious communities, respectively.

PLANNED INITIATIVES

- Recognizing the critical role they plan in the delivery of information to the public, the Commission intends to increase its partnerships with librarians across the state to assist.
- The Commission hopes to develop training seminars and educational materials for guiding court clerks in dealing with self-representative litigants, including preparation of a guide or FAQs that explain the difference between providing information and giving legal advice.
- The Commission expects to host a *Pro Bono* Summit in the near future to educate law firm managers on the need for and benefits of engaging attorneys in *pro bono* work.
- The Commission plans to develop toolkits for local access to justice initiatives, including medical-legal partnership and faith-based initiative activities.
- The Commission will explore the possibility of legislation or court rules to state that legal aid and access to justice is an appropriate recipient of *cy pres* funds.
- The Commission plans to examine other statutory and procedural barriers to the justice system for self-represented litigants and make recommendations for change.
- The Commission will develop a work plan for access to justice in Mississippi for people with limited English proficiency with the help of national partners.

CONTACT US

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MONTANA
Access to Justice Commission

About the Commission

The Montana Access to Justice Commission was created by Court Order dated May 22nd, 2012, as an 18-member advisory commission to the Montana Supreme Court. The Commission consists of representatives from Montana's legal, judicial, legislative, business, and human services communities. The Commission was created out of the state's former Equal Justice Task Force, which petitioned the Montana Supreme Court to create a Commission to identify, oversee, and coordinate access to justice projects in Montana for the long-term in keeping with national trends and recommendations.

Over the course of its first year, the Commission engaged in a strategic planning process resulting in the adoption of a strategic plan that currently guides its work. Much of this work has been carried out by one or more of the four committees created in accordance with the strategic plan: the Standing Committee on Self-Represented Litigants, the Committee on Communications and Outreach, the Committee on Policy and Resources, and the Committee on Law School Partnerships.

Major Accomplishments

Cy Pres Rule: The Commission, through the work of its Committee on Policy and Resources, recommended changes to the rule of civil procedure regarding state class action cases such that not less than 50% of residual funds in class actions will be directed to access to justice organizations to support activities and programs that promote access to the Montana civil justice system. The Montana Supreme Court ordered the rule change, based largely on the Commission's recommendation, on September 16, 2014.

Voluntary Pro Bono Reporting for Bar Admission: After convening a wide range of stakeholders in research, evaluation, and discussion over the course of two years, the Commission recommended creation of a voluntary process by which applicants to the Montana Bar can choose to report pro bono activities. The Montana Supreme Court adopted the Commission's recommendation and Ordered the Montana's Statewide Pro Bono Coordinator and the State Bar of Montana to develop a voluntary reporting process. This work is currently underway, and is overseen by the Commission's Committee on Law School Partnerships.

Self-Represented Litigants Data Collection Project: Through its Standing Committee on Self-Represented Litigants, the Commission has completed the first phase of a three-phase data collection project focusing on experiences relating to self-represented litigants in Montana courts. Phase 1 of the project involved collecting and analyzing a wide range of data illustrating experiences interacting with self-represented litigants from Montana's District Court Judges, Courts of Limited Jurisdiction Judges, Clerks of District Court, and Courts of Limited Jurisdiction Clerks.

Forms Revision and Development: Through its Standing Committee on Self-Represented Litigants, the Commission has created a process for the development, improvement, and testing of forms for use by

self-represented litigants in Montana civil courts. The process is an on-going effort, with new forms being developed and tested as completed forms are put into use.

Gaps and Barriers Study: Sponsored by the Commission, "The Justice Gap in Montana: As Vast as Big Sky Country" was finalized in June, 2014. The study takes an in-depth look at legal services in Montana, identifying offered services, gaps in services, and barriers to accessing services for low- and moderate-income Montanans. The study's final report identifies a variety of potential strategies for bridging Montana's Justice Gap, and can be viewed online at www.mtjustice.org/gaps-and-barriers-study/.

Economic Impact Study: Supported by the Commission, conducted by Montana Legal Services Association, and funded by the Montana Justice Foundation, "The Economic Impact of Civil Legal Aid to the State of Montana" takes an empirical look at how civil legal aid strengthens state and local economies in Montana. The report strives to bring together relevant data to produce a rigorous dollars-and-cents analysis of the contribution of civil legal aid to the overall Montana community.

Current Initiatives

Legal Incubator: In partnership with the Montana Justice Foundation, the University of Montana School of Law, Montana Legal Services Association, and the State Bar of Montana, the Commission is advancing a statewide effort to better understand what kind of legal fellowship or incubator model might be most effective in Montana, with the goal of implementing a program to improve employment opportunities for recent law graduates while increasing access to civil legal services in Montana's rural, underserved areas. This effort is currently underway, and has thus far resulted in a study of various incubator models currently in operation nationwide, and a survey of the student body in Montana's only law school. Future efforts will include outreach to rural communities in the form of town-hall style meetings designed to build community buy-in and gather information about community needs and resources.

Court Training: Through its Standing Committee on Self-Represented Litigants, the Commission is working to develop training opportunities for court staff to clarify the difference between legal information and advice, and encourage helpful, effective interactions with self-represented litigants.

Listening Tour: Through its Committees on Policy & Resources and Communications & Outreach, the Commission is preparing to launch a statewide listening tour to take place prior to the state's 2017 legislative session to increase awareness and educate communities and policy makers on the importance and impact of civil legal services. The tour will provide opportunities for communities to come together and discuss civil legal services, community needs, and strategies for improving Montana's civil justice system.

Media Tool Kit: Through its Committee on Communications and Outreach, the Commission working to develop a media tool kit to aid in educating the public and the legal community about the work and impact of the Commission and its partners.

Nevada Supreme Court Access to Justice Commission

Background

The Nevada Supreme Court Access to Justice Commission is governed by Nevada Supreme Court Rule 15, and is co-chaired by Nevada Supreme Court Chief Justice James W. Hardesty and Nevada Supreme Court Justice Michael L. Douglas. The Commission is comprised of 25 voting members including members of the judiciary, laypersons, attorneys, UNLV Boyd Law School faculty and student representatives, five legal aid organization representatives, bar association members as well as a foundation member. The Commission has been in existence since 2006 and has tackled a variety of access to justice issues, including veterans' affairs, rural support concerns and support of the legal services organizations in Nevada.

Major Accomplishments to Date

Since its 2006 inception, the Nevada Supreme Court Access to Justice Commission has accomplished a great deal in the way of addressing access to justice issues in Nevada. Among those accomplishments are:

- Collaboration of ATJ Commission and Nevada's participating IOLTA financial institutions. (Nevada does not use the normal IOLTA index; Nevada's ATJ Commission and participating financial institutions regularly collaborate on higher IOLTA rates to provide as many services as possible to those in need; as a result, Nevada legal aid organizations have enjoyed a regular increase and continued stability of IOLTA revenue.)

- Regular collaborative effort of the ATJ Commission, legal services providers and the Bar on nationally recognized annual Pro Bono Celebration. (This accomplishment involves heavy ATJ Commission involvement as the legal services providers [who are members of the ATJ Commission] sponsor several events for the celebration while members of the ATJ Commission and the Bar assist with promotion of the events.)

- ADKT Petition on Emeritus Attorney Pro Bono Program. (This proposal led to the establishment of Supreme Court rule 49.2 [the establishment of the Emeritus Attorney Pro Bono Program] in 2008).

- ATJ Commission's initiative to insure delivery of services to the rural communities of Nevada. (The ATJ Commission directed several programs that surveyed services provided to rural communities and educated rural communities and courts as to the services that were present in those communities at that time. The survey and subsequent awareness campaign for the rural communities encouraged residents in the rural areas to take advantage of those existing services as the Commission worked to develop new programs in those areas. Additionally, the ATJ Commission is currently providing support to legal services providers who are expanding services in rural area of the state.)

- Launch and Continued Recognition of Project Salute. (The ATJ Commission led the collaborative effort of a State Bar of Nevada Bar Section and legal services provider which has, to date provided services to 347 veterans or their family members).

- Collaboration of Nevada Supreme Court and legal services providers in the promotion of legislative funding for pro bono programs and support. (Heavy ATJ Commission involvement.)

- Increase in pro bono reporting and in percentage of members reporting having done pro bono service. (Increases in reporting and in pro bono work was seen between 2012 and 2014 from efforts of the ATJ Commission to promote pro bono service and reporting.)

- Sponsorship of CLE's by ATJ Commission member that recruits CAP attorneys for youth in the child welfare system. (Other ATJ Commission members involved in the recruitment as well.)

- Building of Appellate Pro Bono Program. (There was heavy Commission involvement in this program which involved a collaborative effort involving Commission co-chairs and members of the Nevada's ATJ Commission.)

- Launch of ONE Promise Nevada Campaign. (In 2013 the ATJ Commission and the State Bar of Nevada launched the ONE Promise Nevada Campaign, which encourages all attorneys in Nevada to take one pro bono case. The campaign is supported by a video, website [www.onepromisenevada.org] and printed campaign materials. The campaign is a joint effort of the ATJ Commission and the State Bar, with the ATJ Commission's heavy involvement.)

- Prepared suggested language for amendment of Supreme Court Rule 48.1 regarding procedures for waiver of filing fees for change of judge by peremptory challenge for indigent parties or for clients of a legal service provider organization.

- Hiring and Funding of ATJ Commission Executive Director. (Collaborative effort of the ATJ Commission and the State Bar of Nevada led to the hiring and funding of the ATJ Commission Executive Director. The ATJ Commission Executive Director oversees and coordinates all activities of the ATJ Commission.)

- Fundraising for legal aid programs through Nevada Supreme Court hosted CLE's and other special events.

Current Initiatives

Currently, Nevada's Access to Justice Commission is focused on the following access to justice needs:

- Continued close IOLTA Program collaboration with the Nevada Bar Foundation to insure continued stability of IOLTA funding;
- The development of a statewide service delivery plan;
- Establishment of a subcommittee to address rural service delivery. Subcommittee comprised of judiciary members, legal service organization representatives and Board Chairpersons of legal service organizations;
- The establishment of a statewide self-help program;
- The development of a current statewide legal resources directory;
- Increased pro bono participation through the continuation of the ONE Promise Nevada Campaign and the launch of the INSPIRE ONE! Initiative (INSPIRE ONE is an initiative of the ONE Campaign developed to encourage attorneys to promote pro bono participation of other attorneys.)

Planned Initiatives

The Nevada Supreme Court Access to Justice Commission is researching information to support a statewide e-filing program and the standardizing of court forms.

NEW HAMPSHIRE SUPREME COURT
ACCESS TO JUSTICE COMMISSION

The New Hampshire Supreme Court Access to Justice Commission is coming off of a valuable "omnibus" planning conference at the end of 2014. That conference helped re-focus the Commission, not only in terms of its mission and purpose, but also in terms of drawing attention to the current issues facing those seeking access to civil legal needs.

By way of background, the Commission has existed for nearly ten years, but as the needs and challenges facing those seeking access to the New Hampshire justice system have changed, the Commission's mission, vision and purpose had not.

All five justices of the Supreme Court spent half the day with about 30 Commission members in a statewide conference facilitated by nationally-recognized consultant, John Tull. After reaching an understanding about the role of the Commission vis-à-vis the Court, Commission members spent the remainder of the day collaborating to reach a sense of areas of need to which the Commission needed to turn its attention. Those areas include:

- A study of alternative approaches to the practice of law to assist those who cannot afford or obtain a lawyer, including greater use of unbundled legal services, new uses of technology, and non-lawyer practitioners. An adjunct study of these approaches as they apply to the burgeoning area of family law, is a part of this initiative.
- Strategies to communicate to the public, especially the business community, about the importance of addressing access to justice issues as part of a healthy community.
- Recommendations to improve serious deficiencies in access by the poor to legal representation and to the courts in rural New Hampshire.
- Recommendations on the delivery of legal services for the poor in light of changing demographics in New Hampshire, including new immigrant populations.

Armed with these areas of attention, several Commission members have developed a 15 page set of thought pieces about next steps and work on these issues, the resources needed for such work, the key questions to be answered in these areas, and the local, regional and national partners (both inside and outside of the justice system) who may join the Commission in its work. The Commission leadership has taken these thought pieces, and through the creation of an executive committee consisting of lawyers, non-lawyers, judges and court administrators, it is

developing a set of recommendations/next steps in these areas for the Commission. As the Commission sets out on work in these areas, the executive committee will also provide oversight on projects, seek to provide administrative assistance for the Commission and the task forces it will likely create (as the Commission operates entirely on time and effort devoted by volunteers), and research and seek out resources and funding, locally and nationally, to accomplish its work.

Additionally, the executive committee has been asked to consider other work beyond the areas of need outlined above. Those possible tasks include the creation of court information centers in New Hampshire, the assessment of the state court's "tools' to utilize technology to aid the justice system (such as e-filing), and broader advances in the family law system of justice in New Hampshire. All of these areas will be ripe for Commission consideration later this spring.

By early summer, the executive committee hopes to have the Commission aligned behind several initiatives – some involving study, others involving recommendations on court processes and procedures, and still others involving outreach approaches to our communities and business leaders. We hope that some of this work will bear fruit a year from now.

In addition, the Commission continues to acting as a convener of individuals and groups critical to the delivery of civil legal services in the state beyond the three major statewide legal services organizations in New Hampshire (the Pro Bono Referral Program, the Legal Advice and Referral Center and New Hampshire Legal Assistance). In addition to the Supreme Court itself, some of the other groups with interests in the system include the State Judicial Council, the State Public Defender program, the Court Appointed Special Advocates (CASA) program, the Disability Rights Center, the New Hampshire Bar Association, the New Hampshire Bar Foundation, the Campaign for Legal Services, the University of New Hampshire School of Law, including its Social Justice Institute, and law librarians at the Supreme Court and UNH School of Law. All of these groups have representation on the Commission.

Respectfully submitted.

Richard Y. Uchida, Esquire, Co-Chair
New Hampshire Supreme Court Access to Justice Commission

New Mexico Commission on Access to Justice: 2014-15

Established by the New Mexico Supreme Court in 2004, the Commission on Access to Justice (ATJ) is a statewide body dedicated to expanding resources for civil legal assistance to New Mexicans living in poverty. New Mexico has the second-highest percentage of people living in poverty according to U.S. Census Bureau numbers released in September, 2014. 21.9 % of New Mexico residents lived in poverty in 2013, roughly 22,000 more people than in 2012 (20.8 %) and significantly more than the national average of 15.8%. Only Mississippi had a poverty rate higher than New Mexico in 2013 with 24 % of that state's residents living in poverty. Through the work of the ATJ, however, New Mexico does a better job of providing access to justice than most other states that have much lower poverty rates. In 2014, the National Center for Access to Justice ranked New Mexico 14th out of 51 jurisdictions on accessibility to justice. New Mexico received a score of 96.4 for providing support for individuals with limited English proficiency and a score of 67.6 (only 13 states had higher rankings) for providing support for self-represented litigants.

Pro Bono. Each year the ATJ Commission works with New Mexico Legal Aid and the State Bar to promote and organize pro bono efforts throughout the state including free legal clinics and legal fairs. Through these efforts, in calendar year 2013, 484 attorneys provided free or reduced cost legal services to 24,980 people (2014 statistics are not yet available). Larger law firms are increasingly participating in, and even sponsoring, clinics.

SRLs and Interactive Legal Forms. The ATJ Commission continued its work to provide assistance to self-represented litigants in family law cases. Over 70% of domestic relations cases filed in our courts involve one or more self-represented parties. This year the ATJ Commission supported and trained court staff to provide information to the public without giving legal advice and worked to automate standardized plain language family law forms. These forms will ultimately be available online so that litigants may access them from home, in the courts, or at public libraries. Online interview forms are currently being piloted in the Second Judicial District in Albuquerque and the public response has been extremely positive. Despite relative unfamiliarity with computers, one user commented that the interview was "So easy a child could do it." Court staff directed the public to use court kiosks to complete interviews and to print and file documents. The judges were delighted with the completeness and legibility of the pleadings. According to user surveys incorporated into the interviews:

- **Free Process:** 94% completed the form in 15 minutes or less and 75% described the process as "easy."
- **Divorce Petition:** 94% completed the form in 15 minutes or less and 84% described the process as "easy."
- The pilot for e-filing for SRLs in domestic relations cases is scheduled for Spring 2015 in the 2nd Judicial District (Albuquerque).
- Standardized SRL domestic relations forms were approved by the Supreme Court in 2013 for use in all courts statewide. Standardized landlord/tenant and domestic violence forms are also in use.
- Next steps include prioritization of forms remaining to be standardized and/or automated after divorce forms and e-filing pilots, as well as language access. ATJ liaisons are working with the Language Access Program of the NM Supreme Court/AOC to utilize plain language and a 3rd grade reading level, and eventually, to provide self-help forms in languages (other than English) in the automated SRL forms project, as well as in informational documents and the state judiciary website.

2014 State Plan for the Provision of Civil Legal Services to Low Income New Mexicans. The NM Supreme Court approved the new 2014 State Plan submitted by the ATJ Commission that incorporates the recommendations of the 2014 Legal Needs Assessment report and the results of the World Café discussion held at the January 2014 Commission meeting. The writing of the state plan became a venue for providers to improve their ability to work together. As a result of this process, as well as other initiatives such as the Executive Directors' Forum and the Collaboration Initiative funded by the NM State Bar, the providers are coordinating their services more closely and collaborating on a variety of fronts. The Commission recognizes its success over the years would not be possible without the commitment of judges, lawyers, legal service providers, courts, and court staff to the goal of increasing access to justice. The 2014 State Plan challenges all stakeholders to rededicate themselves to the NM Supreme Court's Access to Justice Initiative through coordination and collaboration even in a period of increased instability and uncertainty in federal or other funding. An outstanding example of such efforts was the successful campaign by legal service providers as a team to preserve and increase funding in the recent state legislative session. The Plan makes detailed, supported recommendations in the areas of:

- Service Delivery;
- Rural Services
- Entry/Intake;
- Collaboration And Coordination among Legal Services Providers;
- Collaboration with Community-Based Agencies and Other Entities;
- Funding the State Legal Services System;
- Quality Review; and
- Professional Development and Training.

The use of technology to enhance these systems is included. The Plan can be viewed at: http://nmcourts.gov/newface/access2justice/2014%20State%20Plan.pdf.

Rule Changes. In hopes of encouraging unbundled legal services or discrete task representation, the Rules Group is working on **new forms for limited entries of appearance and notice of completion of a limited entry of appearance.** The group is also working to **revise the legal services limited license rule to include public defenders** to enhance the ability of the Law Offices of the Public Defender to recruit attorneys from other states to come to New Mexico to provide indigent criminal defense legal services. This is the first rule proposal endorsed by the ATJ Commission that is directly related to the representation of indigent New Mexicans in criminal proceedings. Finally, the group is working to a**mend attorney ethics rules to clarify the permissibility of ghostwriting by attorneys for SRLs.**

Emerging Legal Issues. In addition to the above, the Commission has added the discussion of emerging legal issues as a standard agenda item, sometimes involving a guest speaker to present topics that are new and/or controversial. Topics so far have included:

- Justice for SRLs in courts of limited jurisdiction --- Mathews v. Eldridge
- Limited License Legal Technicians to increase access to justice --- the Washington Experience
- Legal Incubator Project – assisting law office set-up in return for limited representation services, etc.
- The urgent need for legal services for administrative relief for undocumented family members of citizens

Some topics are discussed but not pursued further, while others (such as the LLLT proposal) are assigned to an existing or new working group to be studied and presented again later to the Commission for further consideration and possible recommendations to the Supreme Court.

New York State
Task Force to Expand Access to Civil Legal Services in New York
Helaine M. Barnett, Chair
President, Legal Services Corporation (2004-2009)

Major Accomplishments to Date:

1. Public funding - We obtained an unprecedented $85 million of state funding as a result of testimony provided at the annual hearings presided over by the leadership of the judiciary and the state bar and the additional research we conducted. The witnesses who testified included business leaders, private and public residential owners, bankers, state and local government officials, DA's, medical providers, educators, religious leaders and clients whose lives were impacted by the provision of civil legal services. Our stated goal was $100 million of permanent funding for civil legal services, and we are well on our way to achieving that goal.
   The Task Force recommended that the funding focus on the essentials of life (housing, including eviction, foreclosures and homelessness, family matters, including domestic violence, children and domestic stability, access to healthcare and education, subsistence income including wages, disability and other benefits and consumer debt). It also recommended provision of legal assistance be provided to New Yorkers living at or below 200% of the federal poverty level and by providers with knowledgeable and experienced staff.

   The Task Force, in addition to organizing the hearings, engaged in additional research to support the funding request.
   a. We conducted a statewide legal needs study, not done in New York since 1990, that indicated, at best 20% of civil legal needs of low-income New Yorkers are being met.
   b. We collected court data on unrepresented litigants that showed 2.3 million New Yorkers were without representation in civil court proceedings.
   c. We obtained pro bono assistance from nationally recognized economic consulting firms to document the cost benefit of providing civil legal assistance in domestic violence matters, in homeless prevention matters, and in obtaining federal benefits. The Reports documented that for every $1 the State invests in civil legal services, $6 is returned to the State.

2. Pro Bono - We recognized that in addition to increased funding, we needed to increase the pro bono activity of New York lawyers. We recommended amendment of the New York Rule of Professional Conduct 6.1 to increase the recommended annual number of pro bono hours for New York lawyers from 20 to 50. We recommended mandatory reporting of pro bono hours and financial contributions to civil legal services as part of the biennial attorney registration. We recommended that in-house corporate counsel who register, be permitted to do pro bono work even if they were not admitted to the New York Bar. We recommended the Chief Judge meet with the managing partners of the major New York City law firms to urge them to adopt a policy to the effect that partners who reach the firm's retirement age are strongly encouraged to do pro bono work on behalf of low-income New Yorkers on matters affecting the essentials of life. (The Task Force also provided support for three additional major initiatives announced by the Chief Judge: the Attorney Emeritus program; the first-in-the-nation 50 hour pro bono service requirement for admission to the bar; and the creation of the Pro Bono Scholars Program.)

3. Nonlawyer advocates – Based on testimony at our hearings on the medical profession's experience where medical care is provided by a wide variety of medical professionals such as nurses, nurse practitioners, midwives, etc., and the Washington State model of legal technicians, we recommended that the Chief Judge appoint a committee to look into the use of

nonlawyers. As a result, we have pilot navigator programs in the Civil Court and Housing Court for consumer and housing matters. In addition, an amendment to the UPL statute is being proposed.

4. Role of Law Schools – The Task Force convenes an annual Law School Conference, bringing together the deans and faculty of the 15 New York law schools, legal service providers and representatives of the private bar and the courts to focus on the role of law schools in helping to close the justice gap. We established a New York State Access to Justice Law School Council. Recommendations from the Conferences have included infusing access to justice issues in the curricular, infusing access to justice issues in the bar exam, and creating a manual of best practices for supervising students pro bono work.

5. Increased use of technology - We recommended the first statewide conference on technology for civil legal service providers, with a goal of sharing innovative uses of technology and encouraging collaborations among providers. We implemented a pro bono law firm IT assistance initiative. We recommended developing a coordinated online screening and intake pilot project within the area of consumer credit in discreet geographic areas, Western New York and New York City.

6. Greater use of alternative dispute mechanisms – We recommended that the Administrative Board of the Courts publish for public comment rules to implement an Online Dispute Resolution pilot in the area of consumer credit.

7. Limited scope representation – We recommended that the Administrative Board of the Courts adopt an administrative policy expressing the Board's support of limited scope representation in appropriate cases.

8. Code of Judicial Conduct revision - We proposed the Code of Judicial Conduct be amended to offer additional guidance to judges in cases involving unrepresented litigants.

9. Simplification of legal forms and processes – We encouraged the continued development of uniform simplified statewide forms.

10. Statement of principle – We recommended that the New York State Legislature adopt a statement of principle that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance and we outlined a framework for determining effective assistance based on client characteristics, the legal issue and case dynamics and the level or type of assistance.

Current Initiatives

- Annual Law School Conference at Fordham Law School on May 11, 20151
- First Statewide Technology Conference at Columbia Law School on July 23, 2015
- Single point of entry pilots to be explored in Western New York and New York City
- Additional cost benefit analysis – The potential new area for this year would be calculating the economic impact of a change of immigration status, focusing on VAWA and U and T visas.
- Additional pro bono areas to explore include those who work at state agencies and those who have state contracts.
- Outreach sites

NC Equal Access to Justice COMMISSION

The North Carolina Equal Access to Justice Commission was established in November 2005 making North Carolina the 19th state to establish such an entity. This year, the Commission welcomed its new Chair, Chief Justice Mark Martin.

The 25-member Commission was structured to include representative stakeholders from across the state, to reflect the diversity of ethnic, gender, legal and geographic communities of North Carolina and to be chaired by the Chief Justice. Commission members included representatives of the judiciary, legal aid programs, law schools, general public, state government, philanthropic organizations, business communities and client communities as well as practicing lawyers. Our mission is to expand access to the civil justice system for people of low income and modest means in North Carolina. We collaborate to increase and coordinate the delivery of civil legal aid services.

Accomplishments of the Commission

Secured Ongoing Funding for the Commission

The North Carolina State Bar Council adopted a rule change to add $.50 per CLE credit hour to support the work of the Commission. This funding will also help to ensure continuation of our activities to address statewide access to justice issues.

Advocated to Maintain Funding for Civil Legal Aid

The Commission continues to coordinate legislative advocacy for state and federal funding for legal aid. The Commission has developed talking points, a website, a fact sheet, and a series of postcards that highlight legal aid clients and the impact of legal aid work. The direct appropriation of $671,250 was cut in 2014 but the filing fees and fines remain.

Developed Statewide Communications Plan to Promote Legal Aid

In 2011, the Communications Committee of the Equal Access to Justice Commission, working with a marketing agency, developed a statewide communications plan to support the annual access to justice campaigns of Legal Aid of North Carolina, Inc., Legal Services of Southern Piedmont and Pisgah Legal Services. The goal of this plan is to educate the bar, the General Assembly and the general public about legal aid. The Committee developed a new website (www.ncaccesstojustice.org) and a series of print ads to be published in bar publications. This effort continues to evolve and now includes the following under the "campaign" umbrella:

- Legislative advocacy for state and federal funding;
- Law firm fundraising campaign;
- Individual donor fundraising campaign;
- Education of bar and general public through print ads and website;
- Brand and messaging adopted by one provider for pro bono efforts.

Helped to Coordinate Statewide Pro Bono Veterans Network

The Commission has worked with National Legal Aid and Defender Association, National Veterans Legal Services Program, North Carolina Bar Association and a coalition of stakeholders who provide services to veterans, to develop the NC Veterans Pro Bono Network. The Network met its fundraising goal and has hired its first staff person to recruit and place pro bono attorneys to meet veterans' legal needs as well as to oversee other related projects. The Commission was awarded a grant from the American Bar Association in late 2012 to establish a resource website with legal information for North Carolina veterans. The website launched in the spring of 2014 at www.ncvetslegal.org

Published Economic Benefits Study

Released in January 2013, the study "A 108% Return on Investment: The Economic Impact to the State of North Carolina of Civil Legal Services in 2012" found that the total economic impact of legal aid services in North Carolina in 2012 was $48,775,276. This report has been used in our legislative advocacy. Report here: http://www.ncequalaccesstojustice.com/resources/

Completed Survey of Pro Bono Activities in North Carolina

This summer we completed a survey of NC attorneys about pro bono - barriers, opportunities, etc. The results and feedback have been used to help the Pro Bono Committee consider opportunities for their work in the coming year.

Pro Bono Promotional Materials

The Commission in partnership with the IOLTA program has developed a communications plan and materials to promote pro bono practice status for retired and out of state attorneys including the below:

This flyer<http://www.ncequalaccesstojustice.com/wp-content/uploads/2014/02/NC-IOLTA-Pro-Bono-Flyer-low-res-3.31.15.pdf> and the materials found here<http://www.ncequalaccesstojustice.com/pro-bono-status/> so that interested individuals could get more information about pro bono status, the opportunities available, process of obtaining status, etc.

Coordinated a Communications Roundtable

We worked with a local legal aid provider in Charlotte to host a Communications Roundtable in August. The event brought together communications staff from major law firms/corporate counsel departments in Charlotte to talk about how we can partner to dually promote legal aid and the contributions of private attorneys to access to justice (financial, pro bono, as volunteers, etc.). This event helped establish new relationships, alerted communications staff to some work of attorneys within their firms that they didn't know about, and started an exchange of ideas about what we can do to better communicate our work.

Upcoming Activities

- *Pro Bono.* Continue work to promote out of state pro bono attorney status and pro bono opportunities generally, including a facelift to www.probono.net/nc
- *Advocacy for legal aid funding on both the state and federal levels*.
  See updated legislative materials<http://www.ncequalaccesstojustice.com/wp-content/uploads/2009/08/NCAJC-Leg-Fact-Sheet-low-res-3-19-15.pdf>.
- *Review of Funding*. The Commission and its new Chair, Chief Justice Mark Martin, created a new committee at the urging of our IOLTA program, to review all available funding sources for civil legal aid, how used/implemented in other states, and opportunities for doing so in NC. The Ad-Hoc Funding Committee's first meeting was in March and the Committee began by looking at attorney fee surcharge, pro hac vice, cy pres, etc. and will move on to more issues in the next meeting. The goal of the Committee is to prepare recommendations for presentation at an upcoming 2015 Commission meeting which may then direct work for the Commission on these issues.
- *Addressing Unmet Legal Needs and Recent Law School Graduates*. We had planned to host a convening in February of all the law deans, Bar Association, legal aid providers, and other stakeholders to discuss the issue of low unemployment among law grads and unmet legal needs and how recent grads might be engaged to address these issues. Unfortunately the event had to be cancelled due to snow so we are working to reschedule.

OKLAHOMA

About the Commission

Oklahoma's Access to Justice Commission was created by Order of the Oklahoma Supreme Court on March 13, 2014, and appointments to the Commission of its seven members were completed in August, 2014. The Commission held its first meeting in September, 2014, and has met bi-monthly since then. Our early meetings have been concerned with internal organization, identifying areas of greatest need and achievable goals, and forming alliances with key stakeholders. We are still in the planning stages of several projects.

Major Accomplishments to Date

Spoken language courtroom interpreter program: Oklahoma has established the State Board of Examiners of Certified Courtroom Interpreters, a Board to oversee education and credentialing for spoken language courtroom interpreters. To date, we have trained and tested 66 candidates with additional trainings and exams scheduled in the Fall of 2015.

Oklahoma already has an established a program for credentialing and training sign language courtroom interpreters.

Current Initiatives

Partnering with Legal Aid Services of Oklahoma in a statewide Needs Assessment Survey to gather empirical data and identify areas of need for all Oklahomans.

Proposed legislation to designate 45¢ of the filing fee for each civil case to be used for Access to Justice duties and responsibilities imposed on the district court under the superintending control of the Supreme Court.

Planned Initiatives

A committee established in March of 2015 to explore the use of limited license practitioners involved in the delivery of legal services to low income persons.

Work with Law Schools to create a culture of access to justice.

Working to provide all South Carolinians with meaningful access to civil legal assistance

2015 Mid-Year Update

In late 2014, the South Carolina Access to Justice Commission began its second generation with a new administrative order and appointment of mostly new members by the Supreme Court of South Carolina.

The Commission comprises diverse leaders from the full spectrum of the community:
- all three branches of government with local, state, and federal officials and judges;
- attorneys in public and private practice;
- legal services, other civil legal assistance providers, and pro bono organizations;
- the major bar associations;
- the in-state law schools;
- public and private foundations; and
- non-legal businesses.

More details can be found at scatj.com.

Working Groups

The Commission recently updated its priorities and created five working groups to greatly expand access to civil legal assistance:

- Additional and alternative **funding** and resources;
- New **partnerships**;
- **One-stop clearinghouse** portal for intake and allocation of assistance;
- **Access**; and
- **Delivery**.

Current and Planned Initiatives

The Commission is focused on making a five-fold increase in civil legal assistance through innovations and best practices in a variety of initiatives including:

- **One-Stop Clearinghouse** for the seamless intake and allocation of people in need with the providers and resources of civil legal assistance from Legal Services and other provider groups to pro bono and limited scope representation to legal information and forms—all available from one portal and with automated support.

- **Statewide Pro Bono Program** is needed as well as an expansion through better communication, coordination, and collaboration. A joint task force of leaders from the Commission, the S.C. Bar, S.C. Legal Services, and the Bar Foundation are developing the new statewide pro bono program to utilize technology and automation to leverage limited resources for large numbers of needs and to integrate the program into the future one-stop clearinghouse. Judicial recruitment and recognition as well as a 50-hour voluntary pro bono commitment to perform or pay for those hours are being restarted after too many years in South Carolina.

- **Training for Courts and Judges on Self-Represented Litigants** by using an updated Bench Guide for working effectively with Self-Represented Litigants that was developed from the SRL Network, NCSC, and others in 2008. The Commission's Executive Director has trained clerks of court and county magistrates on the ethics and extent of assisting self-represented litigants. Two judges on the Commission and the chair will present to all state appellate and trial judges at the Annual South Carolina Judicial Conference in August. In addition to the training for assisting self-represented litigants, the presentation will encourage judicial recruitment and recognition of attorneys for pro bono participation.

- **Grants Coordinator** for civil legal assistance providers is needed for grants to seed and expand programs and providers in South Carolina. Until we are able to fund a full-time position, the executive director of the Commission is dedicating 20% of her time, or one day a week, to researching and writing grants requests. Several grants were requested recently for a Pro Bono Trial Advocacy Incubator program to assign housing and eviction cases to un- and under-employed young attorneys under the supervision of more experienced attorneys.

- **Double the size and effectiveness of South Carolina Legal Services** as the front-line law firm representing people with low incomes needing civil legal assistance.

- **Statewide fundraising initiative** through the Bar Foundation for private and business contributions to the public-private partnership needed to greatly expand civil legal assistance.

We look forward to the Conference and learning your accomplishments and suggestions for increasing civil legal assistance in South Carolina by 500% in the next three years.

Tennessee Access to Justice Commission

About the Commission

The Tennessee Supreme Court formed the Access to Justice Commission (ATJC) in April 2009. The ten member ATJC was tasked with creating a strategic plan and updating it every two years. The first plan was submitted to the Court in 2010. The strategic plans are to include provisions to: educate the public about the legal needs crisis; identify priorities for improving access to justice; and recommend projects and programs to enhance access to justice. The ATJC identified strategic partners to create committees on specific issues - these partners include bar associations, legal aid associations, and groups involved in assisting those needing civil legal help such as privately funded legal aid organizations, attorney organizations, law schools and law student groups. Today there are six advisory committees: Mediation, Faith-Based Initiatives, Education, Public Awareness, Pro Bono, and Self Represented Litigants Committees.

Major Accomplishments to Date

- **The Creation of www.onlinetinjustice.org**. The nation's first interactive pro bono website provides limited scope advice to income eligible clients across Tennessee and provides lawyers with the opportunity to provide pro bono services whenever and wherever they can access a computer or mobile device. It is an online free legal advice clinic and users send an email with their legal questions and volunteer lawyers are notified as new questions are posted. The lawyers log in to the website and answer the legal questions - the website is designed so that multiple emails can be exchanged. The program launched in April 2011 and through December, 2014, over 8,300 users have created accounts on the site and have asked 7,855 questions. 2,393 new questions were asked in 2014 alone.
- **The Creation of 1-888-aLEGALz.** Tennessee's first statewide, toll-free, legal-resource helpline is staffed by an attorney and housed at the Tennessee Alliance for Legal Services (TALS) offices. The helpline provides basic legal advice to callers and if additional advice is needed, the attorney directs the client to available resources. The program received 3,326 calls from January 1, 2014 through November 30, 2014.
- **The Creation of www.justiceforalltn.org.** This website funded through the AOC provides assistance for self-help issues including links for help finding a lawyer, lists of resources organized by county, resources for pro se litigants including videos and forms, lists of free legal advice clinics throughout the state, as well as information on many other topics.
- **The Tennessee Faith & Justice Alliance (TFJA).** This initiative was launched in January 2013 and is a project of the ATJC's Faith-Based Committee. It is an alliance of faith-based groups who commit to providing legal resources to their congregations and communities and was created to align needs seen at the local congregation level (connecting people with need in a place they already go to seek help) with possible legal resources that are nearby, perhaps in the same congregation. The ATJC has partnered with the TALS to provide malpractice insurance to participating attorneys. Projects the Initiative has supported range from traditional free legal clinics, to community education projects, to networks of attorneys volunteering to meet the legal needs of local congregations.
- **A Self-Represented Litigant Benchbook** was created by an ATJC's Committee and endorsed by the Supreme Court to assist judges with pro se litigants in their courtrooms. It encourages judges to create simple rules or handouts to provide information about the court and "what to expect in court." It discusses "PRO SE DOCKET DAY", where lawyers are assigned on a rotating basis to assist pro se parties on what is clearly explained to be a one-day event only.
- **Access to Justice Court Rules and Statutory Changes** have been made over the past several years to encourage and to allow attorneys to do more pro bono, such as:
  - *Government lawyer pro bono statutes.* Revised Tennessee Code Annotated Title 8, Title 16, and Title 23 to permit government-employed lawyers to provide pro bono representation.
  - *Pro bono representation permitted by court legal staff.* Revised Tenn.Sup.Ct. Rule 5 to permit judicial research assistants, law clerks, and staff attorneys who work for judges and courts in Tennessee to perform certain types of pro bono legal representation
  - *Emeritus licensure status*. Tenn.Sup.Ct. Rule 50A created an emeritus licensure status to allow those attorneys with inactive licenses to provide pro bono legal services in Tennessee through an established not-for-profit bar association, pro bono program, or legal services program
  - *Aspirational 50-hour goal.* Revised Tenn. Sup. Ct. R. 8, RPC 6.1 to indicate that Tennessee Lawyers should aspire to provide 50 hours of pro bono legal work.
  - *CLE credits for pro bono*. Revised Tenn. Sup. Ct. R. 21, Sec. 4.07(c) to credit lawyers who perform

five hours of pro bono legal representation with one hour of (CLE).

- *In-House counsel*. Tenn. Sup. Ct. Rule 7, Sec. 10.01(c) permits attorneys admitted in another jurisdiction and registered in Tennessee as in-house counsel to provide pro bono legal services in Tennessee through an approved program.
- *Multi-jurisdictional practice*. Tenn. Sup. Ct. Rule 8, RPC 5.5 permits attorneys admitted in another jurisdiction and performing legal work in Tennessee as defined in Rule 8, RPC 5.5 (d) to also provide pro bono legal services in Tennessee through approved program
- "*Katrina Rule*". Tenn. Sup. Ct. Rule 47 permits attorneys from other jurisdictions to temporarily provide pro bono services in this jurisdiction following a major disaster.
- *Limited scope representation*. Tenn. Sup. Ct. R. 8, RPC 6.5 revised to permit lawyers to provide limited scope representation
- *Mandatory IOLTA Participation.* Tenn. Sup. Ct. Rule 43 and Rule 8, RPC 1.15 revised to mandate participation in the Interest on Lawyers' Trust Accounts (IOLTA) program.
- *Voluntary pro bono reporting.* Tenn. Sup. Ct. Rule 9, Sec. 10.10 requests that every attorney required to file an annual registration statement also voluntarily file a pro bono reporting statement
- *Waiver of confidentiality*. Tenn. Sup. Ct. Rule 9, Sec. 10.10 (d) revised to permit attorneys to waive confidentiality concerning their pro bono reporting statement so that they may be considered for recognition by the Supreme Court
- *Unbundling*. Tenn. Sup. Ct. R. 5.02 amended to provide instruction to attorneys serving notice on a person who is receiving limited scope representation
- *Limited scope representation withdrawal notice*. Tenn. R. Civ, P. 11.01 amended to provide notice to the court concerning limited scope representation and procedures for withdrawal when representation is complete
- *Forms approved for use*. Tenn. Sup. Ct. R. 52 Amended to provide a process for the approval of forms that are universally acceptable as legally sufficient in all Tennessee courts
- *Substitute for affidavit*. Tenn. R. Civ, P. 72 amended to permit unsworn declaration as made under penalty of perjury to be used in lieu of an affidavit or sworn declaration
- *Immigration Consequences*. Tenn. R. Crim. P. 11(b)(1) amended to require judges to inform criminal defendants in the plea colloquy that a guilty plea may have immigration consequences. *Voluntary access to justice funding mechanism.* Tenn. Sup. Ct. Rule 9, Sec. 10.10 and 10.2 amended to establish a new voluntary funding mechanism for access to justice programs by adding an "opt in" voluntary financial contribution line item in the annual attorney registration form.

Current Initiatives:

- **Promotion of Free Legal Advice Clinics.** The AOC website has a listing of free legal advice clinics and free mediation services organized alphabetically by county that is updated frequently. In 2014 there were 144 single and/or on-going clinic programs sponsored by 50 different organizations. Clinics were held in 49 counties -some are walk-in, no appointment needed, no income threshold required, and some are one time only meetings with lawyers. Others occur at attorney-for-the-day and mediator-for-the-day settings. Some are sponsored by faith-based organizations and others by law firms.
- **Substantive Law Training.** We are providing substantive law training for clinic attorneys in areas where most assistance is needed.
- **Creation and Expansion of Forms.** The Commission has developed and the Court has approved plain-language forms for self-represented litigants – in particular, the Court has approved divorce forms and instructions for uncontested divorce of parties without minor children. It has also developed plain-language resources regarding child support guidelines.

Planned Initiatives

- **Reviewing and Determining Next Steps Based on Recent Updated Legal Needs Study.**
- **Public Awareness.** This Committee continues to work on making legal resources available and is focusing on billboards and public service announcements. Members have created flyers for placement in emergency food boxes and a grant from the Gannett Foundation will fund production of 3,000 cell phone wallets – the cardholders people adhere to their cell phones – that will include the helpline number and an info card about the free, legal resources inside the wallet/holder.
- **Help for Self-Represented Litigants.** The Commission is looking at how to expand mediation services.

About the Commission

The Texas Access to Justice Commission serves as the statewide umbrella organization for all efforts to expand access and reduce barriers to justice in civil legal matters for the poor. The Supreme Court of Texas created the Commission in 2001 and continues to be a stalwart supporter of increasing access to justice for all Texans. Over the last fourteen years, the Commission has made great strides towards its mission and has brought the issue of access to the courts to the forefront for State Bar members, policymakers, and the public. Going forward, the Commission will continue to work towards closing the justice gap.

Major Accomplishments to Date

- Promulgated **forms** adopted by the Texas Supreme Court for pro se divorce with no children or property and for protective orders,
- Wrote and disseminated **Limited Scope Representation Tool Kits** to help Texas attorneys incorporate limited scope representation in their practices,
- Provided training for all Texas court clerks and many other court staff on the difference in **legal information and legal advice**,
- Established **www.TexasLawHelp.org** to assist self-represented litigants,
- Promoting access to justice issues among **law students** through the yearly Pro Bono Spring Break, Access to Justice Internship Program, and the bi-yearly Leadership Summit,
- Conducting annual **trial skills training academies** for legal aid attorneys in conjunction with the American College of Trial Lawyers,
- Educating attorneys at the annual Texas State **Bar Leaders Conference** through the ATJ Track CLE program,
- Securing **funding** through the Texas Legislature since 2009 to mitigate losses to Texas legal aid organization in the wake of IOLTA declines,
- Utilizing prominent ATJ advocates during **ABA Day** to educate Texas Congressional Members about the importance of LSC funding and successfully gaining more Congressional supporters ,
- Hosting the annual **Champion of Justice Gala** Benefiting Veterans,
- Forming the **Champions of Justice Society** for individuals who show their strong support for access to justice and contribute more than the suggested $150,
- **Awarding outstanding** law students, law schools, attorneys, firms, corporate legal departments, and local bar associations for their pro bono work, efforts to increase funding for legal aid, or initiatives that increase access to legal services or awareness of access to justice issues.

Current Initiatives

- Legislative
    - Funding Efforts – The Legislative Committee is currently supporting the Supreme Court of Texas' budget request allocating general revenue dollars to basic civil legal services. The Commission is also working to pass an expansion of the Chief Justice Jack Pope Act of 2013.
    - Form bills – There are few court approved forms for self-represented litigants to use in Texas. The Commission is working with the Texas legislature on two bills that call for plain language forms to be promulgated by the Texas Supreme Court in simple probate matters and landlord-tenant matters.

- Probate bills – The Commission is working with the Texas Legislature on that either increase low-income Texans' access to probate court or increase access to alternatives to probate:
    1) Transfer on Death Deed – allows a property owner to transfer title to real property to a named beneficiary upon the owner's death without going through probate;
    2) Payment on Death Account Disclosure – requires banks to disclose information on payment on death accounts to account holders when opening or modifying bank accounts; and
    3) Bank Account Disclosure – permits banks to disclose a decedent's bank balance amounts upon court order to facilitate the use of small estate affidavits.

- Distance Lawyering Project – The Technology Committee has launched a project to pair pro bono attorneys with rural self-represented litigants seeking uncontested, simple divorces via video-conferencing or by phone. Attorneys provide guidance to the litigants throughout their case.
- Incubators – The Law School Advisory Committee is studying incubators and discussing how to implement one or more models in Texas.
- Texas Rules of Civil Procedure 145 revision – The Rules subcommittee proposed amendments to the affidavit of indigency rule governed by TRCP 145 after receiving reports that the Rule was not being applied uniformly. It is currently pending before the Supreme Court of Texas.
- Name Change Form Kit – The Uniform Forms Task Force submitted a name change form kit for both adults and children to the Supreme Court of Texas. These forms will further increase the number of court approved forms available for self-represented litigants.

Planned Initiatives

- Continue to propose rule and legislative changes with newly formed Rules and Legislation Committee,
- Increase civil legal aid funding through electronic notices,
- Assist in promulgation of court approved forms for simple probate and landlord-tenant matters upon passage of legislation.

VIRGINIA ACCESS TO JUSTICE COMMISSION

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Committee on Access for Self-Represented Litigants
The Honorable Deborah Vatidis Bryan

Pro Bono Committee
George H. Hettrick

Outreach and Education Committee
James V. Meath

2015 Report to ABA for Meeting of Access to Justice Commission Chairs

About the Commission

The Supreme Court of Virginia established the Virginia Access to Justice Commission on September 13, 2013. The Commission currently has 18 members appointed to staggered three-year terms. It is co-chaired by Justice S. Bernard Goodwyn of the Supreme Court of Virginia and John E. Whitfield, Executive Director, Blue Ridge Legal Services, Inc. Work is being conducted in four committees. The Commission is currently staffed by employees of the Office of the Executive Secretary (OES), Supreme Court of Virginia, who devote part of their time to Commission work. The current level of staffing is approximately 0.60 FTE position.

Major Accomplishments to Date

- A survey of trial judges has been conducted by the Committee on Access for Self-Represented Litigants to gather input regarding the handling of self-represented litigants (SRLs)—what concerns are greatest with respect to SRL cases and what resources or procedures seem to be most helpful to the courts and the SRLs; results are being reviewed prior to drafting recommendations for Commission approval.
- At the suggestion of the Commission, the Supreme Court of Virginia ordered amendments to Comments on Canons of Judicial Conduct 3(B)(3) and 4(B). These amendments clarify that judges may explain the judicial process to SRLs while maintaining impartiality; may refer unrepresented persons to legal aid and similar assistance that is available; and may encourage lawyers to participate in pro bono public or legal services and participate in events recognizing lawyers who have done pro bono public work.
- The Judicial Education Committee has succeeded in adding access to justice programming to judicial training programs, beginning with the general district judges at the mandatory District Judges Conference in 2014.
- At the Commission's request, the OES has modified attorney-of-record fields in statewide trial court case management systems to make data entry in the fields mandatory at least at the time a case is closed. This step is seen as improving the state's ability to count the actual number of SRL cases and is a necessary precursor to efforts to conduct outcome studies comparing the cases of SRLs with those of represented parties.

Current Initiatives

- A survey of trial court clerks is being conducted by the Committee on Access for SRLs to gather input regarding a range of issues including the forms that SRLs most often use/need and those with which they most often have difficulty.
- An old Virginia State Bar (VSB) proposal that would amend court rules to allow unbundling of legal services has been revived and endorsed by the Commission. The Supreme Court of Virginia has referred the proposal to the VSB for any necessary updating or reconsideration prior to conducting its own review.
- A proposal to require reporting of pro bono service is being finalized for submission to the VSB.
- The Pro Bono Committee has endorsed in concept a proposal to amend the *emeritus* rule to facilitate pro bono service by retired members of the VSB.
- The Pro Bono Committee has been supporting efforts to replicate Richmond's successful "Firms in Service" model in Hampton Roads (eastern Virginia) and northern Virginia.
- To encourage rural pro bono service, the Pro Bono Committee has been experimenting with Bench-Bar-Legal Aid pilot programs in selected judicial circuits.
- The Virginia Bar Association (VBA) Executive Committee has been contacted. Pro bono volunteers are being enlisted through the VBA Young Lawyers Division.
- The Outreach and Education Committee is working with the Community Idea Stations of central Virginia (public TV and radio networks) to develop a public outreach campaign.
- The Judicial Education Committee is planning a presentation on procedural justice for the circuit judges at the mandatory Judicial Conference of Virginia in May 2015. Similar content is also being added to standard training for new and substitute judges.
- The Judicial Education Committee is finalizing "Practice Points for Civil Matters Involving Self-Represented Litigants" for use by judges. A draft was circulated among district judges in 2014 conference materials. Plans are being made to adapt the practice points to circuit courts and to publish the Points in district and circuit court benchbooks.

Planned Initiatives

- The Commission is increasing its attention to the development and accessibility of online resources for SRLs including understandable forms and instructions, document assembly programs, etc. The Commission is mindful of the growing importance of mobile apps.
- The Commission is considering the value of an improved strategic planning effort to help prioritize projects and the allocation of resources.
- The Pro Bono Committee is studying the potential use of faith-based programs to recruit and mobilize pro bono resources, further outreach, and identify those with legal needs.
- The Outreach and Education Committee is considering the possible creation of a special interest license plate in Virginia that would promote access to justice and generate some revenues for the Commission's use. Sponsorship of the specialty plate is under consideration.
- Several committees are considering how to develop a recognition program for pro bono contributors.

April 15, 2015

Washington State Access to Justice Board

MEMBERS

Hon. Lisa L. Atkinson
Kirsten Barron
Breean L. Beggs
Hon. Anita Crawford-Willis
Ishbel Dickens, Chair
Nicholas P. Gellert
Lynn Greiner
Geoffrey G. Revelle, Chair-Elect
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Dr. Marion Smith, Jr.

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THE ALLIANCE for Equal Justice SUPPORTER

The Washington State Access to Justice Board was established by Supreme Court Order in 1994, making it the first board of its kind in the country. The Board is housed at and supported by the Washington State Bar Association. Through its justice system partners - including the Washington State Alliance for Equal Justice - and standing committees, The Board works to achieve equal access to the civil justice system for those facing economic and other significant barriers.

The ATJ Board has adopted a vision and set of unifying core values - the Washington State Alliance for Equal Justice Hallmarks - in which all initiatives are grounded. The State Plan, which is due to be updated in 2015, details the design, organization, and support of a non-duplicative, integrated, efficient and effective legal aid delivery system. These documents, together with the Performance Standards, create common expectations for all organizations involved in legal aid delivery and guide decisions regarding the investment and allocation of funding.

An Evaluation of 20 Years of Work – the Tull Report

In 2014, in honor of its 20th anniversary, the Board commissioned a comprehensive evaluation of its work. The report concluded that much of the ATJ Board's work had been very successful, but identified a number of areas that present challenges to its work. Those areas include the absence of a comprehensive communication strategy to publicize the work of the Board and members of the Alliance for Equal Justice and a lack of protocols for the implementation and evaluation of its initiatives.

The report has already begun to guide the work of the Board, with its development of a comprehensive communications strategy to be adopted by the Board in April 2015. It has also begun establishing a singular protocol for the planning, resourcing, outcome identification, and assessment of its work and projects and initiatives. The Tull Report is rich ground to till to improve the Supreme Court's mandate to the ATJ Board to achieve equal access to justice in Washington State.

Major Accomplishments

"The Washington State Access to Justice Board has been fundamentally successful over the course of its 20 years of existence. It has been instrumental in making awareness and concern about access to justice issues a part of the culture of the courts and the legal system. It has effectively supported the development of a vibrant, broadly based access to justice

community that includes the providers of civil legal aid, the courts and the organized bar." John A Tull, *Washington Access to Justice Board: Twenty Years of Work*, July 2014. The Board's accomplishments to date include:

- Unifying private legal aid fundraising efforts under the Campaign for Equal Justice
- Establishment of the Office of Civil Legal Aid, an independent judicial branch agency responsible for administration and oversight of state funds for civil legal aid services.
- Support for the State's first Civil Legal Needs Study in 2003.
- Establishment of an annual Access to Justice Conference.
- Establishment of the Washington Equal Justice Leadership Academy, a transformative year-long program through which experienced and emerging leaders (attorneys and community partners) develop a comprehensive set of leadership skills.
- Development of the Access to Justice Technology Principles, adopted by the Washington Supreme Court in 2004.
- Development of the Alliance for Equal Justice, a unifying brand for all civil legal aid related activities in Washington State.
- Adoption of the Washington State Plan for Integrated Pro Se Assistance Services, developed in collaboration with the Administrative Office of the Courts and the Office of Administrative Hearings.
- Development of the publication, Ensuring Equal Access for People with Disabilities: A Guide for Washington Administrative Proceedings.
- Establishment of a statewide Pro Bono Council to support and advocate on behalf of Washington's volunteer lawyer programs.
- Development of Best Practices for Providing Access to Court Information in Electronic Form.

Current Initiatives

- **State Planning**. Following the release of the 2015 Civil Legal Needs Study Update at the Access to Justice Conference in June 2015, the Access to Justice Board and the Alliance for Equal Justice will engage in the development of a new state plan for the delivery of civil legal aid.
- **Plain Language Forms**. This summer, the Board and its partners will complete its project to translate the state's mandatory family court forms into plain language.
- **Washington Equal Justice Leadership Academy**. As the Academy enters its third year, the Board will be working to ensure the sustainability and impact of the project.
- **Race Equity**. In the coming years the Access to Justice Board will continue to work with its partners to apply a critical race lens to our own work and to the justice system that we seek to improve.

West Virginia Access to Justice Commission

The West Virginia Access to Justice Commission ("Commission") was established by Administrative Order of The Supreme Court of Appeals of West Virginia ("Court") in January 2009 and was continued by Administrative Order in December 2013. The Commission was a "stand alone" entity of the Court until October 2014 when it was moved under the umbrella of the Court's Access to Justice Division. The director of the Commission is also the director of this division for the Court. The Commission is comprised of sixteen members of which nine are appointed and seven are *ex officio*. The Commission developed a 2014-2016 Strategic Plan which serves at a guideline for the Commission and its committees.

The highlights of the work of Commission during 2014 include the following:

West Virginia Lawyer Magazine

Chairman Jeffrey Shawver and Director Deborah Bogan authored "Collaboration is the Key: Addressing the Civil Access to Justice Needs in West Virginia," which appeared in the West Virginia Lawyer Magazine, January-March 2014 issue.

Legal Needs Assessment

The Commission received a request from Legal Aid of West Virginia to participate in a statewide legal needs assessment. The Commission determined that there would be benefit to participating in a legal needs assessment and that it would be a method in which the Commission could carry out the Supreme Court's Administrative Order directing the Commission to identify various barriers West Virginians face when using the legal system. The Commission director researched legal needs assessments conducted in other states to prepare for the project.

The Commission applied for and received a Technical Assistance Grant from the Center on Court Access for Justice, a project of the National Center for State Courts. The Commission consulted with John Kilwein, Ph.D., West Virginia University, Rockefeller School of Policy and Politics, Department of Political Science. Dr. Kilwein prepared a "Preliminary Proposal for a WV Statewide Legal Needs Assessment" to conduct a comprehensive statewide assessment of the civil legal needs of low and moderate income West Virginians.

Self-Help Center

An objective of the Commission's 2014-2016 Strategic Plan is development of a self-help center. The Commission researched self-help centers in other states and applied for and received a Technical Assistance Grant from the Center on Court Access for Justice to defray the cost of travel to a state with a successful self-help center model. A representative group from the Commission and the Court's Administrative Office traveled to Utah in October 2014 to learn about their Online Court Assistance Program (OCAP) and its self-help center. As a result of this trip, the participating members of the Commission prepared Recommendations for establishing an online self-help center.

Disabilities Assessment

The Commission continues to receive information and evaluate access to court facilities by those with physical disabilities. The Commission is using a checklist compiled through a summer intern project wherein barriers to Court facilities issues were assessed. The Commission reached out to county commissions associations to make them aware of the barriers which exist and urge that steps be taken to correct the issues.

Workers' Compensation

The Workers' Compensation Committee monitored a proposed revision from the Workers' Compensation Industrial Council to Rule 1 (85 W. Va. CSR 1) regarding acknowledgment of claims and disclosing file materials by private carriers. The rule revision was due in part to a recommendation from the Commission's Workers' Compensation Committee to permit a claimant or claimant's attorney access to portions of a carrier's or TPA's claim file. The

Industrial Council proposed a rule change regarding acknowledgement of claimant's counsel. The proposed rule was filed for public comment for a thirty day period. The Commission issued a comment to the Office of the Insurance Commissioner during the comment period opposing the language of the proposed revision which placed the burden of the cost of producing a copy of a claim file on injured workers and their attorneys. The Commission did not oppose language in the proposed amendment whereby the claim administrator could resist over burdensome, repetitive, or abuse claim file requests.

West Virginia Online Legal Help

This pro bono project, www.wvonlinelegalhelp.org is a collaboration of the WVATJ Commission, Legal Aid of West Virginia and the West Virginia State Bar. It provides an opportunity for lawyers to provide pro bono services to low income West Virginians. The site was introduced in a soft launch in September 2014. This site is modeled after www.OnlineTNJustice.org which is a collaborative project in Tennessee. This site is based on a walk-in clinic or dial-in-lawyer model (similar to West Virginia's Tuesday Legal Connect) where clients request brief advice and counsel about a specific legal issue from a volunteer lawyer. The volunteer lawyers provide information and basic legal advice without any expectation of long-term representation.

The Commission's director worked with the Chair of the State Bar's Tuesday Legal Connect/Lawyer Information Service and the Access to Services Manager for Legal Aid of West Virginia to develop the project and recruit lawyers to volunteer. Presentations were given at law firms, the WVU College of Law, and State Bar Regional meetings. Informational posters about the website have been created to be displayed in the offices of Circuit and Magistrate Clerks as well as "post cards" which can be distributed by clerks' offices to those seeking assistance and guidance in those offices.

Working with Senator Manchin's office

The Commission worked with Senator Joe Manchin's office to answer questions about the "Report from the Center for American Progress from June 2011-Access to Evidence, How an Evidence-Based Delivery System Can Improve Legal Aid for Low- and Moderate-Income Americans". The Commission's chairman and director provided information to Senator Manchin's office about the Commission and the overlap of its work with some of the recommendations in the report.

Amendments to the West Virginia Rules of Professional Conduct

The Commission supported crucial amendments to the West Virginia Rules of Professional Conduct which were approved by the Court on September 29, 2014, and became effective January 1, 2015, that correlate with access to justice issues.

The Court amended Rule 1.2, Scope of Representation and Allocation of Authority Between Client and Lawyer permitting limited scope representation. In comment 9, the Court recognized ghostwriting as a form of limited representation and permitted lawyers to provide legal assistance to litigants appearing *pro se* and help them prepare written submissions without disclosing such assistance. Additionally, comment 3 to Rule 3.3 provided a lawyer may provide legal assistance to litigants appearing *pro se*, including help in the preparations of written submissions, without disclosing the assistance. As a result of these amendments, the Lawyer Disciplinary Board vacated its previously issued Legal Ethics Opinion which required disclosure.

The Court amended Rule 6.5 of the Rules of Professional Conduct to permit a lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term legal services to a client without expectation by either that the lawyer will provide continuing representation in the matter. The Court gave immediate approval for this Rule on September 14, 2015, to enable the introduction of www.wvonlinelegalhelp.org in September 2014.

Wisconsin Access to Justice Commission

About Us

The Wisconsin Access to Justice Commission was created pursuant to a 2009 Wisconsin Supreme Court order in response to a petition from the State Bar of Wisconsin. Our mission is to develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents. We believe that the best way to help close the justice gap that exists for many low income Wisconsin residents is through a statewide civil legal aid delivery system that is comprehensive, integrated, efficient, accessible, effective, fair and achieves just outcomes.

Under Chapter 14 of the Supreme Court Rules, the commission is organized as a tax-exempt nonprofit corporation governed by a 17-member volunteer board. Board members are appointed to serve three year terms. Our justice system stakeholders make the following number of appointments to our board: Wisconsin Supreme Court (5), Governor (3), Wisconsin Senate (1), Wisconsin Assembly (1), State Bar of Wisconsin (4), Marquette University Law School (1), University of Wisconsin Law School (1) and Wisconsin Trust Account Foundation (1). Funding and staff support are currently provided by the State Bar of Wisconsin and a surcharge paid by out of state attorneys applying for permission to appear in Wisconsin courts for a particular case.

Accomplishments & Activities

1. Supporting and coordinating bipartisan legislative education efforts around restoring state legislative funding for civil legal aid, including meeting with administration officials, legislators and their staff as well as testimony at the Joint Finance Committee's public hearings.
2. Achieved unanimous Supreme Court support for the Commission's petition to modify the judicial code in a way that clarifies what judges may do to ensure that all litigants, including the self-represented, have a fair opportunity to present their cases.
3. Created the Pro Bono Honor Society to recognize Wisconsin lawyers who provide at least 50 hours of qualifying pro bono legal services in a year. The number of lawyers recognized for this achievement rose from 120 for 2013 to 376 in 2014.
4. Supporting the State Bar Legal Assistance Committee's proposed rule change to allow limited CLE credit for pro bono service.
5. Encouraged more appointments of counsel for indigent parties in civil cases through numerous judicial education programs and outreach. The Wisconsin Supreme Court unanimously adopted the Commission's recommendation to seek the creation of a Legislative Study Committee that can evaluate a broader program of state support for appointment of counsel in certain key civil proceedings
6. Supported development of a pilot program to provided appointed counsel to domestic violence victims in Winnebago County using federal STOPP grant funding.
7. Provided key input and support for the Supreme Court rule petition to expand support for limited scope representation.

8. Successful efforts in the Supreme Court to increase the pro hac vice fee to fund both civil legal aid (through WisTAF) and the Access to Justice Commission.
9. Meeting with Wisconsin foundations to educate them about the role that legal aid plays in helping foundations achieve their philanthropic goals. This is part of a long-term, coordinated effort to engage more foundations as "Natural Allies" in supporting legal aid.
10. Publishing the quarterly electronic *Just Wisconsin* newsletter of local and national access to justice updates for distribution to a range of supporters statewide.
11. Conducted statewide public hearings to broaden public awareness and the base of support for civil legal aid to the poor. The hearing panels convened members of the legislature, the business community, foundations, local government, community groups, and the legal community to let them hear first-hand about the scope of the problem and possible solutions.
12. Working with state and local media to increase news coverage of the difference that access to legal aid makes for low income Wisconsin residents. This effort is coordinated with the national access to justice media project, Voices for Civil Justice.
13. Drafted a petition seeking a change in Wisconsin's civil procedure rules to direct a portion of unclaimed settlement funds in state court class actions to support civil legal aid.

Contact: Jeff Brown, Staff Coordinator, jbrown@wisbar.org or 608-250-6177. www.wisatj.org

Wyoming Access to Justice Commission

The Wyoming Access to Justice Commission was established December 16, 2008 by order of the Wyoming Supreme Court. The Commission's mission is to provide fair and equal access to civil justice in Wyoming.

Major Accomplishments to Date

A. Established State Funding for Civil Legal Services

In December 2009, the Commission published a White Paper examining access to justice in the state with a recommendation for state legislation and funding for civil legal services. During the 2010 legislative session, the Commission drafted and helped sponsor legislation which resulted in the Wyoming Civil Legal Services Act, creating the first state funding for civil legal services in Wyoming. The funding is generated through a $10 addition to court filing fees which generated approximately $1.4 million during the last fiscal year.

In April 2011, with the funding from the Civil Legal Services Act, the Wyoming Supreme Court established the Wyoming Center for Legal Aid (now Equal Justice Wyoming) and charged the program, a division of the Wyoming Supreme Court, with establishing statewide services for civil legal aid.

Equal Justice Wyoming administers grants to legal aid providers and is now the single largest funder for civil legal aid in Wyoming. In addition, Equal Justice Wyoming provides self-help resources for pro se litigants, provides support to legal aid advocates and pro bono attorneys, and manages a statewide pro bono program.

B. Increased Funding for Civil Legal Services

The Commission recognizes the need for adequate funding for civil legal services. The Commission supported increased spending authority to utilize funds that have been generated under the Civil Legal Services Act and was successful in helping to obtain an additional $100,000 supplemental appropriation during the 2015 legislative session.

C. Increased Access to Justice for Tenants

In 2014, the Commission acknowledged the difficulty tenants face in eviction hearings. In Wyoming, tenants facing eviction are required to file a written answer in order to participate in the hearing. Many tenants were prevented from presenting a defense due to this requirement.

The Access to Justice Commission successfully drafted and supported legislation doing away with the requirement of a written answer in eviction cases and now tenants may appear at the hearing and present evidence without the necessity of filing a written answer.

Current Initiatives

A. Continued Support for Legal Services

The Commission continues to monitor and support stable funding for civil legal services and is increasing communication concerning the need to adequately fund and support these services.

B. Inspiring Pro Bono Service by Wyoming Attorneys

The Commission, in collaboration with Equal Justice Wyoming and the Wyoming State Bar, is working to develop and support pro bono programs and initiatives to increase pro bono service around the state. The Commission supported the I'll Do One campaign, a campaign launched by Equal Justice Wyoming and the Wyoming State Bar in 2014 to recruit more pro bono attorneys across the state.

Planned Initiatives

A. Fee Waiver

The Commission has established a working group to research waiver of filing fees and court costs for indigent parties in civil cases. Wyoming does not currently have a procedure to address waiver of court costs. Based on the research of the working group, the Commission will develop and support a procedure to allow for waiver of filing fees and court costs for indigent parties.

B. Improvement of Law – Removing Barriers to Access to Justice

The Commission has designated a working group to identify laws or procedures that create barriers to access to justice. As the group identifies barriers, the Commission will work to address and remove the barriers.

C. Delivery of Legal Services

The Commission selected a working group which is investigating alternative models for delivery of legal services, developing additional resources for self-represented litigants, and identifying ways to reach currently underserved segments of Wyoming's population. As the group identifies new ways to deliver services, the Commission will work to implement and support innovative methods to serve the people of Wyoming.

D. Communication and Public Awareness of Legal Services and Access to Justice

The Commission is working to strengthen communication and public awareness about legal services and emphasizing that access to justice is a necessary component of a healthy legal system. The Commission established a working group which is in the process of updating the Commission's webpage to include more information about access to justice and is working to distribute information about legal services to the public.

ABA RESOURCE CENTER for Access to Justice Initiatives

April 2015

Access to Justice Commission Initiatives

Examples and Resources

Examples of initiatives led by state ATJ Commissions or in which a Commission has played a leading role. Contact the ATJ staff person in the state for more information or where no link is given. The list is not intended to be complete, but rather to provide a range of examples. Also provided are selected examples of initiatives not involving an ATJ Commission, but that might serve as models for Commissions in other states, as well as links to related information from national entities.

Research, Awareness, Leadership

- Prominent statewide or regional hearings, summit, or other events to gather information, increase awareness, and/or build support and buy-in
  - Illinois: listening conferences (2013)
  - Colorado: local statewide hearings (2008, 2013)
  - California: public hearings on civil justice crisis for courts and legal aid (2011-2012)
  - Maryland: listening events (2009-2010)
  - West Virginia: public forums (2011)
  - Arkansas: Town Hall meetings (2006, new round planned in 2014)
  - New York: Chief Judge hearings (annual)
  - Texas: Supreme Court hearings (2000, 2004, 2008)
  - North Carolina: August 2014 Communications Roundtable co-hosted with legal aid provider to bring together communications staff from major law firms/corporate counsel departments to promote legal aid and the contributions of private attorneys to access to justice
  - North Carolina: 2014 survey of attorneys about pro bono - barriers, opportunities to guide the work of the Pro Bono Committee
- Statewide Access to Justice report and recommendations (usually based on hearings or summits)
  - Wisconsin: report on the state of equal justice in Wisconsin (2013)
  - Maine: *Justice for All: Statewide Access to Justice Planning Initiative* (2007)
  - Colorado: Report on Statewide ATJ Hearings (2008)
  - New York: Report to the Chief Judge (annual)
  - Texas: *Civil Legal Services to the Poor in Texas*, report submitted to Supreme Court (2008)
  - Mississippi: *The Unmet Legal Needs of Low-Income Mississippians* (2009)
  - New Mexico: supreme court approved 2014 state plan
  - North Carolina: Access to Justice Report (2008)
  - California: *Year in Review* (2014)
  - Montana: Report on justice gap (2014)
  - Washington: analysis of accomplishments over 20 years (2014)
- Annual or biennial ATJ conference
  - Maine: biennial ATJ Conference

- Hawaii: annual ATJ Conference
- Illinois: annual ATJ Conference
- Washington: Access to Justice Conference

- Law Day, ATJ Day and similar events highlighting legal aid resources
  - Maine: ATJ Day at state legislature
  - Texas: ATJ Day at state legislature (biennial)
  - Hawaii: Community briefings

- Study of civil legal needs
  - New Mexico: Report on Civil Legal Needs of Low-Income New Mexicans (2013)
  - D. C.: *Justice for All? An Examination of the Civil Legal Needs of the District of Columbia's Low–Income Community* (2007)
  - New Hampshire: *The Justice Gap: A Study of the Legal Needs of New Hampshire's Low-Income Residents* (2012)
  - New York: *Civil Legal Needs Among Low Income New York State Residents* (2010)
  - Alabama: *The Legal Needs of Low-Income Alabamians: A Needs Assessment & Analysis* (2009)
  - Washington State: Civil Legal Needs Study (2003)
  - See link to complete compendium of state reports at *www.ATJsupport.org*

- Analysis of economic benefit of civil legal aid
  - Maryland: *Economic Impact of Civil Legal Services in Maryland* (2013)
  - New Hampshire: *The Economic Impact of Civil Legal Services in New Hampshire* (2013)
  - New York: *Task Force to Expand Access to Civil Legal Services: Report to the Chief Judge* (2011) (2013)
  - Texas: *Current and Potential Economic Benefits of Legal Aid Services in Texas.* (2009 and 2013 update)
  - North Carolina: in process
  - See link to complete compendium of state reports under "Communications" at *www.ATJsupport.org*
  - Arkansas: Justice Measured: An Assessment of the Economic Impact of Civil Legal Aid in Arkansas
  - North Carolina: article on our economic benefits study - Fall 2014 NC State Bar Journal
  - Montana: study of the economic impact of civil legal services (report complete, but not yet published as of April 2015)
  - Virginia: Economic Impacts of Civil Legal Aid Organizations

- Bar/court education—speakers bureau, materials, track or sessions at bar conference, newsletters
  - Texas: Speakers Bureau, ATJ presentations at CLEs, ATJ newsletter
  - New Mexico Bench/Bar Conference; CLE on ATJ
  - Arkansas: presentations at local and state bar meetings
  - North Carolina: ethics CLE on ATJ, presented several times annually
  - California: Bench-Bar Coalition; regular joint bench/bar planning forum held at bar annual meeting
  - Illinois: 2014 ATJ judicial and multidisciplinary trainings (on language access, interacting with self-represented litigants, limited scope representation and pro bono)
  - West Virginia: WV Lawyer Magazine "Collaboration is the Key: Addressing the Civil Access to Justice Needs in West Virginia" (not yet available online)

- West Virginia: Presentations at State Bar regional meetings introducing West Virginia Online Legal Help
- Mississippi: speakers bureau created in 2014 to attend meetings of civic, community and bar associations to discuss the work of the Commission; recurring time slot for ATJ presentations created on the agenda of the Annual Meeting of the Mississippi Bar; monthly e-newsletter sent to Commission members, their staffs, and judges from the Mississippi Supreme Court and Mississippi Court of Appeals, etc.

- Public media —op-eds, editorial board meetings, public services announcements, video, press packet
  - Maryland: media kit, PSAs, posters
  - Arkansas: ATJ videos
  - Texas: legal aid, pro bono, law student videos
  - North Carolina: media kit, print ads, website, legislative postcards, communications plan
  - California: toolkit for Commissioners for public outreach, developed by Communications Committee

- Outreach to business/corporate community
  - Maine: Task Force on Private Sector Outreach
  - *See also below under Funding*

- ATJ leadership development
  - Washington: Equal Justice Community Leadership Development Academy
  - California: collaboration on OneJustice Leadership Institute for legal aid community

- Public education about court system
  - Maryland: video and lesson plan for high school civics teachers

Funding for Civil Legal Assistance

- Leadership/advocacy by Commission for new, preserved, increased state funding (state appropriation; court filing fee/fine surcharge)
  - Arkansas: successful legislative campaigns for new filing fee surcharge
  - California: successful legislative campaigns for surcharge to fund Shriver Civil Counsel pilot projects, 2010; appropriation, initiated 1999
  - D.C.: successful City Council campaigns for appropriation, initiated 2006-present
  - Hawaii: successful legislative campaign for increase in filing fee surcharge, 2011
  - Maine: successful annual advocacy in support of filing fee surcharge (increased in 2005) and appropriation
  - New Mexico: successful legislative campaign for new appropriation (2007), increase (2013)
  - New York: research and recommendations for Chief Justice's successful annual campaigns to increase appropriation (2011-present)
  - North Carolina advocacy and messaging to preserve filing fee surcharge and appropriations
  - Texas: successfully advocacy for allocation from Crime Victims Compensation Fund to provide legal aid to crime victims (2002-present); successful legislative campaigns for first-ever appropriation for civil legal aid to help address shortfall in IOLTA funding (2009), preservation of appropriation (2011); successful legislative campaign for passage of the Chief Justice Jack Pope Act which increases the funds dedicated to legal aid from civil penalties and civil restitution recovered by the Texas Attorney General (2013)

- Wyoming: successful legislative campaigns for filing fee surcharge, first-ever state funding (2010-present)
- See state-by-state lists and materials under "Civil Legal Aid Funding" at www.ATJsupport.org (access to password protected material available to ATJ Commission staff)

- Attorney registration fee surcharge or dues assessment
  - Massachusetts (2010)
  - See state-by-state lists and under "Civil Legal Aid Funding" at www.ATJsupport.org

- Pro hac vice (practice by out-of state attorneys) fee benefitting legal aid
  - Illinois (2013)
  - Massachusetts rule (2012)
  - Alabama (2007)
  - New Mexico (2004)
  - See state-by-state lists and materials under "Civil Legal Aid Funding" at www.ATJsupport.org

- Cy pres awards and structured class action settlements—rules change, educational campaign for attorneys and judges
  - Kentucky: rule
  - Massachusetts: Rule 23
  - Texas: toolkit and education campaign
  - North Carolina: manual, presentations to bench and bar
  - Maryland: toolkit
  - Hawaii: rule, toolkit
  - Maine: rule
  - Montana: cy pres rule directing 50% of residuals to legal aid adopted 2014
  - See state-by-state lists and materials under "Civil Legal Aid Funding" at www.ATJsupport.org

- Statewide legal community fundraising campaign
  - Maine Campaign for Justice (launched and spun off by Justice Action Group, ATJ entity)
  - Arkansas: Campaign for Legal Aid, coordinated effort with state LSC-funded legal aid providers
  - North Carolina: coordinated law firm campaign with two largest legal aid providers
  - District of Columbia: Raising the Bar Campaign

- Resource development from outside legal community/Corporate
  - Massachusetts statewide fund raising campaign from non-lawyers (feasibility study) **ATJ Innovation Grant project: look for tool kit in 2014*
  - Connecticut: ATJ legal aid fellows funded by major corporations **ATJ Innovation Grant project: look for tool kit in 2014*
  - Texas Corporate Counsel Committee
  - Arkansas: partner initiatives with Walmart, Tyson Foods and Southern Bancorp

- Resource development task force, retreat, plan
  - North Carolina: retreat (2011) resulted in launch of Commission messaging resources to support individual program efforts
  - Arkansas: resource development plan by consultant, implementation launched in 2013
  - Massachusetts: Revenue Enhancement Committee (ongoing)
  - Maine: retreat (2003) led to creation of combined statewide fundraising campaign

	o Washington: (2004) Resource Development Plan led to the creation of the statewide Campaign for Equal Justice o Related: Washington Supreme Court Task Force on Civil Equal Justice Funding (2004)
• Development of coordinated, consistent messaging to support civil legal aid fundraising	o North Carolina (2011), resulted in launch of Commission messaging resources to support individual program efforts o Washington Communication Plan (2004) led to the development of a statewide brand for legal aid providers (Alliance for Equal Justice) and messaging o Texas: collaboration with Texas Access to Justice Foundation
• Attorneys fees/fee-shifting	o Massachusetts: training, work plans to encourage legal aid programs to claim and collect attorneys fees o Maryland: white paper *Fee-Shifting to Promote the Public Interest in Maryland*, and proposed statute (2010)
• National—support for LSC funding with state congressional delegation	o See state-by-state lists and materials under "Civil Legal Aid Funding" at www.ATJsupport.org
• Modification of IOLTA rules/structure to increase yield	o See Resources from ABA Commission on IOLTA
• Educational efforts aimed at foundations	o Texas: collaboration with Texas Access to Justice Foundation o See Public Welfare Foundation: *Natural Allies: Philanthropy and Civil Legal Aid* o Arkansas: Arkansas Access to Justice Foundation has joined the Southeastern Council on Foundations and a local philanthropy roundtable consisting of Arkansas-based foundations and other nonprofit organizations

Pro Bono

• State pro bono summit to develop plan to expand pro bono services	o Connecticut Supreme Court Pro Bono Summit (2011) o Tennessee Supreme Court Pro Bono Summit (2011) o North Carolina Supreme Court Large Firm Pro Bono Summit (2009) o Virginia: biennial summits sponsored by the Virginia Bar Association and held at the Supreme Court of Virginia
• Recruitment campaign led by bar and/or Supreme Court	o Texas (2014) o Wisconsin: Pro Bono Honor Society o Related: North Carolina Bar Association 4All Campaign o Related: Tennessee Bar 4All Campaign o Virginia: local education programs offer free CLE training in exchange for a pro bono commitment o West Virginia: Presentations to large law firms, State Bar regional meetings, and law school regarding www.wvonlinelegalhelp.org and signing up attorneys to volunteer
• Supreme Court recognition program	o District of Columbia: Capital Pro Bono Honor Roll o Maine Supreme Court Katahdin Counsel Pro Bono Recognition Program

	o Colorado Supreme Court Recognition Program, with regional recognition events o Tennessee Supreme Court Pro Bono Recognition Program
• Court-based statewide and/or regional pro bono structure	o New Mexico: local ATJ Committees with state/Commission support o Colorado: local ATJ Committees with state/Commission support o Massachusetts: pro bono appeals panel implemented (2014)
• State pro bono rules and policies: • Pro bono reporting, mandatory or voluntary • Rule setting aspirational pro bono standards (ABA Model Rule 6.1) • Continuing legal education credit for pro bono and/or related mentoring • Emeritus rule—waiver of bar dues/fees for retired attorneys engaged in pro bono work • Rules on pro bono service by certain categories of attorneys (e.g. government attorneys, corporate counsel and law professors licensed in other states; out-of-state attorneys following a disaster) • Rule or comment permitting judges to encourage lawyers to provide pro bono services	o See materials and state-by-state lists at ABA Center for Pro Bono
• Senior attorney mentoring, fellowships	o District of Columbia: Senior Attorney Initiative for Legal Services (SAILS) Project
• Creation of web sites, apps, and other on-line resources to support pro bono attorneys	o Arkansas pro bono app, web site and on-line forms o Tennessee www.JusticeForAllTN.com o Alabama: pro bono resources login for attorneys on www.alabamaatj.org o North Carolina: flyer and materials to assist inactive/retired lawyers with opportunities available, process of obtaining practice status o Mississippi: ATJ Commission website provides contact information for all state legal service providers; offers online forms for use by pro bono attorneys who handle domestic relations matters
• National Celebration of Pro Bono Day events, conferences , workshops	o See information National Celebration of Pro Bono
• Development of projects that use volunteer attorneys to help self-represented litigants on a limited scope basis (clinics, "lawyer of the day" in courtroom, etc.)	o Arkansas: Uncontested Divorce with Children document assembly, attorney panel (may include attorneys charging fees, within guidelines) **ATJ Innovation Grant project: look for tool kit in 2014* o Related: Tennessee Virtual Pro Bono Advice Clinic o West Virginia: launch of www.wvonlinelegalhelp.org
• Development of projects that link urban pro bono attorneys with rural needs	o Texas Pilot Videoconferencing Project 2014

- Pro bono projects aimed at veterans (or other client groups that can bring in new partners and expand support)
  - Texas Lawyers for Texas Veterans
  - Kentucky: veterans pro bono project
  - Nevada
  - North Carolina Veterans Pro Bono Network
  - Arkansas: Serving our Seniors, Responders First, Wills for Veterans clinics
  - Arkansas: end-of-life planning clinic for cancer patients
  - Washington: Call to Duty Initiative uses pro bono resources to serve veterans
- Pilot/model faith-based pro bono programs
  - Tennessee Faith and Justice Alliance pilot programs **ATJ Innovation Grant project: look for tool kit in 2014*

Court Access and Pro Se

- Assessment of court access for self-represented, compliance with due process requirements (court self-assessment or assessment by ATJ Commission); statewide action plan or recommendations
  - Alabama: Addressing the Needs of Self-Represented Litigants in Alabama State Courts (2013)
  - Arkansas: Report on comprehensive strategy for addressing the needs of self-represented litigants (2013)
  - Washington State Plan for Integrated Pro Se Assistance Services (2010)
  - New Mexico: Report and Recommendations of Self-Represented Working Group
  - Montana: Assessment of experiences and ideas relating to self-represented litigants in the courts (2014 surveys of judges, court clerks, self-help law centers, and self-represented litigants)
  - Related: California Self-Represented Litigant Action Plan, Guidelines
  - Related: *Best Practices in the Use of Technology to Facilitate Access to Justice Initiatives* (for Massachusetts Trial Court)
- Survey of judges, court staff
  - Tennessee: survey of judges
  - Arkansas: survey of court clerks, judges
  - Wisconsin: survey of judges
  - Illinois: surveys of trial judges and circuit clerks on interacting with self-represented litigants
  - Virginia: survey of judges conducted in fall 2014, results under review; survey of clerks underway in spring 2015.
- Advocacy for creation of Access to Justice office within court administration
  - Maine: Judicial Branch Access to Justice Department
- Language access: statewide action plan/models on litigants with limited English proficiency and cultural competency; training and resources to assist courts, agencies, providers in meeting needs
  - Illinois: model language access plan for all courts
  - Illinois: 2014 Supreme Court language access policy, Supreme Court code of interpreter ethics and a judicial bench card
  - Hawaii: conference for judges and court staff; seminars for lawyers **ATJ Innovation Grant project: look for tool kit in 2014*
  - Massachusetts: Language Access Study Group to identify role for Commission (pending)
  - California: *Language Barriers to Justice in California* (2005)
  - See National Center for State Courts, Language Access Services Section
  - See ABA Language Access Standards

- Reducing bias in the justice system
  - Washington (in process)
  - Hawaii: training on implicit cultural bias **ATJ Innovation Grant project: look for tool kit in 2014*

- Simplification and standardization of forms and pleadings
  - Illinois: new rule permitting standardized forms; development of forms in key areas (in progress)
  - Texas: uncontested divorce forms, others
  - Tennessee: new rule permitting standardized forms; development of forms in key areas (in process)
  - Washington: plain language domestic relations forms
  - Montana: working to create and improve forms for use by self-represented litigants in district court matters and to automate key forms for online completion
  - New Mexico: standardized SRL domestic relations forms approved for use in all courts statewide. Standardized landlord/tenant and domestic violence forms are also in use
  - See Center on Court Access to Justice for All: Access Brief: Forms and Document Assembly
  - Notes available from ATJ Chairs Conference Call: ATJ Commissions and Court Forms, April 24, 2013
  - See national materials from Texas ATJ Commission

- Guide and other materials for self-represented litigants
  - Maryland: guide, videos
  - Kentucky: self-represented litigants guide to the courts

- Simplification of court procedures
  - District of Columbia: fast–track Housing Conditions Calendar; improved application and process for fee–waiver applications
  - Massachusetts: sponsorship of legislation to expand jurisdiction of housing courts statewide; Housing Court Practice Working Group
  - Tennessee: new rule on unsworn declarations in lieu of affidavits
  - Maryland: automatic filing fee waiver for legal aid clients
  - Related: California: Family Law Implementation Task Force
  - Texas: proposed revision of Texas Rule of Civil Procedure 145 that governs affidavits of inability to pay costs to the Texas Supreme Court Advisory Committee
- Support for problem-solving courts
  - Kentucky: support for Veterans' Treatment Courts in major counties, including educational programs and development of capacities to identify veterans on drivers licenses and court forms

- Court assistance offices, self-help centers, courtroom-based assistance
  - Maryland: statewide self-help center
  - Hawaii: Self-help Centers; recommendations for overcoming practical barriers by providing ancillary services, such as childcare in courts
  - Arkansas: CourtHelp center established in the state's largest county, staffed by the Commission, legal aid, pro bono attorneys and law students
  - See Center on Court Access to Justice for All: Access Brief: Self-Help Services

- Web sites with court information and forms; links to live assistance
  - Arkansas: Arkansas Legal Services CourtHelp web site
  - Maryland: statewide self-help center, with on-line chat and phone support
  - Tennessee: www.JusticeForAllTN.com

- Alabama: www.alabamaatj.org
- Massachusetts: Legal Resource Finder online guide for litigants seeking assistance provides direction to the best available help
- Related: Massachusetts Law Reform web site with link to live law librarian

- Training for court personnel; judicial education
  - South Carolina: training for court staff, attorneys
  - Kentucky: educational session for court clerks; poster on what clerks can and cannot do to help.
  - Texas: training for court staff
  - D.C.: bench card for judges on pro se resource centers
  - Tennessee: handbook for judges
  - New Mexico: new rule on role of court staff in providing legal information
  - Maryland: one-day training course for court staff; retreat for Court leadership teams; manual on writing for self-represented litigants
  - Washington: training on plain language forms; training and guide for judges on disability accommodation rule
  - Related: Massachusetts Guide to Serving the Self-Represented Litigant
  - California: Bench Guide for judges on cases involving self-represented litigants
  - Illinois: best practices manual for trial court judges
  - Virginia: established training on access and pro se as a regular component of judicial training

- Training for interpreters
  - D. C. Language Access Manual
  - South Carolina: Law School for Interpreters
  - New Mexico Center for Language Access

- Triage protocols/systems for assisting and referring unrepresented litigants
  - New Mexico: Unified on-line intake referral system **ATJ Innovation Grant project: look for tool kit in 2014*

- Collaborations with public and law libraries
  - Maine: Lawyers in Libraries **ATJ Innovation Grant project: look for tool kit in 2014*
  - Kentucky: regional trainings for public librarians, videotaped and available on line
  - California: Law Librarian Association appointment to ATJ Commission
  - California: Library Project, to educate librarians about resources
  - Mississippi: ATJ Commission partners with the Young Lawyers Division of The Mississippi Bar on "Lawyers in the Library" events
  - See Center on Court Access to Justice for All: Partnering with Libraries

- Justice Corps and programs using non-attorney volunteers to help self-represented
  - Illinois: expansion of existing Justice Corps program
  - Related: California Courts Justice Corps

- Strengthening Code of Judicial Conduct provisions relating to assistance judges can provide to self-represented litigants
  - District of Columbia: new comment
  - Illinois: amendment to the Judicial Canons of Ethics
  - Virginia: Amendment to comment on Canon of Judicial Conduct 3(B)(3) approved by Supreme Court in February 2015
  - Advocacy/in process: Maryland, Massachusetts, Washington, Wisconsin
  - Materials available from ATJ Chairs Conference Call, September 27, 2011

- Protocol for review of new rules, forms, and legislation affecting access to courts for low-income people
  - California: Courts Access to Justice Protocol
  - Massachusetts: ATJ Commission review of proposed rule amendments

- Technology planning, to maximize access through innovation, while ensuring that innovations do not create barriers for self-represented litigants low-income people
  - Washington: statewide technology plan; technology principles
  - Washington: e-filing best practices **ATJ Innovation Grant project: look for tool kit in 2014*
  - Tennessee: technology principles, based on Washington
  - Maryland: advocacy on electronic filing rules to protect access for low-income and disadvantaged people
  - See Center on Court Access to Justice for All: Access Brief: Accessible Electronic Filing

- Expand access to alternative dispute resolution
  - Tennessee: ADR Commission to promote pro bono and reduced rate mediation services

- Access to Justice awards for judges and court staff
  - Texas: Access to Justice Awards
  - California: Aranda Access to Justice Awards
  - Washington: annual awards, including Judicial Leadership Awards
  - Montana: Supreme Court recognition program honoring a judge from any court who has demonstrated dedication to improving access to Montana courts

Civil Right to Counsel

- Legislation and research
  - Maryland Report on Possible Civil Right to Counsel Implementation and Fiscal Narrative; legislation creating a Task Force to Study Implementing a Civil Right to Counsel
  - North Carolina: proposed pilot project legislation
  - Massachusetts: sponsorship of legislation adopting Article V of the Uniform Probate Code, providing right to counsel to ward in guardianship proceedings
  - Related: Boston Bar Association Task Force on Civil Right to Counsel report "Gideon's New Trumpet"
  - See National Coalition for a Civil Right to Counsel

- Pilot projects
  - California: Shriver Pilot Projects
  - Massachusetts: Boston Bar Association Civil Right to Counsel Pilot Projects, Round 1 analysis and report, Round 2 pending

- Court, bar or legislative task force
  - Task Force to Study Implementing a Civil Right to Counsel in Maryland (2013)

Limited Scope Representation (Unbundling; Discrete Task Representation)

- Revision or clarification of rules to allow limited representation
  - Alabama
  - Illinois
  - Mississippi

- Washington
- Connecticut: pilot program
- Virginia: review of issue (pending, April 2015)
- Resources from ABA Standing Committee on the Delivery of Legal Services
- West Virginia: Supreme Court of Appeals of West Virginia amended the Rules of Professional Conduct Rule 1.2, Comment 9 - recognized ghostwriting as form of limited scope representation; Lawyer Disciplinary Board vacated ethics opinion which required disclosure; adopted Model Rule 6.5-Nonprofit and Court-Annexed Limited Legal Services Programs

- Educational campaign and programs aimed at attorneys, judges
  - Arkansas
  - Texas
  - Alabama: Online CLEs and speakers at meetings and conferences
  - Related: Colorado Supreme CLE on Limited Scope Representation
  - Related: Alaska Bar Unbundled Law Section

- List of attorneys offering limited representation; work with bar and referral programs on referrals
  - Vermont: link from legal aid intake portal to Bar lawyer referral/limited scope panel **ATJ Innovation Grant project: look for tool kit in 2014*

- Incorporate LSR into pro bono and self-help initiatives
  - D.C. Court-Based Child Support Legal Aid Project

State Agency Administrative Fairness

- Ensure favorable language in state Administrative Procedure Act on self-representation and language access
  - California
  - Washington (in progress)

- Analysis and report on state agency procedures and best practices
  - California: Administrative Law Best Practices Guide

- Collaborate with state agencies to improve procedures and notification forms
  - District of Columbia: new rules for Office of Hearings and Appeals
  - Massachusetts: "common application" form and better termination notices

- Administrative agency self-help resource center; on-line access tools
  - District of Columbia: Support for Office of Hearings and Appeals Pro Se Resource Center

- Administrative agency due process
  - Massachusetts: Governor adopted 'Best Practices' for state administrative agencies (2014)

- Training for hearing officers and agency personnel
  - District of Columbia: training for Office of Hearings and Appeals judges
  - Washington: training guide for administrative judges on disability accommodation
  - California: training and power point training presentation

- Recommendations/best practices on language access at agency level
  - Massachusetts monitor language access plans of administrative agencies
- Access for people with disabilities
  - Washington: Guide for administrative judges

Civil Legal Aid Delivery

- State planning for coordinated delivery system; identify and propose resolution of delivery system problems and gaps
  - Washington: State Plan
  - New Mexico: State Plan
  - Massachusetts: Special Planning Committee
- Development/expansion of capacity to serve clients who cannot be served with LSC funds
  - Related: Michigan Immigrant Rights Center
- Development/expansion of capacity for systemic advocacy
  - Massachusetts: regional plans to meet targets for systemic advocacy
- Substantive task forces, conferences, training and support for legal aid and volunteer advocates
  - Texas: advocacy training for legal aid lawyers
- Facilitate relationships with advocacy organizations, e.g. veterans, to build support and increase services
  - North Carolina Veterans Pro Bono Network
- Improve use of technology by civil legal aid
  - California: statewide technology committee
  - Texas: Technology Committee
- Develop state-specific manuals and web sites for veterans and other groups with distinct needs
  - North Carolina: state-specific clearinghouse for veterans and attorneys representing them **ATJ Innovation Grant project: look for tool kit in 2014*
  - Materials available from ATJ Chairs call March 28, 2013
- Quality standards for legal aid providers
  - Washington: Legal Aid Performance Standards
- Facilitate relationships between legal aid and health care, social services, and other new partners to build delivery partnerships
  - Arkansas: Walmart Medical-Legal Partnership and Pro Bono Legal Services Program
  - Mississippi: Access to Justice summit involving social services and health care providers, policy advocates and government agencies **ATJ Innovation Grant project: look for tool kit in 2014*
  - Massachusetts: outreach to social services agencies to provide accurate current legal information via MassLegalHelp.com
- Address rural and other special delivery issues
  - Arkansas: issue brief on the state's rural access problem
  - California: Rural Access Policy Paper
  - Texas: Video Conferencing Subcommittee
  - Wyoming: remote Skype-based local clinics **ATJ Innovation Grant project: look for tool kit in 2014*
- Student Loan Repayment Assistance program
  - Resources from ABA Standing Committee on Legal Aid and Indigent Defendants

Law Schools/Legal Profession

- Convene state law schools to promote commitment to Access to Justice in students
  - Texas: Law School Advisory Committee
  - Washington: ATJ Board's Law School Relations Committee
  - North Carolina: law schools convened biannually on ATJ issues
  - New York: Statewide Law School Access to Justice Council

- Law school-based efforts to promote culture of pro bono and support for ATJ: curriculum, training, clinics, internships, spring break service, conferences
  - Arkansas: Commission has a law student extern each semester, includes law students in pro bono clinic events (Serving Our Seniors, Helping our Heroes, etc.).
  - Texas ATJ Commission: Pro Bono Spring Break, ATJ Class, ATJ Internship, ATJ Law Student Leaders Summit
  - Tennessee: Law School Pro Bono & Public Interest Conference (2013)
  - New York: recommendation and rubric for assessing models; annual law school Access to Justice Conference

- ATJ section/question on bar exam
  - Massachusetts: Starting in 2016, 'access to justice' will be a topic covered by the bar exam
  - New York: recommendation
- Pro bono requirement for bar admission
  - New York: Pro bono requirement
  - Montana: review of issue (pending)
  - See ABA Standing Committee on Pro Bono and Public Service, white paper on New York 50-hour mandatory pro bono admission requirement

- Explore options for non-lawyer practitioners, legal technicians
  - New York: recommendation
  - Massachusetts: Non-lawyer Advocacy Study Group
  - Related: New York City Bar Association report
  - Related: Washington State Legal Technician rule

- Modest/Moderate means: incubators, support for attorneys establishing practices
  - Colorado: toolkit and training for attorneys **ATJ Innovation Grant project: look for tool kit in 2014*
  - California: Modest Means/Incubator Task Force
  - See Resources from Standing Committee on the Delivery of Legal Services
  - Washington: WSBA Moderate Means Project

DRAFT April 2015

Access to Justice Leadership Survey:

Key Findings

Executive Summary

The Access to Justice Leadership Survey was designed to obtain input from state leaders to help guide support and leadership for the Access to Justice Commission movement. The following summarizes key findings based on a survey of state Access to Justice Commission chairs, Supreme Court liaisons, and staff (57 respondents total), supplemented by one-hour interviews with twelve leaders.

I. Access to Justice Commission Strengths and Accomplishments.

- **Most Commission chairs, Supreme Court liaisons, and staff describe the Commission in their state as currently playing a broad, pro-active role.**
- **Most Commission chairs, Supreme Court liaisons, and staff rank their commissions as having "very good" support from the major legal community partners.**
- **ATJ leaders articulate powerful and ambitious visions for the future of their Commission.**
- **Commissions are working on a broad range of issues, distributed among the major potential areas of work.**
- **Commissions are exploring innovative approaches.**
- **Leaders see the role of their Commission as including efforts to bring about fundamental changes in the justice system.**

II. Challenges

- **While most leaders rank their Commissions as "good" or "very good" on most issues, they acknowledge that there are areas in which they are stronger than others. Staff consistently score their Commissions somewhat lower than chairs do.**
- **Major challenges facing Commissions generally include:**
    - **Low visibility of Commission**
    - **Insufficient attention to planning and assessment**
    - **Engaging Commission members (beyond leadership and staff)**
    - **Insufficient staff capacity**
    - **Focusing energy on those initiatives that will be most effective in expanding access.**
- **In a few states, institutional relationships with the Supreme Court or state bar are problematic.**
- **While most leaders believe that their Commission can risk some controversy, many express the need for caution in taking on some issues.**

- **In a few states, Commissions limit advocacy for legal aid funding because of the relationship of the Commission to the court, either because it is seen as inappropriate or as potentially conflicting with court funding.**

III. Next Steps - Support and Collaboration

- **Current ABA support initiatives are highly valued, although many are used primarily by staff. Commissions could probably make better use of these resources.**
    - **Generally, chairs are less aware of the resources and less likely to use them.**
    - **Commission members other than chairs are probably even less likely to be familiar with the resources.**
- **Chairs and staff believe that increased resources and support would help them achieve their vision. Respondents showed high levels of support for:**
    - **Increased support for messaging/communications**
    - **Creation of work groups on specific issues involving a number of states, with staffing and technical assistance available at the national level**
    - **A strategic planning/evaluation consultant available to come to your state and assist you at no cost**
    - **National experts or leaders from other states available to come to your state and assist you at no cost**
    - **Technical assistance to help Commissions obtain increased funding or in-kind contributions for Commission staffing**
    - **Regional ATJ Conference for Commission members (although some leaders were unsure of the value of this approach).**
- **Leaders broadly support building incrementally on the current system to increase coordination and collaboration among Commissions and to develop a national voice.**
    - **There is broad support for increased coordination and collaboration among Commissions and development of a national voice. For most respondents, these goals are a moderately high priority.**
    - **More leaders support building incrementally on the current system than support exploring creation of a new formal entity, such as a consortium.**

The Access to Justice Leadership Survey was funded by a generous grant from the Public Welfare Foundation.

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
May 20, 2015	☐ Formal action or request ☒ Information only ☐ Other	Workgroup update – SRLs in Family Court

From: Self Represented Litigants in Family Court workgroup

Presenters: Judge Barton and Janet Fisher

Description of presentation: Overview of recent workgroup activities, including an update on Law4AZ training programs, Maricopa County's application for the AmeriCorps grant, revision to the fee deferral or waiver forms, and to discuss an initial effort that was made to review and revise an FAQ pamphlet for the courts. This pamphlet would be similar to the Legal Information v. Legal Advice pamphlet created by a statewide task force in 2007. We were pleased during this process to note the variety of FAQs available around the state for different court offices, as well as learning about an upcoming revision by the State Bar of the family law brochure entitled "Divorce and Children." We will take another look at revising the brochure and come back to the commission at their fall meeting with feedback from this process and possible draft pamphlet.

Recommended motion: No recommendations at this time.

LAW4AZ
MAKING LAW ACCESSIBLE IN ARIZONA

Legal Information Resources Toolkit

Online Information Sources

AZ Law Help – www.azlawhelp.org

- Ask questions and find a lawyer
- Search directory of legal assistance organizations
- LegalLEARN – online form to check qualifications for legal aid

Arizona Self-Service Forms

- Arizona Courts Self-Service Center – www.azcourts.gov/selfservicecenter/
- Maricopa County Courts Self-Service - www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/
- AZ TurboCourt - www.azturbocourt.gov/

Gale Legal Forms (check with your library)

- Forms for Federal and State cases of all types
- Additional reference: Legal Terms Dictionary, Law Digest, Legal Q&A

Law Library of Congress – www.loc.gov/law

- Guide to Law Online – located in the middle of the homepage
- Links to State, Federal, and even International law

Other Sources

State Bar of Arizona – www.azbar.org or (866) 48-AZBAR

- Information on Arizona attorneys, and tips on working with a lawyer

Community Legal Services – www.clsaz.org

- Legal aid in civil matters for Western AZ, check website for office near you

Southern Arizona Legal Aid – www.sazlegalaid.org

- Legal aid for Southern/Eastern AZ, check website for office near you

Legal Aid of Arizona- www.legalaidaz.com

- Legal education programs for the public, and free referral services

This project was supported with funds granted by the Arizona State Library, Archives and Public Records, a division of the Arizona Secretary of State, under the Library Services and Technology Act, which is administered by the Institute of Museum and Library Services.

Arizona Family Law: Divorce

Join us for a **free** legal seminar on:

- Process of Divorce
- Establishing Custody
- Determining Child Support

Presented by Attorneys Billie Tarascio of Modern Law
and Cody Hayes of Hayes Esquire.

Tuesday, May 5, 2015

6:00 pm – 8:00 pm

Dobson Ranch

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MAKING LAW ACCESSIBLE IN ARIZONA

Quick List of Useful Sites

Legal Information

- AZLawHelp.org
- Legal Forms Library (Gale) - www.azlibrary.gov/dazl/online-reference-resources
- Maricopa County Self-Service Center
  - www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter
- Maricopa County Superior Court Law Library
  - www.superiorcourt.maricopa.gov/LawLibrary/index.asp
- AALL LISP-SIS
  - Research Guide
    - www.aallnet.org/main-menu/Publications/products/How-To-Research-A-Legal-Problem/howtoresearchlegalproblem.pdf
  - Public Library Toolkit
    - www.aallnet.org/sis/lisp/arizona.pdf
- www.LawForSeniors.org
- www.LawForVeterans.org

Primary Source Materials

- Arizona Revised Statutes - www.azleg.gov/ArizonaRevisedStatutes.asp
- Google Scholar - scholar.google.com
- Public Library of Law - plol.org
- Findlaw - caselaw.findlaw.com
- Justia - law.justia.com/cases
- Arizona court case lookup - apps.supremecourt.az.gov/publicaccess/caselookup.aspx
- Case info for Maricopa County - www.superiorcourt.maricopa.gov/lawlibrary

Referral Information

- State Bar of Arizona - www.azbar.org
- Maricopa County Lawyer Referral Service - maricopalawyers.org/
- Modest Means - www.azflse.org/modestmeans/
- Arizona State Library, Archives and Public Records
  - www.azlibrary.gov/sla/legal-resources
  - (602)926-3948
- ASU Ross-Blakley Law Library
  - www.law.asu.edu/library
  - (480)965-6144
- Maricopa County Superior Court Law Library
  - www.superiorcourt.maricopa.gov/lawlibrary/
  - (602)506-3461

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:	)	
	)	
FEE DEFERRAL AND WAIVER	)	Administrative Directive
PROCEDURES AND FORMS	)	No. 2015 - 03
	)	
	)	
	)	

Arizona Code of Judicial Administration (ACJA) § 5-206 authorizes the Administrative Director to approve or modify forms for matters concerning fee deferrals and waivers in response to changes in state or federal laws or procedures and to make other necessary administrative amendments or corrections deemed necessary.

Members of the Arizona Commission on Access to Justice—Judge Janet Barton, Associate Presiding Judge in Maricopa County and Ellen Katz, William E. Morris Institute for Justice—have identified a deficiency in the application and order forms for fee deferral and waiver related to the education program required by A.R.S. § 25-352. Attendance at a program educating persons about the impact of divorce on adults and children is required when the divorcing parties have a child in common or in a paternity determination when legal decision-making or parenting time is at issue. Attendance at the program requires the payment of a fee, but the fee may be waived or deferred in the same manner as other fees under A.R.S § 12-302. Litigants are unaware that the fee may be deferred or waived, and the approved forms do not inform the litigants of that option. The members propose that specific language be added to the application and order forms for fee deferral and waiver to make that option known to all litigants applying for a fee deferral or waiver.

Therefore, pursuant to ACJA § 5-206 and in order to promote the use of uniform and efficient legal forms at all levels of the court system and to enhance public access to the courts through the availability of useable and understandable legal forms,

IT IS DIRECTED that effective May 15, 2015, the forms as approved by Administrative Directive No. 2014-22 shall be replaced by the documents included in Appendix A of this Directive. The attached forms are adopted for mandatory use on or before **June 1, 2015** by all Arizona courts for matters concerning fee deferral and waivers.

Dated this 7th day of May, 2015.

David K. Byers
Administrative Director

Attachment: Appendix A

APPENDIX A

Form 1

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Person Filing Document: _____
Your Address: _____
Your City, State, and Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Attorney E-mail Address: _____
Representing ☐ Self (Without an Attorney) OR
☐ Attorney for ☐ Petitioner ☐ Respondent

STATE OF ARIZONA)
COUNTY OF _____) ss.

_____
Name of Petitioner/Plaintiff

Case Number:_____

APPLICATION FOR DEFERRAL OR WAIVER OF COURT FEES OR COSTS AND CONSENT TO ENTRY OF JUDGMENT

_____
Name of Respondent/Defendant

Notice. A Fee Deferral is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income. A Fee Waiver is usually permanent unless your financial circumstances change during the pendency of this court action.

I am requesting a deferral or waiver of all fees including: filing a case, issuance of a summons or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, one certified copy of a temporary order in a family law case, one certified copy of the court's final order, preparation of the record on appeal, court reporter's fees of reporters or transcribers, service of process costs, and/or service by publication costs. (I have completed the separate Supplemental Information form if I am asking for service of process costs, or service by publication costs.) I understand that if I request deferral or waiver because I am a participant in a government assistance program, I am required to provide proof at the time of filing. The document(s) submitted must show my name as the recipient of the benefit and the name of the agency awarding the benefit**. Note. All other applicants must complete the financial questionnaire beginning at section 3. If you are a participant in one of the programs in section 1 or 2 (below), you do not need to complete the financial questionnaire, and can proceed to the signature page.**

1. [ ] **DEFERRAL:** I receive government assistance from the state or federal program marked below or am represented by a not for profit legal aid program:

[ ] Temporary Assistance to Needy Families (TANF)
[ ] Food Stamps
[ ] Legal Aid Services

2. [ ] **WAIVER:**

[ ] I receive government assistance from the federal Supplemental Security Income (SSI) program.

3. FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES. List all persons you support (including those you pay child support and/or spousal maintenance/support for):

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

Employer name:_____

Employer phone number:_____

[ ] I am unemployed (explain):_____

_____

My prior year's gross income: $_____

MONTHLY INCOME

My total monthly gross income:	$_____
My spouse's monthly gross income (if available to me):	$_____
Other current monthly income, including spousal maintenance/support, retirement, rental, interest, pensions, and lottery winnings:	$_____
TOTAL MONTHLY INCOME	$_____

MONTHLY EXPENSES AND DEBTS: My monthly expenses and debts are:

		PAYMENT AMOUNT	LOAN BALANCE
	Rent/Mortgage payment	$_____	$_____
	Car payment	$_____	$_____
	Credit card payments	$_____	$_____
Explain:	Other payments & debts	$_____	$_____
	Household	$_____	
	Utilities/Telephone/Cable	$ _____	
	Medical/Dental/Drugs	$_____	
	Health insurance	$_____	
	Nursing care	$_____	
	Tuition	$_____	
	Child support	$_____	
	Child care	$_____	
	Spousal maintenance	$_____	
	Car insurance	$_____	
	Transportation	$_____	
	Other expenses (explain)	$_____	

_____

TOTAL MONTHLY EXPENSES $_____

STATEMENT OF ASSETS: List only those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE
Cash and bank accounts	$_____
Credit union accounts	$_____
Other liquid assets	$_____

TOTAL ASSETS $_____

The basis for the request is:

4. [ ] **DEFERRAL:**

A. [ ] My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Note: Gross monthly income includes your share of community property income if available to you.)

OR

B. [ ] I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. **Explain.**

_____

_____

OR

C. [ ] My income is greater than 150% of the poverty level, but have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level.

DESCRIPTION OF EXPENSES	**AMOUNT**
_____	$_____
_____	$_____
_____	$_____
TOTAL EXTRAORDINARY EXPENSES	$_____

5. [ ] **WAIVER:**

I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and are unlikely to change in the foreseeable future.

IMPORTANT

This *"Application for Deferral or Waiver of Court Fees or Costs"* includes a *"Consent to Entry of Judgment."* By signing this Consent, you agree a judgment may be entered against you for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a *Notice of Court Fees and Costs Due* indicating how much is owed and what steps you must take to avoid a judgment against you if you are still participating in a qualifying program. You may be ordered to repay any amounts that were waived if the court finds you were not eligible for the fee deferral or waiver. If your case is dismissed for any reason, the fees and costs are still due.

CONSENT TO ENTRY OF JUDGMENT. By signing this Application, I agree that a judgment may be entered against me for all fees or costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment.

OATH OR AFFIRMATION

I declare under penalty of perjury that the foregoing is true and correct.

_____ _____

Date Signature

_____

Applicant's Printed Name

_____ _____

Date Judicial Officer, Deputy Clerk or Notary Public

_____

My Commission Expires/Seal:

Form 1a. No Change

Form 2.

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

_____ **Case Number:**_____

Name of Petitioner/Plaintiff

ORDER REGARDING DEFERRAL OR WAIVER OF COURT FEES AND COSTS AND NOTICE REGARDING CONSENT JUDGMENT

_____

Name of Respondent/Defendant

THE COURT FINDS that the applicant (print name):

1. [ ] IS NOT ELIGIBLE FOR A DEFERRAL of fees and costs.

OR

2. [ ] IS ELIGIBLE FOR A DEFERRAL of fees and costs based on financial eligibility. As required by state law, the applicant has signed a consent to entry of judgment.

OR

3. [ ] IS ELIGIBLE FOR A DEFERRAL of fees and costs at the court's discretion (A.R.S. § 12-302(L)).

OR

4. [ ] IS ELIGIBLE FOR A DEFERRAL of fees and costs based on good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.

OR

5. [ ] IS ELIGIBLE FOR A WAIVER of fees and costs because the applicant is permanently unable to pay.

OR

6. [ ] IS ELIGIBLE FOR A WAIVER of fees and costs at the court's discretion (A.R.S. § 12-302(L)).

OR

7. [ ] IS NOT ELIGIBLE FOR A WAIVER of fees and costs.

IT IS ORDERED:

[ ] **DEFERRAL IS DENIED** for the following reason(s):

[ ] The application is incomplete because _____
You are encouraged to submit a complete application.

[ ] The applicant does not meet the financial criteria for deferral because _____

_____

A deferral MUST BE granted if the applicant is receiving public assistance benefits from the Temporary Assistance to Needy Families (TANF) program or Food Stamps; has an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted to pay the fees and costs necessary to gain access to the court; or, if the applicant demonstrates other good cause.

[ ] **DEFERRAL IS GRANTED** for the following fees and costs in this court:

- [ ] Any or all filing fees; fees for the issuance of either a summons and subpoena; or the cost of attendance at an educational program required by A.R.S. § 25-352, fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.
- [ ] Fees for service of process by a sheriff, marshal, constable or law enforcement agency.
- [ ] Fees for service by publication.
- [ ] Filing fees and photocopy fees for the preparation of the record on appeal.
- [ ] Court reporter or transcriber fees if employed by the court for the preparation of the transcript.

IF A DEFERRAL IS GRANTED, PLEASE CHECK ONE OF THE FOLLOWING BOXES:

[ ] **NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE.**

[ ] **SCHEDULE OF PAYMENTS.**

The applicant shall pay $_____ each _____ (week, month etc.) until paid in full, beginning _____.

[ ] **WAIVER IS DENIED** for all fees and costs in this case.

[ ] **WAIVER IS GRANTED** for all fees and costs in this case that may be waived under A.R.S. § 12-302(H).

- [ ] Any or all filing fees; fees for the issuance of either a summons or subpoena; or the cost of attendance at an educational program required by A.R.S. § 25-352, fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.
- [ ] Fees for service of process by a sheriff, marshal, constable or law enforcement agency.
- [ ] Fees for service by publication.
- [ ] Filing fees and photocopy fees for the preparation of the record on appeal.
- [ ] Court reporter or transcriber fees if employed by the court for the preparation of the transcript.

RIGHT TO JUDICIAL REVIEW. If the application is denied or a payment schedule is set by a special commissioner, you may request the decision be reviewed by a judicial officer. The request must be made within twenty (20) days of the day the order was mailed or delivered to you. If a schedule of payments has been established, payments shall be suspended until a decision is made after judicial review. Judicial review shall be held as soon as reasonably possible.

NOTICE REGARDING CONSENT JUDGMENT. Unless any of the following applies, a consent judgment may be entered against the applicant for all fees and costs that are deferred and remain unpaid thirty (30) days after entry of final judgment:

A. Fees and costs are taxed to another party;

B. The applicant has an established schedule of payments in effect and is current with those payments;

C. The applicant filed a supplemental application for waiver or further deferral of fees and costs and a decision by the court is pending;

D. In response to a supplemental application, the court orders that the fees and costs be waived or further deferred; or

E. Within twenty (20) days of the date the court denies the supplemental application, the applicant either:

1. Pays the fees and costs; or,
2. Requests a hearing on the court's order denying further deferral or waiver. If the applicant requests a hearing, the court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied, and payment has not been made within the time prescribed by the court.

If an appeal is taken, a consent judgment for deferred fees and costs that remain unpaid in the lower court shall not be entered until thirty (30) days after the appeals process is concluded. The procedures for notice of court fees and costs and for entry of a consent judgment continue to apply.

If a consent judgment is signed and the applicant pays the fees and costs in full, the court is required to comply with the provisions of A.R.S. § 33-964(C).

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral or waiver shall promptly notify the court of any change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant's financial circumstances.

DATED: _____ _____

[ ] Judicial Officer **[ ] Special Commissioner**

Forms 3 through 13. No Change

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
May 20, 2015	☒ Formal action or request ☐ Information only ☐ Other	Report from Judge Carrillo on SRL-LJC Workgroup

From: Nickolas Olm

Presenter: Judge Rachel Torres Carrillo

Description of presentation: Judge Carrillo will present on the finalized forms that the SRL-LJC Forms sub-workgroup has been working on. Also, Judge Carrillo and possibly Paul Julien will provide updates on the SRL-LJC Resources sub-workgroup's work.

Recommended motion: Judge Carrillo will move to have the revised forms and instructions approved by the members of the commission.

JUSTICE COURT #2
COUNTY OF GRAHAM, STATE OF ARIZONA
PO Box 1159, 136 W. Main St, Pima AZ 85543, Ph(928)485-2771, Fx(928)485-9961

VIDEO CONFERENCE INSTRUCTIONS - FOR D.V. APPLICATIONS

Safe House (S.H.) Procedures	Court Procedures
	The court will provide forms for Protective Orders *These cases take priority, but sometimes the judge is in another hearing.*
1. Have applicant fill out application form, sign form, and fax form to the court (485-9961). 2. Call the court to schedule the video hearing.	
	The judge will review the form in his office, and perhaps call back to request applicant to write in more information on their copy and re-send. The court will either schedule a time, or call back as soon as the judge is available.
3. S.H. activates video link to the court. Applicant should have their copy of the application and be ready to be on camera.	
	Judge holds the hearing to see if there is a legal basis to issue the order.
4. After the hearing, terminate the link correctly; -Click "Moderate" (drop-down) -Click "Terminate," - "yes" *If you don't terminate correctly, the link may be left open. To check, you can go back on the link and Terminate again.*	
	If an ORDER is signed by the judge, a copy of the Signed documents will be faxed to the S.H. for applicant. This is the applicant's copy.
5. If any changes were made on the application during the hearing, re-fax the corrected copy of the court.	
	The court will prepare the documents for service on the defendant and request the Sheriff's Office pick them up from the court.
If the application is for an Injunction against Harassment, the applicant may ask for a "waiver of fees" for the service.	**Service on Defendant** Orders of Protection (DV) are served at "no charge." Injunctions-Harassments require a fee for service, except the Applicant may file a "waiver of fees" form, requesting the court order service for free.
If applicant wants any part of the Order changed later (like making contact), the applicant must make that request to the court; The applicant alone cannot change the Order.	Upon service, the Sheriff's Office will notify the petitioner and the court that service has been completed. This service starts the 1-year effective time of the Order.

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
May 20, 2015	☐ Formal action or request ☒ Information only ☐ Other	Report of the Promoting *Pro Bono* Service and Funding Workgroup (PROBONO)

From: Promoting *Pro Bono* Service and Funding Workgroup (PROBONO)

Presenters: Barbara Dawson, Chair of the PROBONO workgroup and Dan Christensen, Intel Corporation, Group Counsel for IT, Privacy & Security

Description of presentation: Ms. Dawson will report on the p*ro bono* and outreach efforts, and update the Commission regarding the charitable tax credit campaign work.

Intel corporate counsel, Mr. Christensen, will present information regarding Intel Corporation's efforts to bring *pro bono* clinics to life.

Please view the Arizona Bar Foundation's website probono.azbf.org that was created by the Arizona Steering Committee to offer attorneys a one stop portal to find volunteer opportunities here in Arizona.

Also, please view an article from Duke Law Magazine "Can We Close the Justice Gap? Taking Stock and Taking Action" http://law.duke.edu/news/pdf/lawmagspring15.pdf

Recommended motion: Informational only, no recommendations are being made at this time.

SAMPLE NOTICES FOR EVICTION ACTIONS

The following are types of notices that may be used in an Eviction Action. The clerks in the Justice Court are not attorneys and cannot give legal advice. It is your responsibility to determine which notice is appropriate for your situation and provide it to your tenant according to the rules and statutes set forth in the Arizona Residential Landlord and Tenant Act and the Arizona Rules of Procedure for Eviction Actions.

FORM # 1

NON PAYMENT OF RENT: 5 DAY NOTICE ARS 33-1368B

~ Used when the tenant has failed to pay rent when due
~ Tenant has 5 days to pay the total amount due in full
~ A complaint/summons may be filed on the 6th day if not paid

FORM # 2

MONTH TO MONTH TERMINATION: 30 DAY NOTICE ARS 33-1375B

~ Used to terminate a month-to-month tenancy by the landlord or tenant
~ No cause or specific reason required
~ Provide the notice at least 30 days prior to the periodic rental due date
~ A complaint/summons may be filed on the 31st day

FORM # 3

HEALTH AND SAFETY VIOLATION: 5 DAY NOTICE ARS 33-1368A & ARS 33-1341

~ Used when the violation(s) could affect the health and/or safety of other tenants
~ Tenant has 5 days to remedy the violation(s)
~ A complaint/summons may be filed on the 6th day if not remedied

FORM # 4

MATERIAL BREACH: 10 DAY NOTICE ARS 33-1368A

~ Used when the tenant has committed a material noncompliance of the lease agreement
~ Tenant has 10 days to cure (if curable) or vacate premises
  ~ Example of non-curable: Material falsification of information provided in rental application
~ A complaint/summons may be filed on the 11th day if not remedied

FORM # 5

MATERIAL IRREPARABLE BREACH: IMMEDIATE NOTICE ARS 33-1368A

~ Used when the breach of the rental agreement is both material and irreparable and that occurs on the premises, including but not limited to:
  ~ Illegal discharge of a weapon
  ~ Homicide
  ~ Prostitution
  ~ Threatening or intimidating
  ~ Gang activity
  ~ Drug activity
  ~ Assault
~ The notice may be served upon the tenant by the process server along with the complaint/summons

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EFFECTIVE DATES OF NOTICE A.R.S. 33-1313

CERTIFIED MAIL: When the notice is sent by certified mail it becomes effective on the date the notice is actually received by the tenant or 5 calendar days after the date the notice is mailed, whichever occurs first. A 5 day notice sent by certified mail becomes a 10 day notice (5 days +5 days). The Eviction Action Complaint can be filed with the court on the 11th day.

PERSONAL DELIVERY: The hand delivered notice becomes effective when received by the tenant. The Eviction Action Complaint can be filed with the court on the 6th day.

Any step reasonably calculated to inform a person (whether or not the other actually comes to know of it) may be considered proper notice.

Notices taped to the tenant's door are not considered proper notice.

When filing an Eviction Action, please bring a copy of your Notice to the court.

For information on Eviction Actions and your rights under the Residential Landlord and Tenant Act,
please visit Arizona Department of Housing at https://Housing.AZ.Gov or the
Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov

Notice of Intent to End Rental Agreement
For Non-Payment of Rent
(5 Day Notice)

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You are hereby notified that you have not paid your rent as follows:

Rent: $ _____ for _____

Utilities: $ _____ for _____

Other Fee(s) or Charges: $ _____ for _____

Late fee(s) continue to accrue at the rate of $ _____ per _____ .

Total of $ _____ is due as of the date of this notice.

According to A.R.S. § 33-1368(B) you have 5 calender days from the date of receipt of this notice to pay the total amount due listed above plus any continuing late fee(s) OR move out of the rental property.

You may resolve this matter prior to any legal action.
Your options are:

A. Pay the total due within 5 calender days of receipt of this notice.
B. Vacate the rental property and return the keys to the landlord within 5 calender days of receipt of this notice.
C. Contact the landlord and resolve this matter.

Failure to pay the amount due, vacate the rental property, or resolve this matter may result in an Eviction Action being filed against you. If a judgment is entered against you, reinstatement of the lease is at the discretion of the landlord.

Signature: _____

☐ Landlord ☐ Agent

This notice is served by: _____ on _____ by means of:

☐ Hand delivered to *(name)*: _____ who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*: _____

It is considered received by law, five (5) calender days after certified mailing

For information on Eviction Actions and your rights under the Residential Landlord and Tenant Act, please visit Arizona Department of Housing at https://Housing.AZ.Gov or the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov

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Notice of Intent to Terminate
Month to Month Rental Agreement
(30 Day Notice)

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone — Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

This form is under construction

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Signature: _____

☐ Landlord ☐ Agent

This notice is served by: _____ on _____ by means of:

☐ Hand delivered to *(name)*: _____ who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*: _____

It is considered received by law, five (5) calender days after certified mailing

For information on Eviction Actions and your rights under the Residential Landlord and Tenant Act, please visit Arizona Department of Housing at https://Housing.AZ.Gov or the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov

Notice of Intent to End Rental Agreement
For Health & Safety Violation(s)
(5 Day Notice)

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone — Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You are hereby notified that you have violated your rental agreement as follows:

In the space provided below, please explain what happened, where it happened, and when. (Attach an additional sheet if needed)

_____

_____

_____

_____

_____

Your rental agreement will end 5 calender days from the date of receipt of this notice if you have not fixed or resolved the violations explained above.

If you fix or resolve the violations outlined above within 5 calender days of the receipt of this notice, your rental agreement will continue. If you do not fix or resolve the violations listed above within 5 calender days of receipt of this notice, then your rental agreement will end.

You may resolve this matter prior to any legal action. Your options are:

A. Fix/resolve the violation(s) A.R.S. § 33-1368(A) described above within 5 calender days of receipt of this notice.
B. Move out of the rental property and return the keys to the landlord within 5 calender days of receipt of this notice.
C. Contact the landlord and resolve this matter.

Failure to fix/resolve or vacate the rental property, this matter may result in an Eviction Action being filed against you.

If you allow a repeat of the same or similar violation(s) within the remainder of your rental agreement, your rental agreement may be terminated 10 calender days after you receive a second written notice of violation(s) without the opportunity to fix/resolve the violation(s).

Signature: _____

☐ Landlord ☐ Agent

This notice is served by: _____ on _____ by means of:

☐ Hand delivered to *(name)*: _____ who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*: _____

It is considered received by law, five (5) calender days after certified mailing

For information on Eviction Actions and your rights under the Residential Landlord and Tenant Act, please visit Arizona Department of Housing at https://Housing.AZ.Gov or the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov

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Notice of Intent to Terminate Tenancy
For Material Breach
(10 Day Notice)

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone — Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You are hereby notified that you have violated your rental agreement as follows:

In the space provided below, please explain what happened, where it happened, and when. (Attach an additional sheet if needed)

_____

_____

_____

_____

_____

Your rental agreement will end 10 calender days from the date of receipt of this notice if you have not fixed or resolved the violations explained above.

If you fix or resolve the violations outlined above within 10 calender days of the receipt of this notice, your rental agreement will continue. If you do not fix or resolve the violations listed above within 10 calender days of receipt of this notice, then your rental agreement will end.

You may resolve this matter prior to any legal action.
Your options are:

A. Fix/resolve the violation(s) A.R.S. § 33-1368(A) described above within 10 calender days of receipt of this notice.
B. Move out of the rental property and return the keys to the landlord within 10 calender days of receipt of this notice.
C. Contact the landlord and resolve this matter.

Failure to fix/resolve or vacate the rental property, this matter may result in an Eviction Action being filed against you.

If you allow a repeat of the same or similar violation(s) within the remainder of your rental agreement, your rental agreement may be terminated 10 calender days after you receive a second written notice of violation(s) without the opportunity to fix/resolve the violation(s).

Signature: _____

☐ Landlord ☐ Agent

This notice is served by: _____ on _____ by means of:

☐ Hand delivered to *(name)*: _____ who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*: _____

It is considered received by law, five (5) calender days after certified mailing

For information on Eviction Actions and your rights under the Residential Landlord and Tenant Act, please visit Arizona Department of Housing at https://Housing.AZ.Gov or the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov

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Notice of Intent to Terminate Tenancy
For Material Irreparable Breach
(Immediate Notice)

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date: _____

You are hereby notified that your landlord alleges that you, your occupant(s), or guest(s) have engaged in conduct that is serious enough to result in the immediate termination of your rental agreement as follows:

In the space provided below, please explain what happened, where it happened, and when. (Attach an additional sheet if needed)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

If the eviction action is based on a Crime Free Lease Addendum, please attach a copy of that addendum.

Because of such conduct, please be advised that you have irreparably breached material provisions of your rental agreement and that your landlord has, pursuant to A.R.S. § 33-1368(A), terminated your right to possession under such agreement, effective immediately. Demand is hereby made that you vacate the rental property immediately. An Eviction Action may have already been filed against you. A Writ of Restitution (a court order to have you removed) may be issued no less than less than 12 and no more than 24 hours from the entry of judgment.

Signature: _____

☐ Landlord ☐ Agent

This notice is served by: _____ on _____ by means of:

☐ Hand delivered to *(name)*: _____ who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*: _____

It is considered received by law, five (5) calender days after certified mailing

For information on Eviction Actions and your rights under the Residential Landlord and Tenant Act, please visit Arizona Department of Housing at https://Housing.AZ.Gov or the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov

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Maricopa County Justice Courts

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

– Draft 5.19.15 –

An Introductory Statement

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

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

The topics covered are:

[Fill in all major headings – with links]

Tenant Obligations (what is expected of tenants)

A tenant must do the following under Arizona law. A.R.S. §§ 33-1341 & 33-1344.

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

- All guests should follow the rules of the property
- Promptly notify the landlord in writing of needed maintenance or repairs
- Not knowingly move property into the rental that has bedbugs. A.R.S. § 33-1319
- Give written or electronic notice to the landlord of any bedbugs in the rental

Landlord Obligations (what is expected of landlords)

A landlord must do the following under Arizona law. A.R.S. §§ 33-1322 – 1324.

- Make necessary repairs so that the residence is fit and habitable
- Keep common areas clean and safe
- Give the tenant the name and address of the property's owner and manager
- Explain where the tenant may get a free copy of the Arizona Residential Landlord and Tenant Act
- Give the tenant a signed copy of the lease, if there is a written lease
- Give the tenant possession of the residence
- At the move-in, give the tenant a form to list any damage to the rental
- Comply with applicable building codes
- Maintain all electrical, plumbing, heating, and air-conditioning equipment
- Provide for the removal of trash
- Supply running water and reasonable amounts of hot water
- Give the tenant at least 2 days' notice before entering the rental in order to inspect or make needed repairs, unless there is an emergency. A.R.S. § 33-1343
- Give the tenant educational materials about bedbugs. A.R.S. § 33-1319
- Not lease a rental that is known to have bedbugs

What are the Tenant's Options for a Landlord's Violations

- **Tenant Options if Landlord Fails to Make Needed Repairs/Self-Help for Minor Defects (when not caused by tenant or tenant's guest) A.R.S. § 33-1363**

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- This option applies to repairs that cost less than $300 or half of a month's rent
- If the tenant wants the landlord to make any repairs, the tenant must put the request in writing
- If the landlord does not make the repairs promptly if it is an emergency or within 10 days of the notice for other repairs, the tenant may:
  - Hire a licensed contractor to make the repairs
  - Submit the repair bill to the landlord, and
  - Deduct the cost of the repair from the rent
- Sample notices are available at www.AZLawHelp.org.

- **Tenant Options for Landlord's Failure to Supply Essential Services (when not caused by tenant or tenant's guest) A.R.S. § 33-1364**
  - If a landlord fails to provide running water, hot water, gas, electrical services, heat, air conditioning or cooling or other essential services, required by the lease or statute, the tenant may give a reasonable notice (put all notices in writing) to the landlord of the failure to provide the service and do one of the following:
    - Put the utilities in the tenant's name and deduct the cost from the rent
    - Pay the past due utility bill and deduct it from the rent
    - Get other housing and not have to pay rent while the utilities are not provided
    - Sue for damages either as a separate lawsuit or as a counterclaim to an eviction
  - Sample notices are available at www.AzLawHelp.org.

- **Tenant Options for Other Violations by the Landlord (not covered above) A.R.S. § 33-1361**
  - If a landlord violates the lease, a tenant may give the landlord one of the following notices (put all notices in writing):
    - A notice for health and safety violations. The notice shall give the landlord 5 days to fix the problem.
    - A notice for other violations. The notice shall give the landlord 10 days to fix the problem.

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        - In each of the above situations, if the landlord does not fix the problem, the tenant can end the lease and/or sue for damages and injunctive relief.
    - Unlawful Access: If the landlord enters the rental without 2 days' notice, unless it is an emergency, the tenant may
        - Sue for an injunction to keep the landlord out <u>or</u>
        - End the lease
        - In either situation, sue for actual damages of not less than 1 month's rent. A.R.S. § 33-1376(B).
    - Sample Notices are available at www.AzLawHelp.org.

What are the Landlord's Options for Tenant Violations

- Tenant Does Not Pay All Rent Owed:
    - If a tenant does not pay all the rent owed, the landlord may give the tenant a written notice asking for payment within 5 days and telling the tenant that the lease will end if all rent and reasonable late fees (if in the rental agreement) are not paid. [Sample 5 day notice with link].
- Health and Safety Violations:
    - If a tenant's actions affect health and safety, the landlord may give a written notice asking the tenant to fix the violation within 5 days and telling the tenant that the lease will end if the tenant does not fix the violation.
- In each of the above situations, if the tenant does what is asked, the lease continues. If the tenant does not do what is asked, the landlord may file an eviction action.
- Serious Criminal Activity or Major Violations:
    - For some serious tenant actions, the landlord may give a written notice for the immediate end of the lease. The tenant does not have the option to fix the problem.
- Other Violations with Option to Fix the Problem:
    - If the tenant violates the lease and it is not covered by the above situations, the landlord may give a written notice to the tenant to fix the problem within 10 days. If the tenant does not fix the problem, the landlord may file an eviction action.

DRAFT

- If the tenant is given the option to fix the problem and does, then the landlord should not file an eviction. The tenant will get to stay in the rental.
- Denial of Access: If the tenant unlawfully denies the landlord access to the rental, the landlord may
  - Sue for an injunction to allow access, or
  - Terminate the rental agreement, and
  - In either case, sue for actual damages. A.R.S. § 33-1376(A).

  Sample Notices are available at: ----------

Rights of the Military to End the Lease

- A military member or military member's family member may break his/or her lease if there is a Permanent Change of Station or deployment of at least 90 days. 50 App. U.S.C.A. § 535(a).
- To end a lease under this law, the military member must provide the landlord with written notice and a copy of the orders. 50 App. U.S.C.A. § 535(c)(1)(A).
- The notice may be served on the landlord in person or by certified mail, return receipt requested.

Other Protections for Tenants

- **Protection from Discrimination**
  - A landlord cannot discriminate against families with a minor child, or because of the tenant's race, color, sex, religion, ethnicity or disability. A.R.S. § 41-1491 - -1491.37 (state fair housing law link). Complaints of discrimination may be filed with the Arizona Civil Rights Division of the Arizona Attorney General's Office. Information may be found at www.azag.gov or by calling 602-542-5263.
  - The Southwest Fair Housing Council provides various housing services including investigating complaints of discrimination, mediations and training. Swfhc.com or 602-252-3423.
  - The Arizona Department of Housing provides training for landlords and tenants on housing discrimination. www.housing.az.gov.

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- **Protection for Victims of Domestic Violence A.R.S. § 33-1318**
  - A victim of domestic violence may end the rental agreement and move out if the tenant gives the landlord
    - A written notice that she or he is a victim of domestic violence and wants to end the lease within 30 days, and
    - A copy of an order of protection issued to the tenant or a police report that the tenant told the police she or he was a victim of domestic violence
    - The notice and order or report must be given within the 30 days of the domestic violence (landlord may waive this requirement)
    - If proper notice is given, then the tenant is not responsible for the rent after end of lease.
  - A victim of domestic violence may request the landlord to install new lock at the tenant's expense
  - More information can be obtained from the Arizona Coalition to End Sexual and Domestic Violence. www.acesdv.org; (602) 279-2900.
- **Protection from Retaliation A.R.S. §33-1381**
  - A landlord may not retaliate against a tenant by increasing rent, decreasing services or threatening an eviction because the tenant did any of the following:
    - Complained to a governmental agency that enforces building or housing coeds about violations that materially affect health and safety
    - Complained to the landlord about the landlord's violations of keeping the property fit and habitable as required by A.R.S. 33-1324 [link].
    - Organized or became a member of a tenants' union or similar organization.
    - If one of the above occurred, the tenant may claim retaliation as a defense to the eviction and there is a presumption that the eviction is retaliation if the complaints above were made within the 6 months before the eviction.

Security Deposits A.R.S. § 33-1321

- A security deposit may be no more than 1½ months' rent

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- Upon tenant request, a landlord must give a tenant written notice of the move-out inspection date and the right to be present
- Upon tenant request, a landlord must within 14 days, return the security deposit to the tenant and give the tenant an itemized list of damages
- If the landlord does not return the security deposit or give the itemized list, the tenant may file a lawsuit to get the security deposit returned, plus up to 2 times the amount wrongfully withheld or deducted [link here to sample complaint for return of security deposit]

Public Housing or Section 8 Housing: If you live in public housing, subsidized housing or have a Section 8 voucher, you may have other protections in federal law. [link].

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

AzLawHelp. www.AzLawHelp.org.
Community Legal Services. clsaz.org
Southern Arizona Legal Aid. sazlegalaid.org
DNA People's Legal Services. dnalegalservices.org.

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Maricopa County Justice Courts

INFORMATION FOR TENANTS WHO HAVE BEEN SERVED WITH EVICTION COURT PLEADINGS

– Draft 5.19.15 –

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

The topics covered are:

[Fill in all major headings with links]

The Landlord Wants You to Move Out of the Rental Property:

- An eviction action has been filed in this court because the landlord claims you violated the rental agreement or the landlord wants to terminate the rental agreement.
- You should have been served with a copy of the notice to move out, the summons and complaint and a copy of the Residential Eviction Information Sheet.
- The judge will decide if you can stay in the rental or if you must move.
- Most landlords are represented by an attorney. You may want to get legal advice. In Maricopa County, you may want to contact Community Legal Services at (602) 258-3434 or www.clsaz.org or the Modest Means Program at (866) 637-5341. Information also is provided at www.AzLaw Help.org.

If You Do Not Come to Court, the Judge Will Only Have the Landlord's Documents to Review and a Judgment Will Likely Be Entered Against You.

If You Represent Yourself

- You may want to familiarize yourself with important information contained in: Arizona Residential Landlord & Tenant Act and Arizona Rules of Procedure for Eviction Actions. [Links]. The Act may be found online at www.housing.az.gov.

- During the court process, there are certain steps you should follow. This information is provided to assist you in general to present your case.
- The clerks are not attorneys and cannot give legal advice. The clerks' responsibility is to take your court filings, provide forms and explain court procedures.
- If you need for an interpreter, please let the court know as soon as possible.
- If you need a reasonable accommodation, please let the court know as soon as possible.

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

- **Prior to the hearing:**
  - Your summons will tell you the address of the court.
  - You should plan to arrive in court at least 30 minutes before your hearing. **Do not be late**.
  - In many courts you will need to check in with the clerk and then go to the courtroom.
  - Once in the courtroom, please pay attention and listen for your case to be called.
  - Answer: In Justice Court a written answer is not required. You do not have to file a written answer unless the court orders you to file one. [link to answer]. If there is no written answer, you will tell the judge what happened orally in court.
    - If you want to file an answer, there is a filing fee. If you cannot afford the filing fee, you have a right to ask for a

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waiver or deferral of the filing fee. To find out the amount of the filing fee, [link] or go to the _____.

    - Ask the clerk for an application for a fee waiver or deferral. [link to pleading].
    - If you have any affirmative defenses to the eviction, those should be stated with the answer. [link].
  - Counterclaim:
    - A tenant may claim that the landlord owes the tenant money. This is called a counterclaim.
    - In eviction cases, the counterclaim must be based on a violation by the landlord of the rental agreement or the Arizona Residential Landlord & Tenant Act.
    - A counterclaim is filed at the same time the Answer is due. The fee to file an answer covers the counterclaim. If you cannot afford the filing fee, ask the clerk for an application for a fee waiver or deferral. [link].
    - If a counterclaim is filed, it will be considered and decided at the time of trial. [link to counterclaim].
    - If a counterclaim is filed, the judge may require you to pay the undisputed rent to the justice court. The court will hold the rent paid until the judge decides who gets the rent at the end of the hearing or trial.
  - Please bring any documents and/or any witnesses to court.
  - Rule 10 of the Rules of Procedure for Eviction Actions allows for certain disclosures and more formal discovery. [link].
- **The hearing on your case:**
  - When your case is called, the judge will ask you and your landlord questions to decide whether you will have to move and/or if you owe any rent.
  - Listen to the questions the judge asks.
  - Be polite and courteous to the judge and the landlord.
  - The judge will decide:
    - If you were properly served with the summons and complaint
    - If you received a proper termination notice

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    - If the eviction is for non-payment of rent, whether the landlord followed the required procedures and if they did, whether you paid the rent owed.
    - If the eviction is for violation of the lease, whether the landlord followed the proper procedures, and if they did, whether you violated the lease.
    - If the tenant filed any affirmative defenses, whether these defenses defeat the landlord's case.
    - If the tenant filed a counterclaim, whether the landlord owes the tenant any money.
- The landlord will go first and may call witnesses and/or offer documents as evidence to support the landlord's claims.
- The tenant may cross-examine any witnesses or object to the admission of any documents.
- After the landlord finishes, the tenant will then present his or her case. The tenant may call witnesses and/or offer documents to support the tenant's claims.
- The landlord may cross-examine any witnesses or object to the admission of any documents.
- The judge will hear testimony from both sides, review the documents and make a decision.
- **The Judge's Decision:**
    - **If the judge finds for the landlord**, the judgment may include an order for:
        - Unpaid rent through the end of the month.
        - Reasonable late fees (only if provided for in a written agreement)
        - Damages to the property (only if requested in the complaint and proven)
        - Any unpaid utilities and rental concessions (only if provided for in a written agreement and requested in the complaint and proven)
        - Attorney fees if allowed (only if provided for in a written agreement).
        - Court costs incurred
        - Annual interest rate on the unpaid judgment

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- The tenant to leave the rental and the property is returned to the owner
- If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
- If you have to move, then a Writ of Restitution will issue. A writ is an order that tells the constable to remove you from the rental. Writs are explained below.

▪ **If the judge finds for the tenant:**

- The tenant will get to stay in the rental.
- The judge may enter judgment for the tenant or the eviction may be dismissed.
- If the tenant was unlawfully removed from the rental, the tenant may obtain a Writ of Restitution
- If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
- Attorneys fees if allowed (only if provided for in a written agreement).
- Court costs (if any paid).
- Annual interest rate on the unpaid judgment.

▪ When you were in court.

- You should get a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

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Offers to Settle the Case

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

A Jury Trial

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

Writ of Restitution (The Order that Tells the Constable to Move the Tenant Out of the Rental)

- If a judgment is entered against the tenant, the judge will order that a Writ of Restitution will issue.
- Usually a Writ of Restitution will issue 5 days from the date of judgment or, in the case of an immediate eviction for serious violations, not less than 12 nor more than 24 hours after judgment (or as soon thereafter as normal court hours allow).
- The writ will direct the constable to tell you to immediately leave the rental. You will be able to take specific property with you. For other property you will need to make arrangements to come back to the property within 21 days and get your property. In most cases, the landlord will change the locks.
- If after the constable tells you to leave, you try to re-enter the rental property without permission, you may be charged with a criminal offense. A.R.S. § 12-1178(D).

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

- If you did not come to court and a judgment was entered against you, this is called a Default Judgment.

- A tenant cannot appeal a default judgment. Instead, the tenant must first ask the court to vacate the judgment. A motion to vacate can be found here. [link]

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

There is General Information About Appeals in Rule 17 of the Rules of Procedure for Eviction Actions and A.R.S. §12-1179. [link].

- **The Requirements to File an Appeal:**
  - A tenant may appeal a justice court judgment (except a default judgment) to the Superior Court. To appeal, the tenant must do the following within 5 days of the date of the judgment:
    - File a **Notice of Appeal** with the Justice Court. [link] There is a fee to file an appeal and if you cannot afford the fee, you can ask for a fee waiver or deferral. [link]
    - Pay a monetary amount called a **Cost Bond** set by the Court to the Court <u>or</u> file a statement with the Court stating the tenant's reasons the tenant cannot pay the Cost Bond (called An Affidavit of Inability to Post Cost Bond). [link to affidavit]. The tenant should pay the Cost Bond to the Justice Court that entered the judgment.

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

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

- **Having the constable remove the tenant from the rental property or**
- **Collecting the money awarded at the judgment from the tenant**.

If the Tenant Wants to Remain in the Rental Property During the Appeal, the Tenant Will Have to Pay A "Supersedeas Bond" to the Court:

- Filing a Notice of Appeal does not by itself stop enforcement of a Writ of Restitution. If you want to remain in the rental during the appeal, you must follow the steps below.
- A supersedeas bond (a bond set by the court) is the only means to stop the Writ of Restitution. The stop is effective **when** the bond is posted.
- You are not required to post a supersedeas bond to file an appeal. The appeal will continue with or without a supersedeas bond. However, a supersedeas bond is the **only** way to stay or stop the eviction process.
- If you want to remain in the rental, the court cannot waive a supersedeas bond.
- How the supersedeas bond is determined:
  - You will have to pay to the court that entered the judgment any prorated rent due from the date of the judgment to the next rent due date. This amount of rent is not listed in the judgment.
  - You will also have to pay to the court the costs and attorney fees listed on the judgment.
  - Continue to pay the rent as it becomes due to the court during the appeal. If the tenant fails to make a rent payment, the landlord may ask the court for an order enforcing the writ of restitution, which means the tenant will need to leave the premises.

If the Tenant Wants to Stop the Enforcement of the Monetary Part of the Judgment During the Appeal, the Tenant Will Have to Pay the Amount Appealed to the Court:

- The tenant will have to pay to the court that entered the judgment the amount of the judgment that the tenant is appealing – this is also called a "supersedeas bond" or "rent pending appeal."
- If the tenant is appealing the entire judgment, the tenant should pay the full judgment, attorney fees and costs listed on the judgment.

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

Other Steps in the Appeal

- Get copy of court CD (record of court hearing) from the justice court to prepare an appeal memorandum. If there is a cost for the CD and you cannot afford the costs, you can file a request for waiver or deferral of the fee.
- File a Designation of Record with the Justice Court. This tells the court what documents you want to be considered on the appeal. [link to a notice]
- Once the Maricopa County Superior Court receives the record and the Notice of Appeal, it will inform the tenant that the tenant has 60 days from the deadline to file the notice of appeal to file an Opening Memorandum. This memorandum must be in writing. The tenant should review the Rules of Civil Appellate Procedure 12 and 13 concerning the requirements for a memorandum. [link]
- This memorandum is filed with the justice court that heard the case.
- The other party has 30 days to file a memorandum in support of their opposition to the appeal.
- The Superior Court will review the documents submitted and make a decision. The decision will be in writing.

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

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

Maricopa County Justice Courts, Arizona

_____

CASE NUMBER:_____

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

COMPLAINT *(Eviction Action)*

☐ Residential ☐ Mobile Home ☐ Commercial

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

1. The property located at: _____ within the court's precinct.
2. The Plaintiff is asking for you to be evicted, and to have possession of the property returned to them based upon the written allegations in section 5.
3. Any required written notice was served on the Defendant on_____ and was served ☐ by hand, or ☐ certified mail. A copy of the notice that was served is attached.
4. The Plaintiff is the owner. Or is authorized to file this case on behalf of the owner by law.
5. It is alleged in this case that the defendant:

☐ The Defendant has failed to pay rent.

☐ Is in non-compliance with the rental agreement.

☐ Committed an irreparable breach.

☐ OTHER:_____

6. As of the filing date it is alleged the following is owed:

Rent (Current and Prior Months) Totaling$ _____
Late Fees: . . . . . .$_____
Concessions (in written agreement): . . . . .$_____
Reimbursable Court Costs: . . . . . .$_____
Attorneys Fees: . . . . . .$_____
Other (as authorized by law): . . . . . .$_____
Total Amount Requested:. . . . . $_____

7. The Plaintiff requests Judgment for the amounts above and for possession of the property to be returned by a Writ of Restitution.
8. By signing this complaint, I verify that the assertions are true and correct to the best of my knowledge and belief and that they are based on a reasonably diligent inquiry.

Date:_____ _____
Plaintiff

EA 8150-212 R: 12/1/14

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Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

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

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

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

SUMMONS *(Eviction Action)*

☐ Amended

An **Eviction Case** has been filed against you. A court hearing has been scheduled.

Date: _____ Time: _____ _____
Court:_____
Courtroom:_____ Floor:_____

Please arrive early.

1. If you do not agree with the allegations against you as written on the attached complaint, or if you wish to be heard by the court, or if you want a trial, you must appear at the date, time and location listed above.

2. **IF YOU FAIL TO APPEAR**, a judgment may be entered against you in your absence, including an order that you vacate the property.

3. If you need an interpreter or require a reasonable accommodation for person with disabilities, let the court know as soon as possible.

4. To learn more see the attached Residential Eviction Information Sheet or contact the Court.

Date:_____ _____
Justice of the Peace

EA 8150-211 R: 12/18/14

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Access to Justice – Media and Marketing Outreach

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

Target Markets

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

Secondary: Attorneys (B-to-B strategy)

Justice Court Newsletter

- This newsletter initially may be a quarterly update from Judge Winthrop or Chief Justice Bales providing information on the work of the Justice Courts and links to more information for those interested.

- The target audiences would be business, community and government leaders.

- Participants must "opt in." The recap report to the participants of the Arizona Forward event is a good opportunity to provide participant list with an option to receive the newsletter so we can gather the email addresses.

- Create an editorial calendar that includes content ideas. This may include editorial calendars of targeted publications – "health," "business," "families."

- We need to subscribe to MailChimp or Constant Contact to manage the newsletter.

- Develop a letter template much like the Arizona Chamber of Commerce (below).

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

Glenn Hamer
April 21, 2015

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

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

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

Media Relations

- Develop a media list targeted to reporters with beats around justice issues. This can be done in English and in Spanish.

- Each quarter develop news stories of interest for reporters/news directors to address. (Need a contact person and stories need to be fully developed).

- Our optimal stories: problem identified, problem solvers, collaborative efforts between individuals and the courts. For example, a community success story, i.e. Legal Aide saves a community (Northern Arizona).

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

- Next Steps: Lisa to conduct Webinar to develop a process for Media Relations; Identify a person in each legal aide entity – a total of 8 across the state.

- Develop a process for a quarterly statewide content Tip Sheet (example below).

Dignity Health | Barrow Neurological Institute | Chandler Regional Medical Center | Mercy Gilbert Medical Center | St. Joseph's Hospital and Medical Center | St. Joseph's Westgate Medical Center

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

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

Barrow Receives Arizona's First Exoskeleton to Help Patients Walk

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

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

<u>Marketing and Communications</u>

- Review of www.AVVO.com and www.JustiServe.com sites.

- Need a "Who We Are" video and other Informational Videos targeted to Users, i.e. "fees."

INTEL ARIZONA LEGAL DEPARTMENT "PRO BONO DEBT CLINIC"

Presentation to Arizona Commission on Access to Justice
20 May 2015

Daniel Christensen, JD MBA CIPP/US, CIPT

Global Group Counsel for IT, Privacy & Security

History of Intel's Pro Bono Program

- Program is in its 8th full year (commenced 2006);
- Directed by legal committee of local site reps, international geo reps, co-chairs, and an executive sponsor;
- Currently 10 firms working with Intel Legal on pro bono matters; and
- Over 10 instances of public recognition and awards.

Romy and Linda

Intel Pro Bono Matching Program

2014 Statistics

- All 4 main US sites and international programs in EMEA and APAC;
- 18 different NGOs assisted in 2014 (only VLP in AZ);
- 71 Intel attorneys/staff involved in support and client engagements;
- 5863 pro bono hours logged for 2014;
- Over $350,000 given to NGO partners by Intel Foundation matching program ($10 per hour volunteered)

Thank you to all of the AZ Pro Bono Debt-Counseling Clinic Volunteers!

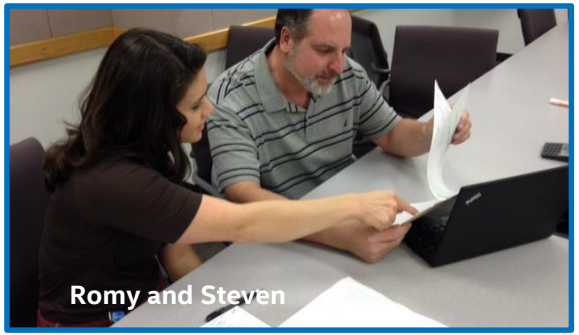
Email **DanC** to join us every 2nd Tuesday of the month!

Dan Christensen

Parrish and Alan

Romy and Linda

Scott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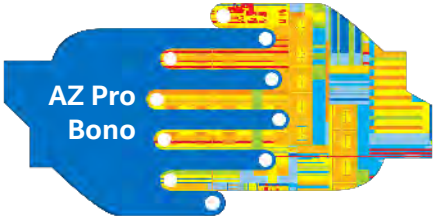
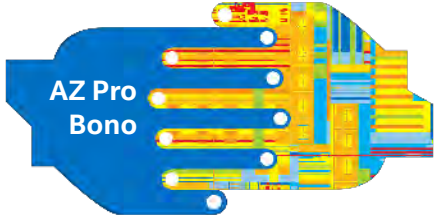
Christophe



Not pictured (other volunteers):
Todd, Gary, Lana, Rossana, Tom, Scott and Patricia

10 BKMs (“Best Known Methods”)

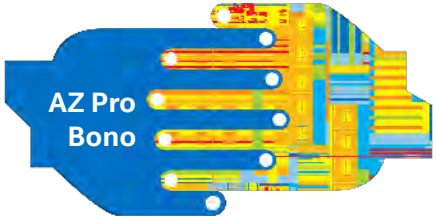
1. “Start with One Thing and Do it Well. (Choose Carefully – Low Litigation, Preferably One Consult, with Limited Malpractice Potential.)”
2. “Number of Volunteers Is Inversely Proportionate to Leadership ‘Ego’ (Team).”
3. “As in Law School, Find a Smarter, Harder-Working Study Partner (VLP).”
4. “Like a Gameshow, Have Lifelines Available (Hallway; Phone; Colleague).”
5. “Entertaining Counsel Providing Regular Trainings is an Imperative – with a Social Event and Post Mortem After.”
6. “Refreshments Can Be Both Refreshing, and Humbling.”
7. “Dedicate One Afternoon or Evening Per Month – And Be Consistent.”
8. “Formal Announcements and Informal Reminders, and Have Volunteers Sign Personal Release, if Possible, to Improve Marketing.”
9. “Location, Location, Location! Make Sure Clients Have Maps and Facility Access!”
10. “Law Firm Attorney or VLP is Ultimately Responsible for the Matter, and Corporate Attorney is Not the Correspondent or Attorney of Record.”



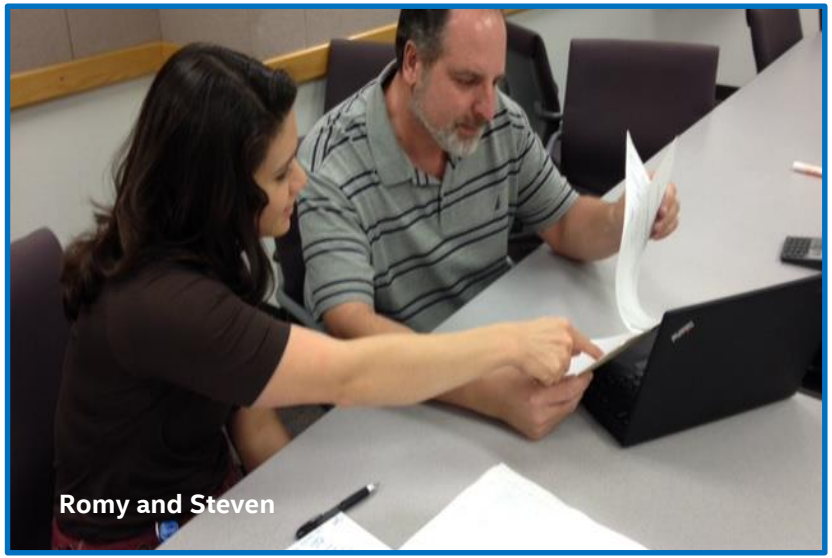
Next Steps

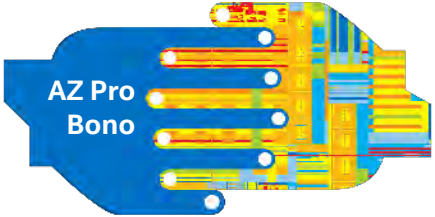
1. Expand Intel AZ Pro Bono Clnic/Program (tangential areas – e.g. landlord-tenant; veteran)

2. “Copy Exact” the Intel AZ Pro Bono Program to other AZ companies?



Questions?





GOAL 1

PROMOTING ACCESS TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda (Amended)

August 12, 2015 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona
Conference call-in number: 602-452-3288 Access code: 8469
ACAJ WEBPAGE WebEx link

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	**Welcome and Opening Remarks** Approval of minutes from May 20, 2015 ☐ ***Formal Action/Request***	*Hon. Lawrence F. Winthrop, Chair, Div. One, Court of Appeals*
10:05 a.m.	**Emergency evacuation protocol**	*Nick Olm, AOC*
10:10 a.m.	**Chairperson's report on presentations and meetings** • State Judicial Conference • Arizona State Bar Convention • American Association of Law Libraries Annual Meeting in Philadelphia • Outreach to county bar associations regarding the Charitable State Tax Credit	*Hon. Lawrence F. Winthrop*
10:20 a.m.	**Report from SRL-Family Court Workgroup**	*Hon. Janet Barton*
	• Update on Law4AZ training programs	*Maggie Kiel-Morse, State Library of Arizona*
	• Progress report on the FAQ development project	*Janet Fisher, State Library of Arizona*
	• Maricopa County's application for AmeriCorps grant	*Hon. Janet Barton*
	• Update on the Arizona Virtual Resource & Self-Service Center in Coconino County	*Dave Byers, AOC*
	• Parent Information Program video-Maricopa County https://www.youtube.com/watch?v=3TsYe2-vH68 https://www.youtube.com/watch?v=nLMRb2ZuMjI https://www.youtube.com/watch?v=GBDT1Y9q4KQ	*Hon. Janet Barton*

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

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

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

Please allow extra time to park and proceed through security.

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

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

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

Telephonic: Judge James Marner; Anthony Young

Absent/Excused: Barb Dawson

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

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

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

I. REGULAR BUSINESS

A. Welcome, Opening Remarks and Approval of Minutes

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

B. Chairperson's Report on Presentations and Meetings

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

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

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

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

III. Report from SRL-Limited Jurisdiction Courts Workgroup:

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

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

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

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

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

IV. ARIZONA CITIZEN VIRTUAL RESOURCE CENTER UPDATE

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

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

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

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

VI. REPORT FROM PRO BONO SERVICES AND FUNDING WORKGROUP

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

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

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

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

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

B. Update on Comprehensive Media Plan

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

VII. OTHER BUSINESS

A. Closing comments

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

B. Good of the Order/ Call to the Public

There was no response to a call to the public.

C. Adjournment

Meeting adjourned at 2:01 p.m.

D. Next Commission Meeting Date

August 12, 2015
10:00 a.m. to 2:00 p.m.
State Courts Building, Conference Room 119A/B
1501 W. Washington
Phoenix, Arizona 85007

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
August 12, 2015	☐ Formal action or request ☒ Information only ☐ Other	Self-Represented Litigants in Family Court Workgroup Report to the ACAJ

From: The ACAJ Self-Represented Litigants in Family Court Workgroup

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

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

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

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

Parent Information Program
Resource Menu

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

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

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

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

Playlist of all the chapters:
https://www.youtube.com/playlist?list=PLh-xFB5ObJz75YvxZkVv4aIott_Z0a_cp

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

FAMILY COURT TRAINING

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
August 12, 2015	☐ Formal action or request ☐ Information only ☒ Other	SRL-LJC Workgroup Presentation

From: Nick Olm

Presenters: Judge Rachel Torres-Carrillo and Paul Julien

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

Recommended motion: To be determined

Notice for Failure to Pay Rent

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

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

A. Rent $ _____

1. Current month/week $ _____
2. Prior month $ _____
3. Other $ _____ why _____
4. Other $ _____ why _____
5. Other $ _____ why _____

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

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

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

A. Pay the total owed within 5 calendar days of receiving this notice.

B. Move out of the rental and **return the keys** to the landlord within 5 calendar days of receiving this notice.

C. Contact the landlord and settle this matter, in writing signed by both you and the landlord.

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by:

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____.

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

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

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

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____

_____.

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

<u>You may settle this matter before any legal action</u>. Your options are:

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

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

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

DRAFT

This notice is served by:

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____

_____

_____

_____

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

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

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

_____

_____

_____

_____

_____

_____

_____.

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

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

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

Notice Date:_____

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

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

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

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

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

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

Date:_____ Signature:_____
☐ Landlord ☐ Agent

This notice is served by
☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant
☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

Maricopa County Justice Courts

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

– Draft 8.03.15 –

Introduction

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

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

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

The topics covered are:

[Fill in all major headings – with links]

Tenant Obligations (what is expected of tenants)

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

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

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

Landlord Obligations (what is expected of landlords)

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

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

Tenant's Options for a Landlord's Violations

- **Tenant Options if Landlord Fails to Make Needed Repairs – Self-Help for Minor Repairs (when not caused by tenant or tenant's guest) – A.R.S. § 33-1363**
  - This option applies to repairs that cost less than $300 or half of a month's rent
  - If the tenant wants the landlord to make any repairs, the tenant must put the request in writing
  - If the landlord does not make the repairs quickly if it is an emergency or within 10 days of the notice for other repairs, the tenant may:
    - Hire a licensed contractor to make the repairs

      The licensed contractor must give a waiver of lien. This is a signed statement that the contractor will not put a lien on the property for the work done. [link]
    - Give the repair bill and the lien waiver to the landlord, and
    - Deduct the cost of the repair from the rent
  - Sample notices are available at www.AZLawHelp.org.

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

- Sample notices are available at www.AzLawHelp.org.

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

Landlord's Options for Tenant Violations

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

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

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

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

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

  Sample Notices are available at: _____

Rights of the Military to End the Rental Agreement

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

Other Protections for Tenants

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

- A written notice that she or he is a victim of domestic violence and wants to end the lease within 30 days, (link to sample notice) and
- A copy of an order of protection issued to the tenant or a copy of a police report that shows the tenant told the police she or he was a victim of domestic violence
- The notice and order of protection or police report must be given to the landlord within the 30 days of the domestic violence (landlord may waive this requirement)
- If proper notice is given
  - The tenant must pay any current rent owed before moving out of the rental
  - The tenant does not owe any future rent for the time after the end of the notice

- A victim of domestic violence may ask the landlord to install a new lock at the tenant's expense
- A landlord must not let a tenant who has an order of protection against them have access to the rental unless the tenant is with the police
- More information can be obtained from the Arizona Coalition to End Sexual and Domestic Violence. www.acesdv.org; (602) 279-2900.

- **Protection from Retaliation – A.R.S. §33-1381**
  - A landlord may not retaliate against a tenant by increasing rent, decreasing services or threatening an eviction because the tenant did any of the following:
    - Complained to a government agency that enforces building or housing codes about violations that significantly affects health and safety
    - Complained to the landlord about the landlord's failure to keep the rental fit and habitable as required by A.R.S. 33-1324 [link].
    - Organized or became a member of a tenants' union or similar organization.
    - If any of the above occurred, the tenant may claim retaliation as a defense to the eviction.

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

Security Deposits – A.R.S. § 33-1321

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

Public Housing or Section 8 Housing:

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

- **More Information:**

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

AzLawHelp. www.AzLawHelp.org.

Community Legal Services. clsaz.org

Southern Arizona Legal Aid. sazlegalaid.org

DNA People's Legal Services. dnalegalservices.org.

Maricopa County Justice Courts

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

– Draft 8.04.15 –

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

The topics covered are:

[Fill in all major headings with links]

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

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

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

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

If You Represent Yourself

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

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

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

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

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

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

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

- When you are in court.
    - Be sure to get a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

Offers to Settle the Case

- The parties may decide to settle the case.

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

A Jury Trial

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

If the Judge Orders the Tenant to Move Out

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

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

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

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

Appeal of Judge's Decision When You Came to Court

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

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

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

- The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.

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

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

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

To Stay in Rental During the Appeal

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

- You will have to pay to the court any prorated rent due from the date of the judgment to the next rent due date. This amount of rent is not listed in the judgment.
- You will also have to pay to the court any costs and attorney fees listed on the judgment.
- During the appeal, you must continue to pay to the court the rent as it becomes due. If the tenant fails to make a rent payment, the landlord may ask the judge for an order that the tenant must leave the rental.

- You should try to file the supersedeas bond before the constable comes out to remove you. [Rule 6 of Superior Court Rules of Appellate Procedure link].

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

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

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

Other Steps in the Appeal

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

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

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

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

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

More Information

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

Information also is provided at:

www.AzLawHelp.org.

Southern Arizona Legal Aid – sazlegalaid.org

DNA People's Legal Services – dnalegalservices.org

Maricopa County Justice Courts

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

– Draft 8.04.15 –

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

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

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

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

Notice to Tenant of Tenant Violations

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

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

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

Sample Notices are available at: _____

Landlord Must Give the Tenant the Notice

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

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

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

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

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

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

Sample Notices are available at: _____

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

Filing the Eviction:

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

If You Represent Yourself

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

Where to Fle the Eviction:

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

What Pleadings to File:

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

Getting the Summons Issued:

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

Court Fees:

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

Serving the Court Papers:

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

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

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

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

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

- Answer: In Justice Court a tenant is not required to file a written answer.
- Counterclaim:
  - A tenant may claim that the landlord owes the tenant money. This is called a counterclaim.
  - In eviction cases, the counterclaim must be because the landlord violated the rental agreement or the Arizona Residential Landlord and Tenant Act.
  - A counterclaim is filed at the same time the answer is due.
  - If a counterclaim is filed, it will be considered and decided at the time of trial. [link to counterclaim].
- Please bring any documents and any witnesses to court.
- Rule 10 of the Rules of Procedure for Eviction Actions allows for certain disclosures and more formal discovery. [link].

- **The hearing on your case:**
  - The judge will call each case by the name of the landlord and the tenant.
  - The judge will ask you and the tenant questions to decide if the tenant will have to move and if the tenant owes any rent.
  - Be sure to let the judge know if you have any witnesses or documents.
  - Listen to the questions the judge asks. If you do not understand a question, let the judge know. Answer the questions the best you can.
  - Be polite and courteous to the judge and the tenant.
  - The judge will decide:
    - If you properly served the summons and complaint.
    - If the summons and complaint included the required information and notice.
    - If you served a proper notice and an opportunity to fix the problem, if required.
    - If the eviction is for rent owed, whether you followed the required procedures. If you did, whether the tenant paid you the rent owed.
      - If the landlord accepted a partial payment of rent, whether a waiver signed by the tenant.

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

The Judge's Decision

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

- If a counterclaim was filed, the judge will decide if you owe the tenant any money.
- The tenant to leave the rental and return the keys to the landlord
  - The judgment will explain that if a tenant does not move out as ordered, the landlord can ask the judge for a Writ of Restitution. A writ is an order that tells the constable to remove the tenant from the rental. Writs are only used when the tenant does not move out. Writs are explained below.

- **If the judge finds for the tenant:**
  - The tenant will get to stay (remain) in the rental.
  - The judge may enter judgment for the tenant or the eviction may be dismissed.
  - If the tenant was unlawfully removed from the rental by the landlord, the tenant may obtain a judgment for [possession of the rental and a Writ of Restitution [more information can be found at _____](needs to be developed)
  - If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
  - Attorney fees (only if provided for in a written agreement).
  - Court costs (if any paid).
  - Annual interest rate on the unpaid judgment.

- **Judgment:**
  - A landlord should have a copy of the judgment for the judge to sign. [link].
  - Be sure the tenant gets a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

Offers to Settle the Case

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

A Jury Trial

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

When the Judge Orders the Tenant to Move Out

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

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

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

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

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

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

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

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

- **File a designation of record**. This lists the parts of the record you want the Superior Court to consider on the appeal. [link to form designation of record].
- The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.

- **Time to File the Notice of Appeal**
  - Either party may appeal an eviction judgment by filing a Notice of Appeal within 5 calendar days from the date of judgment.
    - When the 5th day falls on a holiday or a weekend, you will have until the day after the holiday or the weekend to file the appeal.
  - The judge cannot extend the time for the appeal.

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

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

Other Steps in the Appeal

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

- You must file an original and one copy of your memo with the justice court that heard the case.
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- The tenant has 30 days to file a memo giving the tenant's reasons why the landlord should lose.
- The landlord must get permission from the Superior Court to file a reply memo.
- The Superior Court will review the documents submitted and make a decision. The decision will be in writing.

If you Move:

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

More Information

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

www.AzLawHelp.org.

Community Legal Services – www.clsaz.org

Southern Arizona Legal Aid – www.sazlegalaid.org

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

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

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

COMPLAINT *(Eviction Action)*
☐ Immediate
☐ Residential ☐ Mobile Home ☐ Commercial

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

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

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

☐ NON-COMPLIANCE: After getting a notice, the Defendant failed to do the following: _____ _____ on this date:_____, at the following location_____.

☐ IRREPARABLE BREACH: The Defendant has committed a material and irreparable breach. Specifically, on this date_____, at the following location_____the Defendant did the following: _____ _____.

☐ OTHER: State the date, place and reason for eviction:_____ _____

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

DRAFT

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

Date:_____ _____
Plaintiff

EA 8150-212
R: 07/27/15

DRAFT

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

SUMMONS *(Eviction Action)*
☐ Amended

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

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

Please arrive early.

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

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

1. You have a right to come to court.

2. If you do not agree with the claims against you on the attached complaint, you must come to court at the date, time, and location listed above and explain your reasons to the judge.

3. If you do not agree with the claims in the complaint, you also may file a written answer admitting or denying some or all the claims and pay the answer fee. (see number 5)

4. If you want to file a counterclaim, it must be in writing.

5. If you cannot afford the filing fee, you may apply for a deferral or waiver of the filing fee at the court.

6. IF YOU FAIL TO APPEAR, a judgment will likely be entered against you, granting the relief specifically requested in the complaint, including removing you from the rental.

7. To learn more see the attached Residential Eviction Information Sheet or contact the court.

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

Date:_____ _____
Justice of the Peace

EA 8150-211

DRAFT

DRAFT

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

JUDGMENT (Eviction Action) ☐ **Amended**

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

Plaintiff appeared ☐ in person ☐ by counsel ☐ failed to appear

Defendant appeared ☐ in person ☐ by counsel ☐ failed to appear

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

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

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

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

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

☐ RENT OWED ☐ NON-COMPLIANCE ☐ IRREPARABLE BREACH ☐ OTHER

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

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

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

☐ **IT IS FURTHER ORDERED** granting monetary judgment to:

☐ Plaintiff(s)

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

$ _____ TOTAL

☐ Plaintiff awarded nothing

☐ Defendant(s)

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

$ _____ TOTAL

☐ Defendant awarded nothing.

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

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

Date: _____ Time: _____ _____

(No sooner than five (5) calendar days after date of judgment)

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

Date: _____ Time: _____ _____

(No sooner than 12 - 24 hours from the time of judgment)

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

IT IS ORDERED dismissing this case ☐ with prejudice ☐ without prejudice

Date: _____ _____
Justice of the Peace

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

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

Date: _____ By _____
Clerk

EA 8150-201 R: 7/22/15

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
August 12, 2015	☐ Formal action or request ☒ Information only ☐ Other	Pro Bono Service and Funding Workgroup Report to the ACAJ

From: The ACAJ Pro Bono Service and Funding Workgroup

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

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

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

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

Access to Justice – Media and Marketing Outreach

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

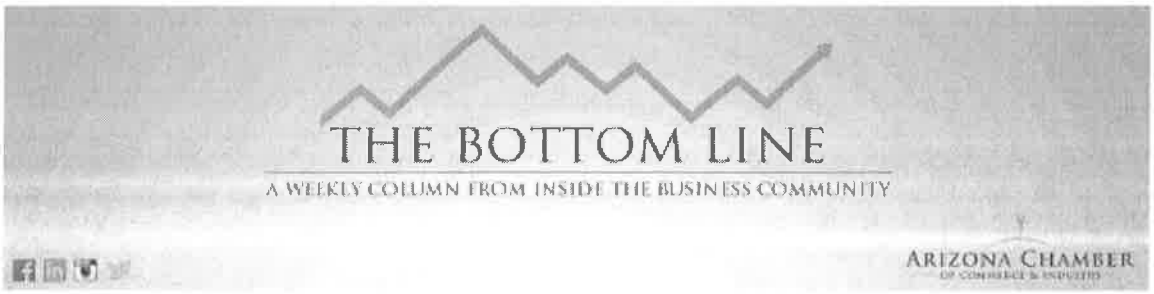
Target Markets

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

Secondary: Attorneys (B-to-B strategy)

Justice Court Newsletter

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



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

Glenn Hamer
April 21, 2015

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

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

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

Media Relations

- Develop a media list targeted to reporters with beats around justice issues. This can be done in English and in Spanish.

- Each quarter develop news stories of interest for reporters/news directors to address. (Need a contact person and stories need to be fully developed).

- Our optimal stories: problem identified, problem solvers, collaborative efforts between individuals and the courts. For example, a community success story, i.e. Legal Aide saves a community (Northern Arizona).

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

- Next Steps: Lisa to conduct Webinar to develop a process for Media Relations; Identify a person in each legal aide entity – a total of 8 across the state.

- Develop a process for a quarterly statewide content Tip Sheet (example below).

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

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

Barrow Receives Arizona's First Exoskeleton to Help Patients Walk

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

Attorneys

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

Marketing and Communications

- Review of www.AVVO.com and www.JustiServe.com sites.

- Need a "Who We Are" video and other Informational Videos targeted to Users, i.e. "fees."

INTEL NOMINATION

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

> **"Start by doing one thing right and do it well."**
> *- Daniel Christensen, Global Group Counsel for IT, Privacy & Security at Intel Corporation*

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

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

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

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

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

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

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

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

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

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

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

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

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

- Intel partnered with the National Veterans Legal Services Program to provide assistance to Veterans seeking appeal of U.S. Department of Defense findings denying benefits under the Combat Related Special Compensation program. To date it has have assisted over 10 veterans and their families in filing appeals, working to overturn previous denials. Intel's volunteers have answered the call and enthusiastically support this worthy program.

- Last year Intel participated in a project benefitting the Southern African AIDS Trust. This project involved legal research on how HIV self-testing is regulated in a number of developed countries, with a view to adopting similar legislation in certain African jurisdictions. Additionally, it was intimately involved in a project related to research on domestic violence legislation in a number of different jurisdictions to support Beijing Fanbao's advocacy activities in China.

- The Arizona Debt Clinic, managed by the Intel Law and Policy Group office and working in tandem with the Volunteer Lawyers Program (VLP) of Arizona, has been an immensely effective program in the few years since inception. The Clinic provides a monthly two-hour clinic at which Intel attorneys offer pre-screened underserved clients an opportunity to receive debt counseling at an Intel site. Each month, clients and their families (ranging from young families to the elderly), work with about five to 10 different Intel attorneys and support staff. The Clinic has been running for almost two years, with over 150 individuals (along with family members) benefiting from this pro bono work. Referrals are provided for low-cost bankruptcy assistance, and clients often need help or assistance with related matters, such as welfare services, Veteran's benefits, Social Security, child support services, or counseling on how to protect assets from creditors and garnishment. To be the best advocates and counselors that they can be for underserved clients, Intel continues to bring in outside counsel to train its attorneys on applicable Arizona and federal law. Intel attorneys also receive specific training on how best to apply debtor, creditor, bankruptcy and other laws.

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

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

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

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

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

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

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

> "The Intel Advice Clinic wishes to thank the VLP, the Arizona State Bar and Maricopa County Bar and their associated organizations for leading by example and helping organizations like Intel Corporation with opportunities to serve. While Intel preserves its neutrality in terms of religious and philosophical belief, the volunteers of the Intel Advice Clinic embrace the following words which we hope to habituate within ourselves, our families, our communities, and those we serve:
>
> *People are often unreasonable, irrational, and self-centered. Forgive them anyway.*
> *If you are kind, people may accuse you of selfish, ulterior motives. Be kind anyway.*
> *If you are successful, you will win some unfaithful friends and some genuine enemies. Succeed anyway.*
> *If you are honest and sincere people may deceive you. Be honest and sincere anyway.*
> *What you spend years creating, others could destroy overnight. Create anyway.*

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

- *Mother Teresa*

Who else can we call to hear about the program?

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E: kevin.ruegg@azflse.org

Introduction

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

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

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

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

Frequently Asked Questions

What are the legal qualifications for jury service?

- You must be 18 years of age or older.
- You must live in the county or municipality that summoned you.
- You must be a United States citizen.
- You must read, speak, and understand English.
- You must not have served for five or more days as a trial or grand juror in any court within the past 12 months.
- You must not be solely responsible for the daily care of a permanently disabled person living in your home.
- You must not have a physical or mental disability that would prevent your ability to serve as a juror.

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

How was I chosen for jury service?

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

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

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

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

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

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

The "one day/one trial" system has been in effect since 1990 and describes the length of service required for trial jurors. Grand jurors serve a term of twelve months. "One day/one trial" means that any person who is summoned and appears for service may be released from further service unless that person is assigned to a particular trial. When a juror is assigned to a trial, the length of jury service will be for the duration of that trial. In Colorado, the average length of a trial is three days.

How are jurors assigned to trials?

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

Who will pay me for serving as a juror?

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

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

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

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

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

Information for Employers

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

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

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

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

13-71-134, C.R.S.: Penalties and enforcement remedies for harassment by employer. (1) An employer shall not deprive an employed juror of employment or any incidents or benefits thereof, nor shall an employer harass, threaten, or coerce an employee because the employee receives a juror summons, responds thereto, performs any obligation or election of juror service as a trial or grand juror, or exercises any right under any section of this article. An employer shall make no demands upon any employed juror which will substantially interfere with the effective performance of juror service. The employed juror may commence a civil action for such damages or injunctive relief or both, as may be appropriate, for a violation of this section. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful misconduct by the employer. Any trial of such an action shall be to the court without a jury. (2) Any employer who willfully violates this section commits willful harassment of a juror by an employer, as defined in Section 18-8-614, C.R.S., which is a class 2 misdemeanor punishable as provided in Section 18-1-106, C.R.S.

Further Information

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

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

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

Answers To Your Questions About

Your Colorado Jury System

- **Answers to Frequently Asked Questions**
- **Information for Colorado Employers**

Excellence In Customer Service Colorado Judicial Branch

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

April 2006

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
August 12, 2015	☐ Formal action or request ☒ Information only ☐ Other	Increasing the Effectiveness of Lay Legal Advocates in Domestic Violence Cases

From: The Arizona Foundation for Legal Services & Education

Presenter: Chris Groninger and Merri Tiseth

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

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

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

PETER J. CAHILL
Presiding Judge

ARIZONA SUPERIOR COURT
GILA COUNTY

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

May 18, 2015

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

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

Dear Judge Winthrop,

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

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

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

Here are our preliminary ideas:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,
Peter Cahill

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

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

I. Purpose

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

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

II. Definitions

A. "Self-Help Patron" means any individual who seeks legal information to pursue or defend a court case or administrative action, or to understand potential legal rights, remedies, or obligations.

B. "Self-Help Personnel" means court staff, librarians, and other individuals who are frequently asked to provide help for people involved in legal matters. Those court staff, librarians, and other individuals who are also licensed lawyers are governed by this Order in the same way that non-attorney personnel are governed unless they are acting on behalf of a nonprofit or court-annexed limited legal services program as provided in State Rule of Professional Conduct 6.5.

C. "Self-Help Assistance" means support and guidance provided by Self-Help Personnel within the scope and limitations of this Order, including collaboration and coordination with legal and community resources.

D. "Approved Forms" means the forms and instructions that appear on the State Legal Services Partnership website; on the State Judiciary website; in administrative orders, rules, or other policies of the Supreme Court; in administrative agency rules; in state statutes;

III. Role of Self-Help Personnel

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

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

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

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

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

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

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

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

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

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

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

VI. Availability of Services

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

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

VII. Copy Costs

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

VIII. Notices to Self-Help Patrons

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

NOTICE TO SELF-HELP COURT PATRON

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

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

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

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

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

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

We are not responsible for the outcome of your case.

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

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

NOTICE TO SELF-HELP PATRON

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

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

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

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

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

We are not responsible for the outcome of your case.

We are not investigators and cannot provide investigative services.

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

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

BARBARA LAWALL
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IN THE SUPREME COURT
STATE OF ARIZONA

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

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

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

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

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

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

RESPECTFULLY SUBMITTED this 19th day of May 2015.

/s/

BARBARA LAWALL
PIMA COUNTY ATTORNEY

CERTIFICATE OF SERVICE

I certify that, on the 19th day of May 2015, the original of the foregoing document was electronically filed in Word format and pdf format with:

Clerk of the Court
Arizona Supreme Court
1501 West Washington St.
Phoenix, AZ 85007

/s/
BARBARA LAWALL
Pima County Attorney

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

IN THE SUPREME COURT
STATE OF ARIZONA

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

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

DISCUSSION

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

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

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

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

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

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

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

CONCLUSION

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

Respectfully submitted this 24th day of June, 2015.

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

APPENDIX A

Rules of Protective Order Procedure

Proposed Rules 1-5 [no change]

Part IV. Access to Courts

6. Court availability for protective orders

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

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

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

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

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

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

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

Proposed Rules 7-42 [no change]

Notice for Failure to Pay Rent

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

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

A. Rent $ _____

1. Current month/week $ _____
2. Prior month $ _____
3. Other $ _____ why _____
4. Other $ _____ why _____
5. Other $ _____ why _____

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

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

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

A. Pay the total owed within 5 calendar days of receiving this notice.

B. Move out of the rental and **return the keys** to the landlord within 5 calendar days of receiving this notice.

C. Contact the landlord and settle this matter, in writing signed by both you and the landlord.

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by:

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____.

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

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

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

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____

_____.

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

<u>You may settle this matter before any legal action</u>. Your options are:

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

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

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

DRAFT

This notice is served by:

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____

_____

_____

_____

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

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

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

_____

_____

_____

_____

_____

_____

_____.

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

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

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

Notice Date:_____

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

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

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

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

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

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

Date:_____ Signature:_____
☐ Landlord ☐ Agent

This notice is served by
☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant
☐ By certified mail *(mail receipt #)*:_____

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

DRAFT

Maricopa County Justice Courts

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

– Draft 8.03.15 –

Introduction

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

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

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

The topics covered are:

[Fill in all major headings – with links]

Tenant Obligations (what is expected of tenants)

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

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

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

Landlord Obligations (what is expected of landlords)

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

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

Tenant's Options for a Landlord's Violations

- **Tenant Options if Landlord Fails to Make Needed Repairs – Self-Help for Minor Repairs (when not caused by tenant or tenant's guest) – A.R.S. § 33-1363**
  - This option applies to repairs that cost less than $300 or half of a month's rent
  - If the tenant wants the landlord to make any repairs, the tenant must put the request in writing
  - If the landlord does not make the repairs quickly if it is an emergency or within 10 days of the notice for other repairs, the tenant may:
    - Hire a licensed contractor to make the repairs

      The licensed contractor must give a waiver of lien. This is a signed statement that the contractor will not put a lien on the property for the work done. [link]
    - Give the repair bill and the lien waiver to the landlord, and
    - Deduct the cost of the repair from the rent
  - Sample notices are available at www.AZLawHelp.org.

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

- Sample notices are available at www.AzLawHelp.org.

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

Landlord's Options for Tenant Violations

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

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

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

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

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

  Sample Notices are available at: _____

Rights of the Military to End the Rental Agreement

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

Other Protections for Tenants

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

- A written notice that she or he is a victim of domestic violence and wants to end the lease within 30 days, (link to sample notice) and
- A copy of an order of protection issued to the tenant or a copy of a police report that shows the tenant told the police she or he was a victim of domestic violence
- The notice and order of protection or police report must be given to the landlord within the 30 days of the domestic violence (landlord may waive this requirement)
- If proper notice is given
  - The tenant must pay any current rent owed before moving out of the rental
  - The tenant does not owe any future rent for the time after the end of the notice

- A victim of domestic violence may ask the landlord to install a new lock at the tenant's expense
- A landlord must not let a tenant who has an order of protection against them have access to the rental unless the tenant is with the police
- More information can be obtained from the Arizona Coalition to End Sexual and Domestic Violence. www.acesdv.org; (602) 279-2900.

- **Protection from Retaliation – A.R.S. §33-1381**
  - A landlord may not retaliate against a tenant by increasing rent, decreasing services or threatening an eviction because the tenant did any of the following:
    - Complained to a government agency that enforces building or housing codes about violations that significantly affects health and safety
    - Complained to the landlord about the landlord's failure to keep the rental fit and habitable as required by A.R.S. 33-1324 [link].
    - Organized or became a member of a tenants' union or similar organization.
    - If any of the above occurred, the tenant may claim retaliation as a defense to the eviction.

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

Security Deposits – A.R.S. § 33-1321

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

Public Housing or Section 8 Housing:

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

- **More Information:**

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

AzLawHelp. www.AzLawHelp.org.

Community Legal Services. clsaz.org

Southern Arizona Legal Aid. sazlegalaid.org

DNA People's Legal Services. dnalegalservices.org.

Maricopa County Justice Courts

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

– Draft 8.04.15 –

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

The topics covered are:

[Fill in all major headings with links]

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

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

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

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

If You Represent Yourself

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

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

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

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

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

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

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

- When you are in court.
    - Be sure to get a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

Offers to Settle the Case

- The parties may decide to settle the case.

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

A Jury Trial

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

If the Judge Orders the Tenant to Move Out

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

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

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

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

Appeal of Judge's Decision When You Came to Court

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

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

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

    - The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.

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

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

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

To Stay in Rental During the Appeal

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

- You will have to pay to the court any prorated rent due from the date of the judgment to the next rent due date. This amount of rent is not listed in the judgment.
- You will also have to pay to the court any costs and attorney fees listed on the judgment.
- During the appeal, you must continue to pay to the court the rent as it becomes due. If the tenant fails to make a rent payment, the landlord may ask the judge for an order that the tenant must leave the rental.

- You should try to file the supersedeas bond before the constable comes out to remove you. [Rule 6 of Superior Court Rules of Appellate Procedure link].

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

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

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

Other Steps in the Appeal

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

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

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

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

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

More Information

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

Information also is provided at:

www.AzLawHelp.org.

Southern Arizona Legal Aid – sazlegalaid.org

DNA People's Legal Services – dnalegalservices.org

Maricopa County Justice Courts

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

– Draft 8.04.15 –

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

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

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

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

Notice to Tenant of Tenant Violations

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

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

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

Sample Notices are available at: _____

Landlord Must Give the Tenant the Notice

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

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

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

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

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

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

Sample Notices are available at: _____

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

Filing the Eviction:

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

If You Represent Yourself

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

Where to Fle the Eviction:

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

What Pleadings to File:

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

Getting the Summons Issued:

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

Court Fees:

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

Serving the Court Papers:

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

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

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

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

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

- Answer: In Justice Court a tenant is not required to file a written answer.
- Counterclaim:
  - A tenant may claim that the landlord owes the tenant money. This is called a counterclaim.
  - In eviction cases, the counterclaim must be because the landlord violated the rental agreement or the Arizona Residential Landlord and Tenant Act.
  - A counterclaim is filed at the same time the answer is due.
  - If a counterclaim is filed, it will be considered and decided at the time of trial. [link to counterclaim].
- Please bring any documents and any witnesses to court.
- Rule 10 of the Rules of Procedure for Eviction Actions allows for certain disclosures and more formal discovery. [link].

- **The hearing on your case:**
  - The judge will call each case by the name of the landlord and the tenant.
  - The judge will ask you and the tenant questions to decide if the tenant will have to move and if the tenant owes any rent.
  - Be sure to let the judge know if you have any witnesses or documents.
  - Listen to the questions the judge asks. If you do not understand a question, let the judge know. Answer the questions the best you can.
  - Be polite and courteous to the judge and the tenant.
  - The judge will decide:
    - If you properly served the summons and complaint.
    - If the summons and complaint included the required information and notice.
    - If you served a proper notice and an opportunity to fix the problem, if required.
    - If the eviction is for rent owed, whether you followed the required procedures. If you did, whether the tenant paid you the rent owed.
      - If the landlord accepted a partial payment of rent, whether a waiver signed by the tenant.

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

The Judge's Decision

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

- If a counterclaim was filed, the judge will decide if you owe the tenant any money.
- The tenant to leave the rental and return the keys to the landlord
  - The judgment will explain that if a tenant does not move out as ordered, the landlord can ask the judge for a Writ of Restitution. A writ is an order that tells the constable to remove the tenant from the rental. Writs are only used when the tenant does not move out. Writs are explained below.

- **If the judge finds for the tenant:**
  - The tenant will get to stay (remain) in the rental.
  - The judge may enter judgment for the tenant or the eviction may be dismissed.
  - If the tenant was unlawfully removed from the rental by the landlord, the tenant may obtain a judgment for [possession of the rental and a Writ of Restitution [more information can be found at _____](needs to be developed)
  - If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
  - Attorney fees (only if provided for in a written agreement).
  - Court costs (if any paid).
  - Annual interest rate on the unpaid judgment.

- **Judgment:**
  - A landlord should have a copy of the judgment for the judge to sign. [link].
  - Be sure the tenant gets a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

Offers to Settle the Case

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

A Jury Trial

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

When the Judge Orders the Tenant to Move Out

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

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

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

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

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

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

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

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

- **File a designation of record**. This lists the parts of the record you want the Superior Court to consider on the appeal. [link to form designation of record].
- The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.

- **Time to File the Notice of Appeal**
  - Either party may appeal an eviction judgment by filing a Notice of Appeal within 5 calendar days from the date of judgment.
    - When the 5th day falls on a holiday or a weekend, you will have until the day after the holiday or the weekend to file the appeal.
  - The judge cannot extend the time for the appeal.

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

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

Other Steps in the Appeal

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

- You must file an original and one copy of your memo with the justice court that heard the case.
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- The tenant has 30 days to file a memo giving the tenant's reasons why the landlord should lose.
- The landlord must get permission from the Superior Court to file a reply memo.
- The Superior Court will review the documents submitted and make a decision. The decision will be in writing.

If you Move:

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

More Information

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

www.AzLawHelp.org.

Community Legal Services – www.clsaz.org

Southern Arizona Legal Aid – www.sazlegalaid.org

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

_____

_____

_____

( ) -

Attorney for Plaintiff / Address / Phone / Bar Number

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

_____ _____

_____ _____

_____ _____

( ) - ( ) -

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

COMPLAINT *(Eviction Action)*

☐ Immediate

☐ Residential ☐ Mobile Home ☐ Commercial

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

1. This court has jurisdiction to hear this case. The rental is within this court's judicial precinct and is located at: _____. The business name of the property, if any, is _____.
2. The Plaintiff wants you evicted and wants possession of the rental because of the reasons in section 5.
3. Any required written notice was served on the Defendant on _____ and was served ☐ by hand, or ☐ certified mail. A copy of the notice that was served is attached.
4. The Plaintiff is the owner or is authorized to file this case on behalf of the owner by law.
5. The Plaintiff claims:

☐ Subsidized Housing. Total rent per month is $_____. Tenant's portion of rent per month is $_____.

☐ RENT OWED: The Defendant has failed to pay the rent owed. The rent is unpaid since _____.There is a prior unpaid balance of $_____. The rental agreement requires rent of $_____ to be paid on the_____day of each☐month☐week. The rental agreement provides for late fees calculated in the following manner:_____ _____.

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

☐ NON-COMPLIANCE: After getting a notice, the Defendant failed to do the following: _____ _____ on this date:_____, at the following location_____.

☐ IRREPARABLE BREACH: The Defendant has committed a material and irreparable breach. Specifically, on this date_____, at the following location_____the Defendant did the following: _____ _____.

☐ OTHER: State the date, place and reason for eviction:_____ _____

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

Rent (Current and Prior Months) Totaling . . . . $_____
Late Fees: (if any in written agreement). . $_____
Concessions (if any in written agreement).$_____
Reimbursable Court Costs: . . . . . .$_____
Attorney's Fees(if allowed) . . . . . .$_____
Other (as authorized by law): . . . . . .$_____
Total Amount Requested:. . . . . $_____

DRAFT

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

Date:_____ _____
Plaintiff

EA 8150-212
R: 07/27/15

DRAFT

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

SUMMONS *(Eviction Action)*
☐ Amended

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

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

Please arrive early.

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

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

1. You have a right to come to court.

2. If you do not agree with the claims against you on the attached complaint, you must come to court at the date, time, and location listed above and explain your reasons to the judge.

3. If you do not agree with the claims in the complaint, you also may file a written answer admitting or denying some or all the claims and pay the answer fee. (see number 5)

4. If you want to file a counterclaim, it must be in writing.

5. If you cannot afford the filing fee, you may apply for a deferral or waiver of the filing fee at the court.

6. IF YOU FAIL TO APPEAR, a judgment will likely be entered against you, granting the relief specifically requested in the complaint, including removing you from the rental.

7. To learn more see the attached Residential Eviction Information Sheet or contact the court.

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

Date:_____ _____
Justice of the Peace

EA 8150-211

DRAFT

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

_____ _____

_____ _____

_____ _____

( ) - _____ ( ) - _____

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

JUDGMENT (Eviction Action) ☐ **Amended**

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

Plaintiff appeared ☐ in person ☐ by counsel ☐ failed to appear

Defendant appeared ☐ in person ☐ by counsel ☐ failed to appear

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

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

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

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

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

☐ RENT OWED ☐ NON-COMPLIANCE ☐ IRREPARABLE BREACH ☐ OTHER

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

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

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

☐ **IT IS FURTHER ORDERED** granting monetary judgment to:

☐ Plaintiff(s)

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

$ _____ TOTAL

☐ Plaintiff awarded nothing

☐ Defendant(s)

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

$ _____ TOTAL

☐ Defendant awarded nothing.

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

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

Date: _____ Time: _____ _____

(No sooner than five (5) calendar days after date of judgment)

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

Date: _____ Time: _____ _____

(No sooner than 12 - 24 hours from the time of judgment)

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

IT IS ORDERED dismissing this case ☐ with prejudice ☐ without prejudice

Date: _____ _____
Justice of the Peace

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

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

Date: _____ By _____
Clerk

EA 8150-201 R: 7/22/15

GOAL 1

PROMOTING ACCESS TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

November 18, 2015 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona
Conference call-in number: 602-452-3288 Access code: 8795
ACAJ WEBPAGE WebEx link

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks	*Judge Lawrence F. Winthrop, Chair*
* Pg. 3	Approval of minutes from August 12, 2015 ☐ ***Formal Action/Request***	
10:05 a.m. * Pg. 9	Chairperson's report	*Judge Winthrop*
10:20 a.m. * Pg. 13	Report from SRL-Family Court Workgroup * Pg. 15 • Maricopa County's AmeriCorps project • Update on Law4AZ training programs * Pg. 23 • Update on AZCourtHelp - Arizona's Virtual Access & Resource Center * Pg. 25 • FAQ document - *"Q&R Handbook"* • Simpli Phi Lex project – instructions ☐ ***Formal Action/Request***	*Judge Dean Fink, SRL-FC Workgroup Chair* *Maggie Kiel-Morse, SRL-FC Workgroup Chair*
10:50 a.m. * Pg. 85	Report from SRL-Limited Jurisdiction Courts Workgroup * Pg. 86 • Forms and instructions for landlord and tenant issues ☐ ***Formal Action/Request*** • Update on Resources Sub-Workgroup efforts	*Judge Rachel Torres Carrillo, SRL-LJC Workgroup Chair*
	* Pg. 135 • Maricopa County Justice Court Best Practices	*Judge Steven McMurry* *Encanto Precinct Justice of the Peace*
11:20 a.m. * Pg. 143	Barriers to access to justice for tenants in eviction cases ☐ ***Formal Action/Request***	*Pamela Bridge* *Director of Litigation, Community Legal Services*

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

11:35 a.m. * Pg. 145	R-14-0027: Rule 11, Rules of Procedure for Eviction Actions	*Judge Mark Armstrong (Ret.)* *Supreme Court Staff Attorney*
11:45 a.m. * Pg. 167	Update: Arizona Charitable Tax Credit campaign efforts	*Judge Winthrop*

Lunch - 12:00 p.m.

1:00 p.m. * Pg. 171	Report from *Pro Bono* Service and Funding Workgroup • Update regarding the *Pro Bono* Workgroup and outreach efforts	*Judge Joseph Kreamer, Pro Bono Workgroup Chair* *Dr. Kevin Ruegg, AZFLSE*
1:15 p.m. * Pg. 173	Report on non-lawyer representation issues	*Judge Kreamer* *Non-lawyer Representation Task Force Chair*
1:40 p.m. * Pg. 175	Report on Town Hall discussion	*Judge Patricia K. Norris* *Court of Appeals, Div. 1*
1:55 p.m.	Good of the Order/Call to the Public Adjournment	*Judge Winthrop*

Mark your calendars!

2016 Meetings
February 17, May 18, August 17, and November 9
10:00 a.m. to 2:00 p.m.
State Courts Building, Phoenix, Arizona
Conference Room 119

Follow the Arizona Supreme Court on Facebook and Twitter!

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

Arizona Commission on Access to Justice
DRAFT MINUTES
August 12, 2015
10:00 a.m. to 2:00 p.m., Room 119
State Courts Building, 1501 W. Washington Street
Phoenix, AZ 85007

Present: Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Judge Marie Elena Cruz; Michael Jeanes; Ellen Katz; Judge James Marner; John Phelps; Janet Regner; Kevin Reugg; Judge Rachel Torres Carrillo

Telephonic: Stacey Butler; Cari Gerchick

Absent/Excused: Millie Cisneros; Barb Dawson; Steve Seleznow; Lisa Urias; Anthony Young

Presenters/Guests: Kim Bernhart; Dan Christensen; Judge Dean Fink; Janet Fisher; Shawn Friend; Pat Gerrich; Maggie Kiel-Morse; Billie Jo Garcia; Chris Groninger; Tara Jackson; Paul Julien; Judge Joseph Kreamer; Judge Paul McMurdie; Lara Slifko; Deborah Tanner; Merri Tiseth; Scott Uthe

Administrative Office of the Courts (AOC): Dave Byers; Paul Julien; Alicia Moffat

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

I. REGULAR BUSINESS

A. Welcome, Opening Remarks and Approval of Minutes

With a quorum present, the August 12, 2015 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:10 a.m.

Motion: Judge Cruz moved to approve the May 20, 2015 minutes. The motion was seconded and passed unanimously.

B. Chairperson's Report on Presentations and Meetings

- Judge Winthrop met with the Arizona Supreme Court at its annual retreat to discuss the ACAJ's recommendations and the efforts of the workgroups.
- Judge Winthrop, along with Judge Carrillo and Paul Julien presented at the State Judicial Conference regarding self-represented litigants and judicial ethics.
- Judge Winthrop, along with Sheldon Krantz – a senior partner at DLA Piper in Washington D.C. and Judge Barton, presented at the State Bar Convention a session regarding handling self-represented litigants in family court.

- In July, Judge Winthrop, along with Janet Fisher and Maggie Kiel-Morse, traveled to the American Association of Law Librarians convention in Philadelphia to learn about the library legal resource projects around the country.
- Judge Winthrop met with the Pro Bono and Charitable Activities Committee of the Arizona Chapter of the Association of Corporate Counsel, which will explore potential partnerships with our civil legal aid providers and other pro bono opportunities.
- Judge Winthrop met with a representative from Legal Shield, an entity that provides pre-paid legal services to individuals and business entities. Judge Winthrop may ask a committee member to look further into this and make a recommendation to the ACAJ.
- Ellen Katz, Kevin Reugg and other Arizona Foundation for Legal Services & Education representatives, proposed an amendment to Rule 23 of the Arizona Rules of Civil Procedure. The Arizona Supreme Court will consider it at the Rules Agenda scheduled for August 26, 2015.
- The U.S. Senate Appropriations Committee approved $385 million for the Legal Services Corporation for fiscal year 2016 and the approval will move to the full Senate for consideration.
- Additional items to note:
  - Paulette Brown is the new president of the American Bar Association.
  - The Conference of Chief Justices and the Conference of State Court Administrators recently issued joint resolutions on access to justice issues.
  - Barb Dawson is working with the editor of the Arizona Attorney Magazine, Tim Eigo, to highlight in the April 2016 edition the generous efforts of pro bono lawyers in Arizona.
  - There may be an increase in the federal funds rate which could lead to a higher return on Interest on Lawyer Trust Account (IOLTA) funds.
  - The 40th Anniversary Legal Services Corporation Annual report has been published.
  - There are additional reading materials on the ACAJ webpage regarding access to justice topics.

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

A. Report from the SRL-FC workgroup.

- Ms. Kiel-Morse reported that the Law4AZ training has had a few small sessions with positive feedback and attendees have stated that they would like a broader range of issues to be covered. They are currently working on expanding this program to the remaining nine counties in Arizona.
- Ms. Fisher reported that the workgroup is continually working on the list of FAQs and standard answers as well as updating and further expanding the 2007 Legal Information v. Legal Advice report. Judge Winthrop encouraged members to look at the draft FAQs and to provide their suggested edits by September 11, 2015.

- Judge Barton reported that the state administrator of the AmeriCorps grant application suggested that Maricopa County update and provide additional information on their application. This was viewed as promising news and Maricopa County expects to be notified in September if they received the grant.
- Judge Barton also informed the commission that Maricopa County's new Law Library and Self-Help Resource Center should be opened to the public soon.
- Mr. Byers reported that the Administrative Office of the Courts (AOC) hosted and led a team of persons from the Attorney Generals' Office, AOC, Department of Economic Security/Division of Child Support Services and court administration from Coconino County, to visit Family Law Facilitator Programs in two small counties in California. The team was to observe the resource and self-help centers processes and to form ideas for a virtual self-help center. The team also visited the Coconino County Law Library, which will be the home of the new Arizona virtual resource and self-help center.
- Judge Barton presented the Parent Information Program videos on Maricopa County's YouTube page. Judge Barton offered to share this resource (link, videos, and scripts) with other counties so they can modify with their county-specific information.

III. REPORT FROM SRL-LIMITED JURISDICTION COURTS WORKGROUP:

A. Report from the Forms and Instructions sub-workgroup.

- Judge Carrillo stated the sub-workgroup and other stakeholders met four times since the last ACAJ meeting and continued to work on the following documents: the 5-day Notice to Vacate; 5-Day notice of Health and Safety Violation;10-day Notice of Material Breach; Immediate Notice to Move; Notice of Repeat Material or Health and Safety Breach; Notice of Non-Renewal of Rental Agreement; General Information about Landlord and Tenant Rights and Options Before You Come to Court; General Information for Tenants Who Have Been Served with Eviction Court Pleadings; General Information for a Landlord Filing an Eviction Action in Justice Court; Judgment; Complaint; and Summons.
- Judge Carrillo requested members of the commission to send any and all comments or suggestions for the forms to Nick Olm.

B. Report from the Resources sub-workgroup.

- Mr. Paul Julien stated he put together a team that is in the beginning stages of producing landlord/tenant videos for self-represented litigants. The team members include: Beverly Parker, Southern Arizona Legal Aid; Denise Holliday, landlord attorney; and Judge Steven McMurry, Justice of the Peace, Maricopa County. Additionally, the sub-workgroup has been discussing the possibilities of developing short videos for self-represented litigants concerning issues relating to consumer debt law.

- Regarding judicial education, Mr. Julien stated that there was a presentation by Judge Carrillo, Judge Winthrop and Mr. Julien at a recent judicial conference concerning interaction with self-represented litigants in the court. Mr. Julien reported he is working with the Judicial Education Officer of Maricopa County on a program called *Ensuring Access to Justice for Self-represented Litigants in Civil Cases* that Chief Justice Bales and Judge Barton will be participating in; 40 justices of the peace and hearing officers are scheduled to attend this program. Lastly, Mr. Julien and Judge Carrillo will be presenting on dealing with self-represented litigants at the annual Justice of the Peace Conference on September 2.

IV. REPORT FROM *PRO BONO* SERVICES AND FUNDING WORKGROUP

A. Kevin Ruegg and Lara Slifko presented the *Online Arizona Justice* website and navigated the Arizona Foundation for Legal Services & Education Charitable Tax Credit website.

- Ms. Slifko stated that the OnlineArizonaJustice.org website is an on-line portal for lawyers to learn of pro bono opportunities and to provide legal information to individuals who have submitted written questions. This website allows Arizona attorneys the opportunity to view cases that need legal assistance and make a selection to take a case on a *pro bono* basis -- the attorney will receive Continuing Legal Education (CLE) credit.
- Ms. Slifko and Dr. Ruegg stated that they plan to work further with *pro bono* lawyers to disseminate information regarding the availability of the state tax credit and they hope to have another informative tax credit video completed for this tax year.

B. Intel colleagues, Dan Christensen and Scott Uthe, provided a brief report on the potential for corporate *pro bono* assistance.

- Mr. Christensen and Mr. Uthe stated that in-house counsel are an untapped resource for *pro bono* services and they are reaching out to other corporations, such as Honeywell, WalMart, and SRP to encourage others to provide *pro bono* legal services, to educate on the value of *pro bono* participation, and for in-house counsel to receive education and resources they need in order to provide *pro bono* services.

VI. INFORMATION REGARDING NON-LAWYER REPRESENTATION ISSUES

A. Kay Radwanski, AOC staff to the Committee on the Impact of Domestic Violence and the Courts (CIDVC), presented on the Arizona Rules of Order of Protection Procedure (ARPOP) Rule Change Petition and Amendments

- Ms. Radwanski stated that, as part of the Advancing Justice Together Strategic Agenda, CIDVC reorganized ARPOP into 42 rules with subparts, including two new rules. Rule

20b states that a plaintiff cannot be asked to disclose the location of a domestic violence shelter residence. The second addition to Rule 20 allows a plaintiff to use a substitute address provided through the Secretary of State's Address Confidentiality Program.

- Ms. Radwanski further related that Barbara LaWall, Pima County Attorney, suggested two additions: that there be a rule that allows a lay domestic violence advocate accompany the plaintiff in an *ex parte* protective order hearing; second, that would allow a plaintiff to appear at an *ex parte* protective order hearing with children if the plaintiff would otherwise be denied access to the courts. CIDVC filed a reply to their rules petition that supported the incorporation of Ms. LaWall's suggestions.
- The proposed changes are slated for the Supreme Court's rules agenda on August 26.

B. Chris Groninger and Merri Tiseth presented on increasing the effectiveness of the "Lay Legal Advocates" and information regarding the Arizona Town Hall discussion regarding non-lawyer representation.

- Ms. Groninger proposed expanding the definition and role of the Domestic Violence Lay Legal Advocated to include sitting with the client at the litigant table and providing factual information to the judge. The expanded definition also envisions the advocate becoming a licensed Certified Legal Document Preparer, which would allow the advocate to prepare forms on behalf of the client. A proposed pilot project would be slated to last 24 months.
- Member responses included a recognition that the State needs to start the discussion and examine standards, accountability, ethical requirements, and protocols of this type of advocate, in addition to discussing expectations of an "advocate." Other members recognized and discussed the statutory and historical protections, privileges, and scope of representation that are afforded formal attorney/client relationships.

Motion: Ms. Ruegg moved to have the commission move forward with evaluating non-lawyer representation in Arizona. The motion was seconded by Judge Barton and passed unanimously.

- Judge Winthrop delegated the task of initial investigation and recommendations concerning this topic to Todd Lang and Judge Joseph Kreamer. If others would like to volunteer for this project, they should contact Judge Winthrop.

VII. OTHER BUSINESS

A. Miscellaneous

Judge Winthrop mentioned that the Supreme Court is considering an amendment to Rule 23 of the Arizona Rules of Civil Procedure that deals with class actions. This amendment would allow the court to direct unallocated funds for class action settlements to the Bar Foundation in trust to be distributed to legal aid providers and other non-profit organizations providing

legal services, particularly related to the class action itself, rather than being returned to the defendant(s) whose conduct was the subject of the class action lawsuit.

Motion: Judge Berning moved to support the petition for the Supreme Court to consider amending Rule 23 of the Arizona Rules of Civil Procedure as stated above. The motion was seconded by Judge Cruz and passed unanimously.

Judge Winthrop concluded the meeting by thanking members and guests for their presence and contributions at today's meeting.

B. Good of the Order/ Call to the Public
There was no response to a call to the public.

C. Adjournment
Meeting adjourned at 2:11 p.m.

D. Next Commission Meeting Date
November 18, 2015
10:00 a.m. to 2:00 p.m.
State Courts Building, Conference Room 119A/B
1501 W. Washington
Phoenix, Arizona 85007

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	Chairperson's Report

From: Judge Lawrence F. Winthrop, Chair

Presenter: Judge Winthrop

Discussion: Judge Winthrop will report on: (1) the latest statistics from the U.S. Census Bureau regarding poverty population and income levels; and (2) the presentations and meetings.

Recommended motion: Information only

2014 Poverty Rates (U.S. Census Bureau)

United States

- 14.8%

Arizona

- 21.2%

Median Income by Arizona County

County	Poverty Rate	Median Income
Apache	38.7	$30,252
Cochise	18.8	$45,294
Coconino	23.2	$48,732
Gila	22.6	$39,868
Graham	21.6	$43,497
Greenlee	11.6	$54,673
La Paz	23.2	$33,994

County	Poverty Rate	Median Income
Maricopa	17.6	$52,066
Mohave	21.3	$38,560
Navajo	30.3	$36,927
Pima	19.3	$43,926
Pinal	16.7	$49,887
Santa Cruz	22.7	$35,753
Yavapai	16.4	$40,498
Yuma	19.2	$40,486

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	Report from the Self-represented Litigants in Family Court Workgroup (SRL-FC)

From: SRL-FC Workgroup

Presenters: Co-chairs Judge Dean Fink and Maggie Kiel-Morse

Description of presentation:

Judge Dean Fink will discuss the current status of the Maricopa County AmeriCorps project and timeline for implementation.

Ms. Kiel-Morse will describe the updating efforts of the FAQ document, the Law4AZ training programs across the state, and provide information regarding the AZCourtHelp project in Coconino County.

Recommended motion: None at this time.

Superior Court of Arizona

PACS AmeriCorps Member – Law Library Resource Center

This position is not covered by the Judicial Merit Rules or Classified Personnel Rules.

The Superior Court of Arizona in Maricopa County, the 4th largest general jurisdiction Court system in the nation, seeks enthusiastic volunteers to participate in an AmeriCorps program, as a Providing Access to Court Services (PACS) Member in the Law Library Resource Center. AmeriCorps PACS Members will be critical to the operations of the Self-Service Center and Protective Order Center. The Superior Court is committed to providing access to justice for all people in the community. This position performs customer service functions, having contact with members of the public who need help with court services, which is crucial to promoting access to the Court.

Service Location: Central and East Court Buildings
101 and 201 W. Jefferson
Phoenix, AZ 85003

Service Position Functions: Under general supervision, provides customer assistance in finding court services, completing needed court forms, and navigating court processes.

Program Benefits:
During the term of service, Members will receive a living stipend totaling $2,652 for minimum time Members and totaling $4,863 for reduced half-time Members. Upon completion of service, Members are eligible to receive an education award of $1,212.44 for minimum time Members and $2,182.78 for reduced half-time Members.

Comments: This position will report to Shawn Haught, Deputy Court Administrator
haughts@superiorcourt.maricopa.gov
602-506-3464

All interested applicants should email or fax a cover letter and résumé to:
Human Resources
Attn: Michelle Hall
Email: hallm007@superiorcourt.maricopa.gov
Fax: 602-372-2280
Please include cover sheet

Primary Duties of the Position:
Provide direct customer service to litigants in various situations within a self-service environment; handle a variety of requests, inquiries, and complaints from litigants and the general public; attend and participate in training and evaluation; assist court

customers with finding needed services or locations; become knowledgeable about various community resources and provide information to customers as necessary; track services using computer software; recruit and assist community volunteers.

Citizenship Training and Responsibilities:
As an AmeriCorps Member, all PACS Members must participate in AmeriCorps training and events as required by the Arizona Governor's Office For Children, Youth and Families as well as participate in any identified community service activity.

Service Schedule:
AmeriCorps PACS Members must complete a minimum of 300 service hours over the course of their service term. A minimum of 6-8 hours per week at the Downtown Superior Court facility is required. Service hours can only be completed between 8 am and 5 pm Monday through Friday. There are no night or weekend hours. Hours worked per week and schedule will vary depending on the Member's schedule.

Qualifications:
Minimum Qualifications: High School Diploma /GED and must pass criminal background check.

Desired Qualifications: The ability to multitask and manage a high-volume and time-critical work environment; excellent interpersonal skills; the ability to establish effective working relationships with others; the ability to communicate effectively both orally and in writing; the ability to plan, organize and maintain work flow; the ability to work under supervision and exercise judgment; basic computer skills. Should be able to accurately maintain statistics and records; maintain confidentiality of all parties.

The Court is an Equal Opportunity Employer. It is the policy of the Judicial Branch not to discriminate in employment or the provision of services. To arrange for reasonable accommodation under the Americans with Disabilities Act (ADA), please call 602-506-4473.

Prohibited Activities:
Members may not, while actively providing service, do any of the following: attempt to influence legislation; organize or engage in protests, petitions, boycotts, or strikes; assist, promote, or deter union organizing; impair existing contracts for services or collective bargaining agreements; engage in partisan political activities; participate in, or endorse, events or activities that are likely to include political advocacy; engage in religious instruction or proselytization; provide a direct benefit to a business organized for profit, a labor union, a partisan political organization, or other organizations specified by the CNCS; conduct a voter registration drive; provide abortion services or referrals for receipt of such services; and such other activities as CNCS may prohibit.

PACS-AMERICORPS PROJECT

Status Update on Maricopa County Superior Court Project

LAW LIBRARY RESOURCE CENTER, MARICOPA COUNTY SUPERIOR COURT

November 9, 2015

PACS-AMERICORPS PROJECT

Status Update on Maricopa County Superior Court Project

Overview of the program

The Maricopa County Superior Court Law Library Resource Center (LLRC) received a state AmeriCorps Grant to have 38 AmeriCorps Members in the LLRC to assist self-represented litigants gain access to justice by helping them find legal information and complete and file forms. The program will initially focus on domestic relations and orders of protection. The Members will work 6-10 hours per week, with the goal being to have 2-4 Members actively assisting self-represented litigants at any given time.

Recent Activity

- The grant has been funded and the LLRC is on track with Court staff training. Recruitment has begun to meet the requirement for Member Service Hours over the course of the grant year.
- Various staff members have attended informational sessions at the Career Department at ASU, and Career Fairs at ASU West and ASU Downtown in October. As of November 6th, over 50 applications had been received for the 38 Member positions.
- Pre-enrollment Orientation is planned for November 10th to speak to all the applicants about the importance of and the requirements for the project.
- All needed administrative infrastructure is being put in place. This includes setting up AmeriCorps software, as well as working with Human Resources to process and pay the Members' living expense stipend. The enrollment software should be fully operational by the time recruitment is completed. Human Resources is in the process of verifying that the processes to be used are compliant with grant requirements. Finance is also providing information regarding compliance.

Future Plans

Enrollment and Training Schedule

Once Pre-Enrollment Orientation is complete, applicants will be personally interviewed. By November 30, 2015 the Members will be selected from the applicants that were interviewed. During December, Members will receive a modified in-processing with the Court.

Training will take place the first two weeks of January.

Training topics will include:

- Introduction to AmeriCorps Service
- Justice and Fairness Basics
- Court Ethics
- Introduction to Protective Orders
- Introduction to Family Law

Members will also shadow staff as staff assists self-represented litigants. The goal is to have Members working independently (but with close supervision and assistance of staff) by the end of January 2015.

Planned duties of Members

Staff of the LLRC, together with Judicial Officers and Court Administration, have identified the duties of the Members going forward as follows:

Information Desk (no more than 2 Members working in this area at a time)

- Give information and directions
- Act as guides for navigation to destination
- Distribute resource information and pamphlets
- Proactively offer to help
    - All who come through security
    - Alternatively, if very busy, select groups
        - Elderly
        - Those with children
        - Obvious disabilities
        - Those who seemed confused by security

Protective Order Center (no more than 2 Members working in this area at a time)

- Distribute resource information and pamphlets
- Refer to Domestic Violence Advocate
- Assist with completion of forms
    - Provide information regarding fillable forms and computer prompts, i.e. definitions
    - Review forms for completeness

- Assist with copying and collating
- Act as guides for navigation to destination
    - Clerk of Court
    - Courtrooms
    - Sheriff's Office for service
- Distribute questionnaires
    - Collect
    - Enter data
- Prepare and send email to stakeholders regarding readiness of litigants
    - Both at DT and Regional Courts for comparison
    - Judges, Commissioners, judicial staff, admin

Self-Service Center (no more than 4 Members working in this area at a time)

- Distribute resource information and pamphlets
- Assist with form selection
    - Review FAQs
    - Review checklists if necessary
- Assist with completion of forms
    - Provide information regarding what the prompts are requesting for ezCourt forms
    - Assist with fillable forms for family and criminal
    - Review forms for completeness
- Assist with copying, collating, getting filed (file stamped) and mailing
- Act as guides for navigation to destination for filing
- Prepare and send email to stakeholders regarding readiness of litigants
    - Both at DT and Regional Courts for comparison
    - Judges, Commissioners, judicial staff, admin

Workshops (no more than 2 Members working in this area at a time)

- Assist with hands on computer workshops
    - Provide one-on-one guidance during workshops to clarify instructor's information
    - Work with litigants afterward to provide information
        - Answer informational questions
        - Review for completeness
- Administer pre- and post-tests to attendees
    - Develop tests

    - Enter data from test results
- Workshops to be planned for January and February
    - Dissolution w/out children
    - Dissolution w/ children
    - Service of process
    - Service of process when opposing party cannot be located
    - Injunction against harassment
    - Collection of child support
    - Trial preparation

General (no more than 3 Members working in this area at a time)

- Recruit other (non-member) volunteers
- Recruit and coordinate speakers

"AZCourtHelp" – Arizona's Virtual Access & Resource Center

ACCESS TO JUSTICE CHALLENGE: Many people cannot afford legal representation in court proceedings. The problem is even more profound in remote and rural areas where geographical barriers, unemployment, transportation issues, and child care concerns are additional burdens faced by litigants. Consequently, the courts must be prepared to assist self-represented individuals in understanding court processes and legal procedures in ways that make it more likely they will pursue self-help if information is easily accessible and meets their needs.

PROJECT VISION: This project will integrate the current Coconino County Law Library space into an expansive physical and virtual resource center. The space will include a small reception area and seating for the public, as well as public access computer terminals for filling-out paperwork, and public information racks for forms packages, referrals and services. The center will be reinforced and supported by an online presence -- a comprehensive webpage that will host a repository of statewide and county-specific self-help videos, low-income service referrals, legal information links, as well as standardized forms and instructions. The physical space will continue to operate as a law library and self-help center; however it will be re-configured to allow room for people to participate in "live" workshops and scheduled clinics. Technology will be incorporated into this project to allow streaming of workshops and interaction with participants.

PROJECT PARTNERS: The Arizona public library system will act as a conduit for public consumption of workshops at local public libraries, even in remote rural counties. Additionally, the community will have an opportunity to learn about and apply for services from the Division of Child Support Services, as another work area will be identified for a caseworker to engage and assist patrons. The physical space will also host a place for volunteer attorneys (from CLS, DNA, SALA, State Bar of Arizona, and local bar association) to meet one-on-one, provide clinics and educational opportunities on a pro bono basis.

Project Milestones:

- Applied for and was awarded an AmeriCorps VISTA grant to assist with implementation of project**.** The new VISTA member will start working in the center the first week of November.
- The current law librarian was re-classified and promoted to the position of Law Library Coordinator (LLC). The LLC will continue performing all law librarian duties in addition to manage and directly supervise grant members' activities, including reporting requirements, and will oversee the coordination of the virtual resource center's projects.
- A task force was established to assist with implementation of the project. Tasks completed:
    - Developed project plan with timeline of deliverables that correspond to the VISTA member's assignments.
    - Determined delivery methods for training opportunities to be initial focus in Phase 1. (Streaming and live "legal talks.")
    - "Branded" the center's name to capture the essence of what the resource can provide to the court community and public.

- Reviewed floor plans of the physical space and brainstormed options for configuration. Obtaining quotes for build-out and expect estimates by November 13.
- Working with AOC ITD to determine technology requirements for streaming live trainings (sending out and for remote sites receiving) and internet functionality for public terminals.
- Conducting outreach to court administrators to identify courts that may be interested as serving for pilot locations for webinars and interactive "legal talks."
- Exploring collaboration with the Arizona Foundation for Legal Services & Education for website design and site location in order to avoid duplication of court resources and leverage long-standing relationship.
- Formulating research questions for DCSS staff in order to determine if IV-D monies available for funding current staff and new staff to sustain the project.
- Obtained list of equipment and internet connectivity available to Arizona public library partners.
- Identified resources and contact people for VISTA representative. Arranging connections between key stakeholders and making introductions for future relationships.

Q&R Handbook

How to Respond to Common Questions from Court Customers

This Question and Response (Q&R) Handbook is a reference for court personnel to use while helping our customers, the public.

Of course, this handbook cannot anticipate all of the possible questions that court users may ask. When new questions arise, consult your supervisor. There are questions and responses that you may wish to annotate, supplement, or provide additional information that is appropriate for your specific court, with the approval or at the suggestion of your supervisor.

When you are uncertain if you are being asked to give legal advice, please suggest that the one asking the question consult an attorney.

What is legal information?

Legal information is communication of facts about court procedures, timing, and resources. It includes information contained in court records, examples of forms and pleadings, informational pamphlets, copies of statutes and explanation of court rules, procedures, practices and due dates.

What is legal advice?

1. A written or oral statement that interprets some aspect of the law, court rules, court procedures, or recommends a specific course of conduct in an actual or potential legal proceeding.
2. A written or oral statement that applies the law to an individual person's specific factual circumstances.
3. A written or oral statement requires the person giving advice to have knowledge of the law and legal principles beyond familiarity with court requirements and procedures.

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TODAY'S COURT SYSTEM HAS THREE LEVELS

Level 1—Limited Jurisdiction. Justice of the peace courts and municipal (or city) courts have limited jurisdiction, meaning that their authority is restricted to certain cases. The cases these courts decide may be limited by the subject, the amount of money involved, or the sentence that can be imposed. They are non-record courts and do not have to make permanent records of court proceedings, although some courts do.

Level 2—General Jurisdiction. The general jurisdiction court is the Superior Court of Arizona, a statewide trial court. This court hears the widest variety of cases and keeps permanent records of court proceedings. Each county has at least one superior court facility, and it is referred to by its county location—for example, the Superior Court in Maricopa County.

Level 3—Appellate Jurisdiction. The Court of Appeals and the Supreme Court are Arizona's appellate courts. The state appellate courts have jurisdiction to review trials and decisions appealed to them. Most appeals heard by the two divisions of the Court of Appeals come from the superior court, except for death penalty appeals and some cases involving elected officials and disputes between counties, which go directly to the Supreme Court.

To appeal a decision from the Court of Appeals, the appellant must file a petition for review requesting a Supreme Court hearing. The Supreme Court justices evaluate the petitions for review and decide whether they will hear the case. Unlike the Court of Appeals, the Supreme Court is not required to hear every appeal.

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WELCOME TO THE ARIZONA COURTS

We will be happy to help you if we can. As we must be fair to everyone, we are allowed to help you only in certain ways.

This is a list of some things court personnel can and cannot do for you:

We can explain and answer general questions about how the court works.

We can give you general information about court rules, procedures, and practices.

We can provide you with the number for lawyer referral services, legal aid programs, and other services where you can get legal information.

We can provide court schedules and information on how to get a case scheduled.

We can give you information from your case file that is not restricted.

We can provide you with court forms and instructions that are available.

We can usually answer questions about court deadlines.

We cannot tell you whether or not you should bring your case to court.

We cannot tell you what words to use in your court papers or whether they are correct.

We cannot tell you what to say in court.

We cannot give you an opinion about what will happen if you bring your case to court.

We cannot conduct legal research for you.

We cannot talk to the judge for you or let you talk to the judge outside of court.

We cannot alter court documents.

Our ability to assist you will depend on the time and resources available as well as the scope of our responsibilities, knowledge and experience.

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TABLE OF CONTENTS

Section 1	Fee Waivers and Deferrals	1
Section 2	Procedural Guidance	1
Section 3	Scheduling and Court Appearances	5
Section 4	Sealed Records	5
Section 5	Subpoenas	6
Section 6	Domestic Violence or Harassment	6
Section 7	Small Claims and Civil Cases	11
Section 8	Service	14
Section 9	Answering a Claim	15
Section 10	Civil	17
Section 11	Judgments – Small Claims	20
Section 12	Minors as Parties in Small Claims or Civil Case	22
Section 13	Landlord/Tenant - Eviction	23
Section 14	Recovery of Personal Property	24
Section 15	Real Property	24
Section 16	Appeals in Civil and Limited Jurisdiction Courts	24
Section 17	Appeals in General Jurisdiction Courts	26
Section 18	Juvenile in Limited Jurisdiction Courts	27
Section 19	Juvenile in General Jurisdiction Courts	27
Section 20	Family and Domestic Relations	28
Section 21	Name Change	42
Section 22	Probate – Mental Health	43
Section 23	Criminal in Limited and General Jurisdiction Courts	45
Section 24	Criminal in General Jurisdiction Courts	50
Section 25	Jury Service	51
Section 26	Calculating Number of Days	54

DRAFT

SECTION 1
FEE WAIVERS AND DEFERRALS

1-Q. What is a fee deferral or waiver?
1-R. Arizona law requires the court to charge filing fees, service fees and other fees to cover costs. Court fees are due at the time of filing or at the time of requesting service. If you wish to file a civil case (family court, small claims, non-guardianship juvenile, tax, and mental health) and you cannot afford to pay the court fees at the time of filing you may apply for a fee deferral or waiver. The court will review your individual situation as presented in the application, including participation in a qualifying program, income and extraordinary circumstances, to determine if you qualify for a fee deferral or waiver.

Resources:

- Fee Deferral and Waiver Forms

2-Q. What is the difference between a fee deferral and a fee waiver?
2-R. If the court grants you a deferral, payment may be postponed to the end of the case or you may be required to pay a portion of the fee now and be given additional time to pay the balance. If you are awarded a waiver you will not be required to pay the fees.

Resources:

- Fee Deferral and Waiver Forms

3-Q. How do I get a fee deferral or fee waived?
3-R. Forms are available online for many courts, or you can access forms on the Arizona Judicial Branch webpage.

Resources:

- Fee Deferral and Waiver Forms
- Maricopa County Fee Deferral and Waiver Forms
- Pinal County Justice Courts Fee Deferral and Waiver Forms

4-Q. What kinds of fees are waived or deferred?
4-R. Filing or answer fees, Constable service fees (with some restrictions), summons or subpoena issuance fees, appeal preparation filing fees, fees for obtaining one certified copy of a temporary order in a domestic relations case and fees for obtaining one certified copy of a final order, judgment or decree in all civil proceedings.

SECTION 2
PROCEDURAL GUIDANCE

1-Q. What proof or evidence do I bring to court with me?
1-R. You can bring whatever witnesses, documents, and other evidence you think support your case. We can't help you decide what to bring. It may be helpful to read the rules regarding evidence for your case type.

Resources:

- Arizona Court Rules web page
- Rules of Evidence in Courts in the State of Arizona
- Rules of Family Law Procedure
- Arizona Revised Statutes Title 25 - Marital and Domestic Relations

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2-Q. When do I submit my proof or evidence to court personnel before court?
2-R. Read your court orders carefully to see if the judge ordered you to submit evidence ahead of time in your specific case. Unless you have an emergency hearing, you will almost always need to submit copies of your exhibits to the judge's clerk before the hearing so they can be marked.

Resources:

- Arizona Court Rules web page
- Rules of Evidence in Courts in the State of Arizona
- Rules of Family Law Procedure
- Arizona Clerks of Superior Court

3-Q. I received an inactive notice – what am I supposed to do now?
3-R. If no action has been taken in your case or you haven't served your court papers, the court might notify you that your case is about to be dismissed. That notice explains your options to stop your case from being dismissed.

4-Q. When am I supposed to file the affidavit of default?
4-R. You can file for default if the other party hasn't responded within 20 days of being served, or 30 days if they were served outside of Arizona.

5-Q. I have a disability that prevents me from filling out this form. Would you fill it out for me?
5-R. We can read you exactly what the form says and fill in the blanks with exactly the words you give us. We can't help you understand what the form means or advise you on what to put in the blanks or what words to use. (If court personnel filled out the form for the customer, please state on the form that you helped them by writing their words on the form exactly as they said them to you.)

6-Q. Where can I find a QDRO (Qualified Domestic Relations Order) form?
6-R. The U.S. Department of Labor web site provides some direction to sample forms and other assistance. A sample of a QDRO form can be found for Pinal County at the link below. Another reference is in the Arizona Legal Forms which most Arizona law libraries will have available.

Resources:

- U.S. Department of Labor
- Sample Pinal County QDRO form
- Arizona Legal Forms – Volume 4A, Chapter 10

7-Q. Would you look over this form and tell me if I did it right?
7-R. Court personnel can take a quick look to see if there are any obvious blanks that you've missed. Only an attorney can make sure this is complete and correct, and only an attorney can review *how* you've filled in the blanks.

8-Q. I want to talk to the judge. Where is the office?
8-R. To ask the judge to do something, you need to file a written request with the clerk of court. To ensure that the court process is fair and impartial, the judge isn't allowed to talk to one side without the other side being present.

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9-Q. I know I can't talk to the judge, but you're nice – could you please take this message for me?
9-R. Court personnel are not allowed to act on behalf of either side on a case. Court personnel must remain neutral and not give one side an advantage over the other. You may be able to put the request in writing to file in court, with a copy provided to the other side.

10-Q. What is "*ex parte*" communication?
10-R. It is a Latin term that means communication with the court by one side without the presence or knowledge of the other side. In most cases *ex parte* contacts with the judge are not allowed in order to remain neutral.

11-Q. What will the judge say?
11-R. We can't predict what the judge will decide. You can research the laws that might guide the judge's decision in your particular case.

12-Q. How do I file for default?
12-R. You can file for default 20 days after you served the other party (30 days if you served them out-of-state). To file for default, file an Application for Entry of Default and Entry of Default, then mail a copy to the other party. From the day you file the Application, the other party has 10 business days to file a Response, otherwise default will be entered against them, and the case will go forward without their input. The Clerk of Court can tell you the filing fee if there is one. Your local court might have forms and instructions for default.

13-Q. Should I get a lawyer?
13-R. You're not required to have a lawyer. It's up to you to decide whether you want to hire a lawyer. We can't help you decide what's best in your situation. Your local court might provide a phone number for an attorney referral service and your local court might have a list of low-cost or no-cost legal services.

Resources:

- Maricopa County Bar Association Lawyer Referral Service
  602-257-4434 - http://maricopalawyers.org
- Pima County Bar Association Lawyer Referral Service:
  520-623-4625 - http://www.pimacountybar.org
- Arizona Foundation for Legal Services & Education:
  866-637-5341 - www.azlawhelp.org

14-Q. I can't afford an attorney. Can you tell me what to do?
14-R. If you know what you want to do, we can tell you about procedures, but we can't help you decide what to do or counsel you on your situation. Your local court might have a list of low-cost or no-cost legal services, or go to azlawhelp.org.

15-Q. I want a court-appointed attorney assigned. How do I get one?
15-R. You have a right to a court-appointed attorney only in certain types of cases. When you're in court, you can ask the judge to appoint an attorney for you, and the judge will let you know if that's an option in your case.

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16-Q. I need a good lawyer. Who is the best?
16-R. We can't recommend a specific lawyer. We can just give you a list of lawyers who work on the type of law you need help with. Your local court might provide a phone number for an attorney referral service, and your local court might have a list of low-cost or no-cost legal services.

Resources:

- Maricopa County Bar Association Lawyer Referral Service
  602-257-4434 - http://maricopalawyers.org
- Pima County Bar Association Lawyer Referral Service:
  520-623-4625 - http://www.pimacountybar.org
- Arizona Foundation for Legal Services & Education:
  866-637-5341 - www.azlawhelp.org

17-Q. I'm filing this document asking the court to do something. Does that make me the plaintiff on this filing?
17-R. The person who started this case at the very beginning will always be the plaintiff or petitioner, even when, in family law cases, the divorce or paternity action is final. If the parties are coming back to the court and starting a new post-decree or post-order case, the original plaintiff or petitioner will remain the plaintiff or petitioner. (Unless conciliation is filed in a divorce case).

18-Q. What is a warrant?
18-R. A warrant is an order from the court to law enforcement to take someone or something into custody. Some warrant information is forwarded to law enforcement agencies throughout Arizona. For example, the court may order a bench warrant for law enforcement to arrest someone who failed to appear in court, or the court may issue a search warrant for law enforcement to seize and remove property from a person, place, or thing.

19-Q. It says "relief requested" next to this blank on the form. What do I put there?
19-R. That blank is asking you to write in your own words what you're asking the court to do. "Relief requested" is your chance to write in your own words what you're asking the judge to do. Court personnel cannot tell parties what words to use. If you have questions about what you can ask for in a case, you may consult an attorney.

20-Q. What is the difference between a petition and a decree?
20-R. A petition is a request, usually written, that a party files asking the court to do something. A decree is an order from the court detailing the parties' status and obligations.

21-Q. I have asked you several questions and you won't answer them. Why aren't you more helpful?
21-R. Only an attorney is allowed to give you certain kinds of help. We can tell you facts about options, procedures, and forms, but only an attorney can interpret the law or how it applies in your specific case, and only an attorney can help you decide what's best in your situation. Court personnel must remain neutral in all situations. Many questions

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would require court personnel to explain or interpret the law or how the law would apply in the party's case. To do so would constitute legal advice, which court personnel may not provide.

22-Q. Where can I find information on Arizona's laws and rules?
22-R. Arizona's statutes (laws passed by the state legislature) are available in any law library and many public libraries. They may also be viewed at the Arizona State Legislature's web site. The *Arizona Rules of Court* contain the procedures that litigants must follow in Arizona courts and are available in any law library and many public libraries.

Resources:

- Arizona State Legislature statutes
- Arizona Court Rules web page

SECTION 3
SCHEDULING AND COURT APPEARANCES

1-Q. Do I have to be in court today?
1-R. Court personnel may review whatever notice the party has to determine whether the party must appear in court and where the hearing (if any) will be held. Court personnel may also have access to the judicial calendar for the time period in question.

2-Q. Can I reschedule (continue) my hearing to a later date?
2-R. The judge decides whether or not to continue a hearing. You may file a written request with the clerk or court and provide a copy of the request to the other side, and the judge will consider the request.

SECTION 4
SEALED RECORDS

1-Q. Can I see a sealed file (for example, an adopted person is seeking information)?
1-R. Court personnel are not authorized to provide sealed records to the public. Local courts and judges may have different requirements, including an informal written request or a formal motion before allowing a court customer to view sealed information. The court customer's written request may include the following:

- Sufficient information for the judge to determine whether such a record exists (e.g. nature of the case; case number; names of parties; dates of possible case filings, judgments or events; date of birth);
- The reason(s) supporting the court customer's right to view the sealed record; and
- The court customer's name, address, and phone number.

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SECTION 5
SUBPOENAS

1-Q. What are subpoenas?
1-R. Subpoenas are orders to witnesses to give testimony in court or at a deposition. They are also an order for someone to submit documents to the court or the requesting party.

2-Q. How do I subpoena someone?
2-R. A subpoena is issued by the clerk's office. Some clerks' offices have the subpoena form available, but the clerk's office does not prepare the form. The side wanting the subpoena needs to prepare it, have it issued by the clerk's office, and make arrangements to have it served. The clerk's office can inform you of the current filing fee, if any, for issuing the subpoena.

3-Q. Where can I find a Subpoena Duces Tecum form for a family case?
3-R. The Maricopa County Self-Service Center has this form available online.

Resources:

- Subpoena Duces Tecum

SECTION 6
DOMESTIC VIOLENCE OR HARASSMENT

1-Q. What's the difference between a restraining order and a protective order?
1-R. A restraining order is simply another term for an Order of Protection or an Injunction Against Harassment, which are protective orders in Arizona. Other states call them restraining orders, protection from abuse orders, and similar names.

Resources:

- Criminal Harassment A.R.S. § 13-2921
- Injunction Against Harassment A.R.S. § 12-1809
- Injunction Against Harassment Forms
- Injunction Against Workplace Harassment A.R.S. § 12-1810
- Protective order forms (English, Spanish, Arabic, Chinese, Vietnamese)

2-Q. What is an Order of Protection?
2-R. It is an order used for protection when there is a family relationship or a romantic or sexual relationship between the plaintiff and the defendant. The plaintiff must file a petition stating how an act of domestic violence was threatened or committed against the plaintiff within the last year. If a family or a romantic or sexual relationship do not apply, an Injunction Against Harassment is an alternative if the defendant has committed a series of acts of harassment against the plaintiff. The plaintiff must file a petition and then appear before a judge to explain why an Order of Protection is needed. If the judge finds that the defendant may commit or has committed an act of domestic violence, the judge can issue an Order of Protection that:

- Orders the defendant not to commit acts of domestic violence,

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- Gives the plaintiff exclusive use of a house that both people previously shared.
- Prevents the defendant from coming near the plaintiff's house or apartment, place of employment, or school,
- May prohibit the defendant from possessing guns, and
- Includes any other relief necessary for the plaintiff's protection.

The Order of Protection is not in effect until it is personally served on the defendant. Once served, the defendant has a right to a hearing. After a hearing, the judge may order the defendant to obtain counseling.

Resources:

- Arizona Judicial Branch Domestic Violence webpage
- Arizona Coalition to End Sexual and Domestic Violence webpage
- Address Confidentiality Program (Secretary of State)
- *Arizona Rules of Protective Order Procedure*

3-Q. What is a domestic violence crime?

3-R. Arizona law currently includes 30 crimes, that when combined with a family or a romantic or sexual relationship, equal domestic violence. Domestic violence includes assault and aggravated assault; harassment and aggravated harassment; aggravated domestic violence; child or vulnerable adult abuse; criminal damage; criminal trespass; dangerous crimes against children; custodial interference; disobeying a court order; disorderly conduct; endangerment; kidnapping; stalking; surreptitious photographing; threats and intimidation; unlawful imprisonment; sexual assault; unlawful distribution of images; neglect, abandonment, or cruel mistreatment of animals; preventing or interfering with use of a telephone in an emergency; telephone harassment; and murder, manslaughter, and homicide.

Resources:

- Domestic violence A.R.S. § 13-3601

4-Q. What is the relationship test for an Order of Protection?

4-R. The plaintiff and the defendant must have one of the following relationships:

- married now or in the past
- live in the same household now or lived in the same household in the past
- parents of a child in common
- one party is pregnant by the other
- the parties are related by blood or marriage (such as parent, in-law, brother, sister, grandparent, step-parent, step-sibling)
- the parties have a current or previous romantic or sexual relationship

Resources:

- Things You Should Know About Protective Orders booklet

5-Q. How do I ask for an Order of Protection?

5-R. Fill out the form called a petition provided by the court, and return it to court staff. It's important to know that a copy of the petition will be given to the defendant if an Order of Protection is issued and sent out for service. Although an order may protect more than one person (one plaintiff and other protected persons), it can be issued

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against only one person. A separate petition must be completed for each person against whom you want to file.

Each petition must have:

- The defendant's name.
- The defendant's date of birth (or a reasonable estimate).
- A specific statement listing all acts and approximate dates of domestic violence that the defendant has committed against you within the past year. (The one-year requirement may be waived if the defendant is out of state, incarcerated, or good cause is shown.)
- Your address and telephone number so the court can contact you if the defendant requests a hearing. (Upon request, this information will be withheld from the defendant.)

An address, if known, at which the defendant can be legally served with the court's order.

Resources:

- Protective order forms (English, Spanish, Arabic, Chinese, Vietnamese)

6-Q. How long is the Order of Protection in effect?

6-R. If the judge issues the Order of Protection, the defendant must be served with the order before it will be effective. If it is not served, it will expire one year from the date the judge issued it. Once an order has been served, it will be in effect for one year from the date it was served. A private process server or local law enforcement may serve the order. A law enforcement agency cannot charge a fee for serving an Order of Protection. If hiring a private process server, the plaintiff is responsible for delivering the defendant's copy of the order to the process server and for paying a service fee and mileage.

Resources:

- Things You Should Know About Protective Orders booklet

7-Q. What if the defendant is in jail?

7-R. If the plaintiff believes that the defendant is in jail, the plaintiff can ask jail staff to serve the defendant. Court staff may be able to direct the plaintiff to the appropriate jail location. If the defendant is in the process of being released, there may not be enough time to have service completed at the jail. If not, the plaintiff has one year in which to serve the defendant by requesting service from a law enforcement agency or hiring a private process server.

8-Q. What do I do if the defendant violates the Order of Protection once it is in effect?

8-R. Violation of the court order is a criminal charge, and law enforcement must be notified. If you are in immediate danger, call 9-1-1.

Resources:

- Safety plan
- Safety plan (Spanish)

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9-Q. What if the other person contests the order?
9-R. The defendant may request a hearing on the order one time during the year in which it is in effect. A hearing will be held within five days (if exclusive use of the residence has been ordered) or ten business days.

10-Q. What if the plaintiff and the defendant are in the process of divorce?
10-R. If a protective order was issued by a municipal or a justice court and a petition for dissolution or separation of marriage or a maternity or paternity action is filed in superior court, one of the parties must notify the issuing court immediately. The protective order proceedings then will be transferred to superior court and heard with the family court case.

11-Q. What is an Injunction Against Harassment?
11-R. An Injunction Against Harassment is a court order that is issued to prevent one person from harassing another person. The plaintiff must file a petition, explaining specifically how the defendant has harassed the plaintiff and then appear before a judicial officer to explain the reason for the request. If the judge determines that a series of acts of harassment have been committed by the defendant against the plaintiff over a period of time, the judge can issue the order. The injunction is not in effect until it is served on the defendant. Once served, the defendant has a right to a hearing.

Resources:

- Criminal Harassment A.R.S. § 13-2921
- Injunction Against Harassment A.R.S. § 12-1809
- Injunction Against Harassment Forms
- Injunction Against Workplace Harassment A.R.S. § 12-1810
- Injunction Against Workplace Harassment Forms

12-Q. What is harassment?
12-R. There are several different types of harassment under Arizona law: criminal harassment, Injunction Against Harassment and Injunction Against Workplace Harassment. You will need to determine which definition applies to your situation and then fill out the correct petition.

For purposes of an Injunction Against Harassment, harassment involves a series of acts that happened over any period of time that are purposefully directed at a specific person. The acts are those that serve no legitimate purpose and would cause a reasonable person to be seriously alarmed, annoyed, or harassed. A single incident, no matter how bothersome, does not constitute harassment for purposes of a protective order.

13-Q. How do I file for an Injunction Against Harassment?
13-R. Fill out the petition provided by the court and return it to court staff. It's important to know that a copy of the petition will be given to the defendant if an Injunction Against Harassment is issued and sent out for service. Although an injunction may protect more than one person (the plaintiff and other protected persons), it can be issued against only one person (the defendant). A separate petition must be completed for each person against whom you want to file.
Each petition must have:

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1) The defendant's name.
2) The defendant's date of birth (or a reasonable estimate).
3) A specific statement showing events and dates of the acts constituting the alleged harassment.
4) Your address and telephone number so the court can contact you if the defendant requests a hearing. (Upon request, this information will be withheld from the defendant.)
5) An address, if known, at which the defendant can be legally served with the court's order.

Resources:

- Injunction Against Harassment A.R.S. § 12-1809
- Injunction Against Harassment Forms

14-Q. What if I don't know where the person I am filing against lives?
14-R. If you do not know the defendant's address, you should keep a copy of the injunction. As soon you find out the address, you can contact a private process server or law enforcement so they can try to serve the defendant.

15-Q. How long is the Injunction Against Harassment in effect?
15-R. If the judge issues the Injunction Against Harassment, the defendant must be served with the order before it will be effective. If it is not served, it will expire one year from the date the judge issued it. Once the injunction has been served, it will be in effect for one year from the date it was served. A private process server or local law enforcement may serve the order. If using a private process server, the plaintiff is responsible for delivering the defendant's copy of the order to the process server and paying a service fee and mileage. Unless the relationship between the plaintiff and the defendant is a dating relationship, law enforcement will also charge a fee for service of an Injunction Against Harassment.

16-Q. What do I do if the defendant violates the injunction once it is in effect?
16-R. Violation of the court order is a criminal charge, and law enforcement must be notified. If you are in immediate danger call 9-1-1.

17-Q. What if the other person objects to the injunction?
17-R. The defendant may request a hearing on the injunction one time during the year in which it is in effect. A hearing will usually be held within ten business days from the date requested.

18-Q. What do I do if my child is being harassed by a bully at school?
18-R. Arizona law requires schools to have policies and procedures to prevent students from bullying, harassing, and intimidating other students in schools, on school grounds, on school buses, at school bus stops, and at school-sponsored activities and events. This includes harassment by electronic means on school networks and forums. Each school is required to have a procedure for students, parents and teachers to report, in confidence, bullying behavior to school officials. If the bullying acts threaten or actually cause injury to a person or property, then more severe penalties are called for and carried out under Arizona's criminal laws.

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Resources:

- Powers and duties of school district governing boards A.R.S. § 15-341(37)
- Criminal disruption of an educational institution A.R.S. § 13-2911

19-Q. What is an Injunction Against Workplace Harassment?
19-R. It is an injunction filed by an employer or the owner of a business or operation. It is similar to an Injunction Against Harassment, except that it protects the employer, employees, people coming into the place of business, or employees who are performing official work duties elsewhere. For purposes of an Injunction Against Workplace Harassment, harassment means a single threat or act of physical harm or damage or a series of acts over any period of time that would cause a reasonable person to be seriously alarmed or annoyed.

Resources:

- Injunction Against Workplace Harassment A.R.S. § 12-1810
- Injunction Against Workplace Harassment Forms

SECTION 7
SMALL CLAIMS AND CIVIL CASES

1-Q. How do I file a small claims case?
1-R. You start a small claims case by filing a Complaint with Justice Court. Your local Justice Court may have forms and instructions.

Resources:

- General information Justice Courts in Arizona
- Mohave County Small Claims information and procedures
- Mohave County Plaintiff flowchart
- Mohave County Defendant flowchart
- Pinal County Small Claims information and procedures

2-Q. It says "relief requested" next to a blank on the form. What do I put there?
2-R. "Relief requested" is your chance to write in your own words what you're asking the judge to do. Court personnel cannot tell parties what words to use. If you have questions about what you can ask for in a case, you may consult an attorney.

3-Q. I have a disability that prevents me from filling out this form. Would you fill it out for me?
3-R. We can read you exactly what the form says and fill in the blanks with exactly the words you give us. We can't help you understand what the form means or advise you on what to put in the blanks or what words to use. (Court personnel - Please state on the form that you helped the customer by writing their words verbatim on the form).

DRAFT

4-Q. I live in Arizona and the defendant lives in another state. Where do I file?
4-R. You may consult an attorney or refer to Rule 4.2 of *Arizona Rules of Civil* Procedure.

Resources:

- Rule 4.2 of *Arizona Rules of Civil Procedure*

5-Q. I live in this county and the person I want to sue lives in another county. Where do I file?
5-R. You file the Complaint in the county where the defendant lives or does business or where the act or incident took place.

6-Q. What kind of notice do I have to give?
6-R. Your local court might have forms and instructions.

Resources:

- For small claims:
  Rule 4.1 of *Arizona Rules of Civil Procedure*
  Rule 4.2 of *Arizona Rules of Civil Procedure*
  A.R.S. § 22-513
- For civil lawsuits in Justice Court:
  Rule 113 of *Justice Court Rules of Civil Procedure*
- For civil lawsuits in Superior Court:
  Rule 4.1 of *Arizona Rules of Civil Procedure*
  Rule 4.2 of *Arizona Rules of Civil Procedure*

7-Q. Do I have a potentially winning case?
7-R. We can't predict what the judge will do or advise you on how strong your case is. Only an attorney can give you that service.

8-Q. Once I file my claim, how long before I go to court?
8-R. The party may refer to the instruction packet provided to the party or court personnel may explain the process for a particular court. If there are statistics for your court, refer to those to tell the party how long a case takes on average to conclude in your court.

9-Q. My case was dismissed a year ago. Can I re-file?
9-R. If the case was dismissed "with prejudice," no. If the case was dismissed "without prejudice," yes. The court order that dismissed the case will say whether it was with or without prejudice. You'll also need to make sure you're still within the statute of limitations.

Resources:

- Mohave County information regarding statute of limitations

10-Q. I received a paper and I don't know what it is. What am I supposed to do?
10-R. To respond appropriately, ask questions to determine what the paper is (the court customer may have to read the paperwork to you). Look at the paper and answer the question if it would be considered legal information. If a professional is needed to

DRAFT

interpret the paper, provide a link to sources of attorney lists. If they need to ask the judge for clarification, provide information on how to file a Motion for Clarification.

Resources:

- Maricopa County Bar Association Lawyer Referral Service
  602-257-4434 - http://maricopalawyers.org
- Pima County Bar Association Lawyer Referral Service:
  520-623-4625 - http://www.pimacountybar.org
- Arizona Foundation for Legal Services & Education:
  866-637-5341 - www.azlawhelp.org
- Motion for Clarification

11-Q. What is the difference between small claims and a civil case?
11-R. Small claims can be used if you're suing for $3,500 or less. If you're suing for less than $10,000, you can file a civil case in Justice Court. Also there are no attorneys allowed in small claims (unless both sides agree), and there are no appeals in small claims. Attorneys and appeals are allowed in civil claims.

12-Q. My friend's dog bit me. Should I sue him?
12-R. We can't help you decide what to do. Only an attorney can provide that service. Once you've decided what you want to do, we can try to help you find forms and explain procedures. Another option is to contact local law enforcement or animal control.

13-Q. I was dating someone and we split up. They have property that belongs to me that they won't let me have (car, furniture, etc.). How do I get my property back?
13-R. If the value of the property is $10,000 or less, you can look at filing a civil case in Justice Court. If the value of the property is more than $10,000, you can look at filing a civil complaint in Superior Court. An attorney could tell you if you have other options.

14-Q. Are these the forms I need?
14-R. If you know what you want to do, we can try to connect you with forms and explain procedures. If you're not certain that you have the right forms for your specific situation, only an attorney can help you confirm that.

15-Q. What do I do if I don't have the money to pay the filing fees?
15-R. You can file a request for fee deferral or waiver of fees. The court will determine what fees, if any, are waived or postponed until later in the case.

16-Q. What do I put in my complaint?
16-R. In general, you use the complaint to tell the court in your own words why you're suing someone and what you want the judge to do (for example, you might be asking the judge to order the person to pay you a certain amount of money). To learn what you can ask the judge to do in your specific situation, you can research that question at a law library, or an attorney can advise you.

DRAFT

17-Q. What is the time limit to file a small claims case?
17-R. Time limits in civil actions start from the date the events that gave rise to the action occurred.

Resources:

- Mohave County information regarding statute of limitations

SECTION 8
SERVICE

1-Q. What do I do when I don't know where the other person is to serve him or her?
1-R. The *Arizona Revised Statutes* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. The Service Members Civil Relief Act (SMCRA) is a federal statute that explains the requirements for serving a party who is in the military.

Resources:

- Rule 4.1 of *Arizona Rules of Civil Procedure*
- SMCRA website
- Service Members Civil Relief Act Waiver form

2-Q. Can I serve this or do you?
2-R. A small claims summons and complaint may be served by registered or certified mail, return receipt requested. Service is considered to be complete when the defendant signs for it. The return receipt must then be filed with the court, unless there is a permissible exception. Service for other civil cases must be made in person by a sheriff, a sheriff's deputy, or private process server. Some exceptions are set out in Rule 4.1 and 4.2 of *Arizona Rules of Civil Procedure*. See Rules 40-42 of *Arizona Rules of Family Law Procedure* concerning service in family law cases.

Resources:

- Rule 4.1 of *Arizona Rules of Civil Procedure*
- Rule 4.2 of *Arizona Rules of Civil Procedure*
- Rule 40 of *Arizona Rules of Family Law Procedure*
- Rule 41 of *Arizona Rules of Family Law Procedure*
- Rule 42 of *Arizona Rules of Family Law Procedure*

3-Q. How do I serve the papers on someone who is out of state?
3-R. Contact law enforcement or the local courts for a list of process servers or constables in that state. The party may consult an attorney or refer to Rule 4.2 of *Arizona Rules of Civil Procedure*, or Rule 42 of *Arizona Rules of Family Law Procedure*, based on the type of case.

Resources:

- Rule 4.2 of *Arizona Rules of Civil Procedure*
- Rule 42 of *Arizona Rules of Family Law Procedure*

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SECTION 9
ANSWERING A CLAIM

1-Q. Where can I find legal information about answering a claim?
1-R. You will find information in the Civil Trial Practice Volume 2, Chapter 13, at a law library, or seek advice from an attorney.

2-Q. I received a small claim notice in the mail. What do I do now?
2-R. Follow the instructions on the notice and perhaps seek advice from an attorney. Court personnel cannot tell you what words to use in your answer.

3-Q. How do I file a counterclaim?
3-R. Court personnel may provide the appropriate forms and indicate where the information should be placed on the form, but cannot suggest what to write or whether a counterclaim should be filed.

4-Q. I was served with this complaint and summons. What do I do now?
4-R. Follow the instructions in the summons and file an answer to the complaint within 20 calendar days (30 calendar days if out of state). Ask court personnel about the current filing fee, if any.

5-Q. What do I do if I'm served with an amended complaint?
5-R. You may file a response or you may contact an attorney for advice.

6-Q. What do I write in my answer?
6-R. You write down the response to a complaint. Court personnel cannot advise what to put in an answer. You may want to consult an attorney.

7-Q. If I did not file my answer in time, and the plaintiff did not file default papers, can I still file my answer?
7-R. Yes. The court will determine the effect of the late filing.

8-Q. When are my 20 days up for filing an answer?
8-R. Start counting the 20 days on the day after service was completed. If you don't know the date of service, court personnel may advise if proof of service was filed with the court.

9-Q. What do I do when I don't know where the other person is?
9-R. Service by publication may be available. *Arizona Revised Statutes* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. The Service Members' Civil Relief Act (SMCRA) is a federal statute that explains the requirements for serving a party who is in the military.

Resources:

- Rule 4.2 of *Arizona Rules of Civil Procedure*
- SMCRA website

DRAFT

10-Q. How long do I have to file my complaint?
10-R. Many deadlines may apply depending on the type of case and facts involved. *Arizona Revised Statutes* and court rules list additional procedures and requirements, or you may consult an attorney.

11-Q. How do I serve my petition on the opposing party?
11-R. There are various means of service in Rules 4.1 and 4.2 of *Arizona Rules of Civil Procedure*. You may consult an attorney to determine the proper means of service for the party's particular case.

Resources:

- Rule 4.1 of *Arizona Rules of Civil Procedure*
- Rule 4.2 of *Arizona Rules of Civil Procedure*

12-Q. In what city or county do I file my case?
12-R. The answer to this question depends on the type of case being filed, where the litigants live, and where events took place. You may consult an attorney.

13-Q. How do I file an answer?
13-R. Your answer must be in writing and filed within the proper time period after the complaint was served on the party. You must provide a copy to the opposing side.

14-Q. When do I have to file my opposition papers on this motion?
14-R. In civil cases, Rule 7.1 of *Arizona Rules of Civil Procedure* states that the opposing party shall file any answering memorandum within ten (10) days after the motion was filed and served. Rule 6 (e) of *Arizona Rules of Civil Procedure* allows an additional five (5) calendar days when the motion is served by mail. The judge may determine there are grounds for an accelerated ruling, in which case the time for filing may be shortened. The time periods may be different when specific times for motions are otherwise provided by statute, *Arizona Rules of Civil Procedure*, or order of the court. Unless the court orders otherwise, Arizona law requires all papers opposing a motion be filed and served on the opposing party at least ten (10) calendar days before the hearing.

Resources:

- Rule 7.1 of *Arizona Rules of Civil Procedure*
- Rule 6(e) of *Arizona Rules of Civil Procedure*

15-Q. I figured out that I have to file my papers ten days before the hearing, but that day falls on a holiday when the court is closed. What do I do?
15-R. This situation is an exception to the ten-day rule. You must file and serve the papers by the end of court business on the next day that the court is open following the holiday.

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SECTION 10
CIVIL

Civil cases involve legal conflicts among individuals, businesses, corporations, partnerships and governmental entities. Most civil cases are the result of personal injury, property damage, medical malpractice and contract disputes. *Arizona Rules of Civil Procedure*, beginning at Rule 72, explain how and when arbitration may be required in a civil case.

1-Q. I want to file a lawsuit. Can you tell me how to do it?
1-R. Civil actions start by filing a complaint. Additional steps in the rules of procedure are required. A civil case can be complex. Court customers may wish to contact an attorney.

Resources:

- Forms for civil actions ($10,000 and under)
- To prepare civil forms in Apache, Cochise, Coconino, Gila, Greenlee, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties AzTurboCourt.gov. This website walks users through the process of creating documents required for civil cases.

2-Q. What are subpoenas?
2-R. Subpoenas are orders to give testimony in court or demand documents be submitted to the court or the requesting party.

3-Q. How do I subpoena someone?
3-R. A subpoena is issued by the clerk's office. Some clerk's offices have the subpoena form available, but the clerk's office does not prepare the form. The party wanting the subpoena must prepare it, have it issued by the clerk's office, and make arrangements to have it served. The clerk's office can inform the party of the current filing fee, if any, for issuing the subpoena.

Resources:

- Arizona Clerks of Superior Court

4-Q. Can I serve a subpoena or do I have to hire someone to do it?
4-R. *Arizona Rules of Civil Procedure* Rule 45(b) allows service by anyone who is at least 18 years of age and not a party to the case.

Resources:

- Rule 45(b) *Arizona Rules of Civil Procedure*

5-Q. How do I serve someone with a complaint?
5-R. Service in the state of Arizona shall be by a sheriff, sheriff's deputy or private process server. A party to an action may also sign an Acceptance or Waiver of Service. *ARCP* Rule 4 and 4.l cover different types of service, including out of state service.

Resources:

- Rule 4 of *Arizona Rules of Civil Procedure*
- Rule 4.1 of *Arizona Rules of Civil Procedure*

DRAFT

6-Q. What do I do when I don't know where the other person is?
6-R. Service by publication may be available. The *Arizona Revised Statutes* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. The Service Members' Civil Relief Act is a federal statute that explains the requirements for serving a party who is in the military.

Resources:

- Rule 4.2 of *Arizona Rules of Civil Procedure*
- SMCRA website

7-Q. It says "relief requested" next to this blank on the form. What do I put there?
7-R. "Relief requested" is a party's opportunity to write in your own words what is requested of the court. Court personnel cannot tell you what words to use. If you have questions about the types of remedies available in the case, you may consult an attorney.

8-Q. I was served with this complaint and summons. What do I do now?
8-R. You should follow the instructions in the summons. If you file an answer, it must be in writing and a copy served on the other party. If you are unsure how to file an answer you may contact an attorney. The clerk can inform you of the current filing fee, if any. See Section 8 entitled "Answering a Claim."

9-Q. How long do I have to answer a complaint?
9-R. The time to file an answer to a civil complaint is twenty (20) days from the date you are served or accept service, if it is in state. If it is out of state, you have thirty (30) days to file an answer. If the last day falls on a weekend or holiday, you have until the end of the next business day to file.

10-Q. How do I appeal a superior court ruling to the court of appeals?
10-R. You (the appellant) must file a written Notice of Appeal no later than 30 days after entry of the judgment. The local court can inform you of the current filing fee, if any. You must post a $500.00 bond unless the court sets another bond amount. An Affidavit in Lieu of Bond may be submitted if you are unable to post the bond (*Superior Court Rules of Appellate Procedure*, Rule 10).

Resources:

- Rule 10 *Superior Court Rules of Appellate Procedure - Civil*
- Appeals Guide for Self-Represented Parties
- Court of Appeals – Div. 1
- Court of Appeals – Div. 2

11-Q. How do I file for default?
11-R. You can file an Application for Entry of Default and Entry of Default 20 days after the other party has been served (30 days if they were served out of state). The local court may have forms with instructions available that you can prepare, or you may seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any. You must send a copy of the Application for Default to the other party. The entry of default does not take effect for 10 business days after filing the application. Service can

DRAFT

occur in several ways. *Arizona Rules of Civil Procedure* Rule 55 and *Arizona Rules of Family Law Procedure* Rule 44 provide specific information.

Resources:

- Rule 55 of *Arizona Rules of Civil Procedure*
- Rule 44 of *Arizona Rules of Family Law Procedure*

12-Q. I got an inactive notice. What am I supposed to do now?

12-R. Inactive notices may be sent when there has been no action taken on a case or if there has been no service on a case. The notice explains options available to you. You must choose the option that best fits the situation. If you are not sure what to do, you may want to consult an attorney.

13-Q. Would you look over this form and tell me if I did it right?

13-R. Court personnel may tell you if you provided all the required information. Court personnel cannot tell you whether the information provided is correct or legally sufficient.

14-Q. When do I have to file my opposition papers on this motion?

14-R. In civil cases, Rule 7.1 of *Arizona Rules of Civil Procedure* states that the opposing party shall file any answering memorandum within ten (10) days after the motion was filed and served. Rule 6 (e) of *Arizona Rules of Civil Procedure* allows an additional five (5) calendar days when the motion is served by mail. The judge may determine there are grounds for an accelerated ruling, in which case the time for filing may be shortened. The time periods may be different when specific times for motions are otherwise provided by statute, *Arizona Rules of Civil Procedure*, or order of the court. Unless the court ordered otherwise, Arizona law requires all papers opposing a motion be filed and served on the opposing party by at least ten (10) calendar days before the hearing.

Resources:

- Rule 7.1 of *Arizona Rules of Civil Procedure*
- Rule 6(e) of *Arizona Rules of Civil Procedure*

15-Q. I figured out that I have to file my papers ten days before the hearing, but that day falls on a holiday when the court is closed. What do I do?

15-R. This situation is an exception to the ten-day rule. You must file and serve the papers by the end of court business on the next day that the court is open following the holiday.

16-Q. I have a disability that prevents me from filling out this form. Would you fill it out for me?

16-R. For qualifying disabilities, court personnel must write exactly what you dictate, being careful not to correct grammar or make any other changes to your words. Court personnel will note on the form that they assisted you, and will record your words verbatim on the form.

DRAFT

17-Q. The judge ruled in my favor in a civil case. How do I collect from the defendant?
17-R. Check with your county court for informational packet. Here are a couple of examples from Maricopa and Yavapai county courts.

Resources:

- Maricopa County Justice Court– How to Collect a Money Judgment
- Mayer Justice Court – Collecting Your Judgment

SECTION 11
JUDGMENTS - SMALL CLAIMS

1-Q. I filed a debt collection case against a person. After that, the person filed for bankruptcy. How will the bankruptcy case affect my case against that person?
1-R. Often, the bankruptcy will put a hold on the lawsuit. An attorney can advise you how it will affect your particular case.

2-Q. If I file bankruptcy will my debts go away?
2-R. Bankruptcy law is complicated and it depends on your circumstances. An attorney could advise you. You can read about bankruptcy on these websites.

Resources:

- http://www.azb.uscourts.gov/filing-without-Rttorney
- http://bankruptcy.findlaw.com/

3-Q. Once a judgment is obtained, how long before I get my money?
3-R. If the person who lost the case doesn't pay you, you can review these websites for your options to collect the money.

Resources:

- Maricopa County Justice Court– How to Collect a Money Judgment
- Mayer Justice Court – Collecting Your Judgment

4-Q. Does my judgment ever expire?
4-R. Judgments are usually good for five years. You can research the law or consult with an attorney to learn if a different time period applies to your specific case.

5-Q. How do I garnish the wages of the person who lost this case in order to collect the money the court ordered them to pay me?
5-R. Resources:

- Garnishment forms and instructions

6-Q. If the person who lost this case has more than one employer, can I garnish their wages at both jobs?
6-R. No. You can only garnish someone's wages at one job at a time.

DRAFT

7-Q. How do I find out where the defendant works?
7-R. One option is a process called a "debtor examination" or "supplemental proceedings." The purpose of this process is to learn about the defendant's assets and other information that might help you collect the judgment. An attorney could advise you if there are other options available to you.

Resources:

- Coconino County – Instructions for supplemental proceedings.

8-Q. I tried a Writ of Execution, but it didn't work. What do I do now?
8-R. A Writ of Execution is an order to the Constable to serve the defendant and attempt to collect on the judgment. Information could be obtained through a debtor examination after a judgment has been obtained. Court personnel may provide an "if you win packet" for more information. You may want to contact an attorney, as there could be more options available.

9-Q. What is a debtor's exam?
9-R. This is a process available to someone who has obtained a judgment against another party and has attempted an execution on the judgment, but the judgment debtor still has not paid the debt. In this situation the winning party may file a request for a debtor's exam. Both parties will have to appear in court where the winning party may question the judgment debtor under oath regarding the amount and location of the judgment debtor's assets (e.g., bank accounts, real property).

10-Q. Can the losing party make installment payments on the judgment?
10-R. It's up to the person who won the case whether to accept installment payments.

11-Q. The other party paid me just the judgment and not court costs. How do I collect the court costs?
11-R. View these resources for options to collect the money.

Resources:

- Maricopa County Justice Court– How to Collect a Money Judgment
- Mayer Justice Court – Collecting Your Judgment

12-Q. Why can't the judge just put the defendant in jail?
12-R. Arizona law doesn't usually let the judge put someone in jail in a civil case.

13-Q. How do I calculate my interest?
13-R. A basic method for calculating interest on a judgment:
Step 1: Multiply $ (judgment) X (interest) % = (annual interest rate due)
Step 2: Divide (annual rate) by 365 = (daily interest amount)
Step 3: Multiply the daily interest amount times the number of days since the judgment was entered. (Note: every time a payment is made the interest must be refigured.)

14-Q. I paid my judgment in full and the plaintiff has not released it. How do I get the judgment released?
14-R. You can file a request in your own words asking the court to "satisfy the judgment" and include proof that you've paid the judgment in full.

DRAFT

Resources:

- Justice Court Rules of Civil Procedure

15-Q. I paid my judgment, so why don't you satisfy it?
15-R. The court can "satisfy the judgment" only if one of the parties files a request for that. You can file a request in your own words asking the court to "satisfy the judgment" and include proof that you've paid the judgment in full.

16-Q. How do I stop a garnishment?
16-R. You can file a Request for Hearing; however, filing this request will not automatically stop a garnishment currently in effect. The Request for Hearing will get you before a judge within five (5) business days, at which point the judge will issue a ruling on any modification to the garnishment. The garnishment will still be in effect until a decision is made by the judge.

Resources:

- Garnishment forms and instructions

17-Q. Are there any liens on my property?
17-R. You may search the records in the recorder's office, or have a title company or an attorney conduct a search for them. Court personnel do not provide this service.

18-Q. How do I file a mechanic's lien?
18-R. This is done in the recorder's office. Due to potential complications concerning questions of law and notice, you may want to consult with an attorney.

19-Q. How long do I have to file a mechanic's lien or an action to enforce a mechanics lien?
19-R. In most cases a contractor or subcontractor who is owed money for products or services must file for a mechanic's lien within 90 days after the last of the materials were furnished or the last of the labor was performed. An action to enforce a mechanic's lien may be brought within two years from the expiration of the 90 days for filing a claim for the mechanic's lien. Since the determination of the 90-day filing period may involve complicated legal issues, you may consult an attorney as to the application of these code sections to the party's case.

Resources:

- Property A.R.S. §§ 33-981 through 33-1008

SECTION 12
MINORS AS PARTIES IN A SMALL CLAIMS OR CIVIL CASE

1-Q. I'm 15 years old and I haven't been paid for work I've done. How do I sue to get my money?
1-R. Your parent or guardian must file the claim.

Resources:

- Pima County Justice Court forms and instructions

DRAFT

- Maricopa County Justice Court forms and instructions
- Pinal County Justice Court forms and instructions

2-Q. Can I sue a minor?
2-R. No; however, the parent or guardian of the minor may be sued.

SECTION 13
LANDLORD/TENANT - EVICTION

This is a complex area of law that court customers may prefer the use of an attorney.

Resources:

- Arizona Residential Landlord and Tenant Act
- Rules of Procedure for Eviction Actions
- AZLawHelp.org – Eviction
- Landlord and Tenant Rights and Responsibilities

1-Q. Are eviction actions just like other lawsuits?
1-R. No, these cases move faster and require the court to hold a final hearing within a few days. If you want to contest the filing of the case you must do so as soon as possible.

2.-Q. Do I have to have an attorney represent me in an eviction action?
2.-R. No. There are lots of resources available for people who want to represent themselves.

Resources:

- Arizona Residential Landlord and Tenant Act
- Rules of Procedure for Eviction Actions
- AZLawHelp.org – Eviction
- Landlord and Tenant Rights and Responsibilities

3-Q. Does a three day "notice to quit" include weekends and holidays?
3-R. Yes.

4-Q. What does "calendar days" mean?
4-R. Calendar days include weekends and holidays.

5-Q. Where can I get legal help?
5-R. You can apply for legal services at the Arizona's Access to Justice Online Intake System.

Resources:

- AZLawHelp.org
- Arizona's Access to Justice Online Intake System
- Southern Arizona Legal Assistance
- Community Legal Services

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SECTION 14
RECOVERY OF PERSONAL PROPERTY

1-Q. How do I get my stuff out of my house?
1-R. After the court evicts you, you can file a written request with the court to let you return to the residence to pick up your personal property. You must give a copy of your request to the other party. The court will schedule a hearing to decide what property you can take, when you can pick it up, and under what conditions.

SECTION 15
REAL PROPERTY

1-Q. Can you provide me with a legal description of my property?
1-R. You can get this information from your county's treasurer, assessor, or recorder's office.

2-Q. Is an address good enough when a legal description of real property is needed?
2-R. No, you need to list the official legal description. You can get this information from your county's treasurer, assessor, or recorder's office.

3-Q. How do I get someone's name off my property?
3-R. This could be accomplished by a petition to quiet title. Like most lawsuits, it could become legally complicated. You may wish to seek the assistance of an attorney.

SECTION 16
APPEALS IN CIVIL AND LIMITED JURISDICTION COURTS

1-Q. How long do I have to file an appeal?
1-R. Fourteen (14) days from the date the court mailed the judgment or decision to you. If it is a small claims case, there is no right to appeal. If it is an eviction action, the deadline is five (5) days from the date of mailing. Weekends and holidays are not excluded from the calculation. They must be counted to determine the deadline. If, however, your deadline falls on a Saturday, Sunday or day when the court is closed, the Notice of Appeal is due on the next day the court is open.

Resources:

- Representing Yourself: A Guide on How to Appeal a Final Order or Judgment from a Justice Court or Municipal Court
- Forms

2-Q. If I am evicted, do I still have to move and pay the judgment once I file my appeal?
2-R. Yes, unless you post a "supersedeas bond" with the court. A party seeking to appeal a judgment may stay or "suspend" the enforcement of the judgment while the appeal is pending by filing a supersedeas bond. This bond is usually the amount of the judgment and stays with the court while the appeal is in process. For most tenants, filing a

DRAFT

supersedeas bond is the second most important step in appealing a justice court's decision. (The first is filing the "Notice of Appeal" on time.) By paying the "supersedeas bond" to the court, a tenant can temporarily stop the order that he or she be removed from rental housing. If a tenant does not pay the supersedeas bond, he or she will be locked out of the rental home five (5) days after the Judgment of Eviction is entered, or in the case of an "immediate" eviction, 24 hours after the Judgment of Eviction is entered.

Exception for restraining orders: The rules governing the payment of supersedeas bonds do not apply to Orders of Protection and Injunctions Against Harassment ("restraining orders").

3-Q. What do I do to file an appeal?
3-R. Fill out the proper paperwork and pay the filing fee. Read the notice of right to appeal to find out the process of the appeal and what to do next.

Resources:

- Representing Yourself: A Guide on How to Appeal a Final Order or Judgment from a Justice Court or Municipal Court

4-Q. I have filed an appeal on my eviction. Who do I pay my rent to?
4-R. The monthly rent gets paid to the court and the court will issue a check to the landlord. If you want to remain in your rental home pending your appeal, you must pay the supersedeas bond and then continue to pay your rent into the court on or before the day it is due each month. There is no "grace period" for payment. If you fail to pay rent into the court on time you may be removed from the rental property during the appeal.

Resources:

- Representing Yourself: A Guide on How to Appeal a Final Order or Judgment from a Justice Court or Municipal Court

5-Q. I have filed my appeal. Now what?
5-R. File an appellant memorandum (and typed transcript if the taped proceedings are more than 90 minutes) within 60 calendar days of the expiration of the deadline to file the Notice of Appeal. The Notice of Right to Appeal explains what an appellant memorandum is.

Resources:

- Representing Yourself: A Guide on How to Appeal a Final Order or Judgment from a Justice Court or Municipal Court

6-Q. I still don't understand what a memorandum is.
6-R. It is a written explanation of why the court's ruling was legally wrong. It may not exceed 15 pages in length.

Resources:

- Representing Yourself: A Guide on How to Appeal a Final Order or Judgment from a Justice Court or Municipal Court

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7-Q. I filed my appellant memorandum. Now what?
7-R. The opposing side has 30 days to file an appellee's memorandum (response). Once filed, a Notice to Pay Filing Fees in Superior Court will be sent. Once the fees are paid, the trial court will send the record on appeal to superior court for a decision.

8-Q. Will I get another court date?
8-R. Only if the superior court overturns the trial court's decision or if the record on appeal cannot be sent.

SECTION 17
APPEALS IN GENERAL JURISDICTION COURTS

1-Q. How do I appeal a superior court ruling to the court of appeals?
1-R. The party wanting to appeal (the appellant) may file a written Notice of Appeal no later than 30 days after entry of the Judgment. The local court can inform the party of the current filing fee, if any. You must post a $500.00 bond unless the court sets another bond amount. An Affidavit in Lieu of Bond may be submitted if you are unable to post the bond.

Resources:

- Guide for Self-Represented Appellants and Appellees
- Rule 6 of *Arizona Rules of Appellate Procedure - Civil*

2-Q. What does the "due date" heading on the appellate index refer to?
2-R. This is the date the clerk's appellate unit is required to have the lower court record transmitted to the court of appeals, and is not related to the parties' obligations.

3-Q. I filed a document with the superior court but it is not included on the appellate index. Why not?
3-R. Most often this occurs because the document was filed after the lower court record was transmitted to the court of appeals. If the appellate court requires the document, it will order the clerk to supplement the record by providing that document.

4-Q. Where do I file the appellate brief?
4-R. Once the Court of Appeals accepts jurisdiction in your case, you must file the Appellate Brief with the Court of Appeals. If you make a mistake and file it with the Superior Court at this point in your case, the Superior Court will deliver it to the Court of Appeals, but this could delay the filing of your Brief with the Court of Appeals by your deadline.

5-Q. What happens at the court of appeals after the lower court record is transmitted?
5-R. This guide explains the procedures in detail.

Resources:

- Guide for Self-Represented Appellants and Appellees

DRAFT

6-Q. The appellate court ruled on my case. How do I reopen it in the lower court?
6-R. For more information, contact the division of court administration for the case type that was appealed.

SECTION 18
JUVENILE IN LIMITED JURISDICTION COURTS

1-Q. My child got a ticket for curfew violation, possession of tobacco, underage drinking, or truancy. Does my child need to go to court?
1-R. Yes.

Resources:

- Rule 12 of *Arizona Rules of Procedure for the Juvenile Court*

2-Q. Do I have to appear in court with my child?
2-R. A parent or guardian must appear with the juvenile for all criminal or petty offenses.

3-Q. My child received a criminal traffic ticket. Does he or she need to appear in court?
3-R. In most cases, if the juvenile prefers to pay the ticket, he or she may; however, the juvenile will be required to appear in court with a parent or guardian on a class 1 misdemeanor or serious traffic violation.

4-Q. Can I be held liable if my juvenile does not do what the judge says?
4-R. Yes.

5-Q. Can a warrant be issued for my child's arrest?
5-R. At this level of the court, a warrant will not issue for the child; however, the child's license may be suspended until the child turns 18 years of age, at which time the court can issue a warrant for arrest.

6-Q. Can I sue a minor?
6-R. No; however, the parent or guardian of the minor may be sued.

SECTION 19
JUVENILE IN GENERAL JURISDICTION COURTS

1-Q. How can I cancel an adoption?
1-R. Court personnel do not provide any forms. The person may wish to consult an attorney. Adoption laws are in.

Resources:

- Child Safety A.R.S. §§ 8-101 through 8-173

2-Q. How can I contest an adoption?
2-R. Court personnel do not provide any forms. You may wish to consult an attorney.

DRAFT

3-Q. After a juvenile delinquency record has been destroyed, how do I answer the question "have you ever been convicted?" when completing a job application?
3-R. "Application for Destruction of Records" answers this question. An attorney can provide more information.

Resources:

- Destruction of Juvenile Records A.R.S. § 8-349

SECTION 20
FAMILY AND DOMESTIC RELATIONS

1-Q. If a marriage license was never recorded would someone have to file for a divorce? Who would know a marriage occurred if there is no record?
1-R. There's not an easy answer to this question. An attorney could advise you on your specific situation.

2-Q. How does someone file for divorce without an attorney?
2-R. The statutes pertaining to dissolution of marriage are found in *Arizona Revised Statutes*, Title 25. The *Arizona Rules of Family Law Procedure* list additional procedures and requirements. Your court might have a do-it-yourself divorce packet. If not, check to see if your courts will accept the Maricopa County or Pima County packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation.

Resources:

- Marital and Domestic Relations A.R.S. Title 25
- *Arizona Rules of Family Law Procedure*
- Maricopa County forms, instructions, and packets
- Pima County forms, instructions, and packets

3-Q. How do I file for legal separation?
3-R. Legal separation is filed in the same manner as a petition for dissolution of marriage. Check to see if your courts will accept the Maricopa County or Pima County packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation.

Resources:

- Marital and Domestic Relations A.R.S. Title 25
- *Arizona Rules of Family Law Procedure*
- Maricopa County forms, instructions, and packets
- Pima County forms, instructions, and packets

4-Q. How do I file for divorce in a covenant marriage?
4-R. You can read about covenant marriage in a brochure that explains when you can file for divorce if you have a covenant marriage. It also explains the extra information you'd need to give the court about your case that might not be in the do-it-yourself forms.

Resources:

- Covenant Marriage in Arizona brochure

DRAFT

5-Q. How soon after a divorce is final can someone get married again?
5-R. There is no waiting period in Arizona.

6-Q. How do I file for an annulment?
6-R. If you and your spouse have no children together, your court might have a do-it-yourself annulment packet. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation. If you and your spouse do have children together, you can research what's required for an annulment in the *Arizona Revised Statutes* and the *Arizona Rules of Family Law Procedure* and write your forms from scratch based on your research, or an attorney could help you. The clerk's office can inform you of the current filing fee, if any.

Resources:

- Annulment of a Non Covenant Marriage Forms and instructions
- Marital and Domestic Relations A.R.S. Title 25
- *Arizona Rules of Family Law Procedure*

7-Q. Do I have grounds for an annulment?
7-R. The following information sheet explains when an annulment might apply. You can also research this question in *Arizona Practice: Marriage Dissolution Practice*, section 114, which you can find at or through your local law library. If you're still unsure, an attorney can advise you. As court staff, we can give you this information, but we aren't qualified to help you decide how these laws apply to your specific case.

Resources:

- Annulment information sheet

8-Q. I don't know if I'm divorced. I haven't seen my spouse for years. Do I need to get a divorce here?
8-R. To check if you're already divorced, you can contact the court clerk's office in the county where the divorce might have happened.

Resources:

- Arizona Clerks of Superior Court

9-Q. How can I serve someone when I can't find them?
9-R. Usually, if you can't find the person, you can serve them by publishing a notice in a newspaper. You can read about the requirements and steps in the "Service of Process" section of the *Arizona Rules of Family Law Procedure*. Your court might have forms and instructions for serving by publication.

Resources:

- *Arizona Rules of Family Law Procedure*
- Maricopa County How to Serve the Court Papers by Publication

10-Q. I just got served with divorce papers. What do I do?
10-R. If you disagree with anything in the divorce papers, you can file a Response to give your input. Your deadline to file the Response is 20 days after you were served (30 days if you were served out of Arizona). If you agree with everything in the divorce papers, you have a few options. The first option is called "Consent Decree." With this option, you and

DRAFT

the other party fill out a Consent Decree together listing all your agreements. You pay a fee to participate in the case in this way. Often, there is no hearing with a Consent Decree. Your court might have do-it-yourself packets for this option. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation. If you and the other party don't agree on all areas of the divorce, you may have a "contested" case. If you and the other party don't come to a full or agreement, the court may set the matter for a hearing. Another option is called "Default," which has specific requirements. With default, the other party was served with divorce papers and proof of service has been filed with the clerk of court, and the other party has not filed a written response or answered within the time frame set by law.

Resources:

- Arizona divorce or legal separation flowchart
- Maricopa County divorce packets
- Maricopa County How to Get a Default Decree in Family Court Cases

11-Q. I was served with divorce papers on June 3. Exactly how many days do I have to respond?

11-R. See the table below for how long you have to file a written response to the Petition. Find the date in the "After" column on a calendar. Start counting on the next day. Count off the days in the "Count" column, including weekends and holidays. You must respond by the last date you counted, unless it's a weekend or court holiday, in which case you must respond by the next workday.

Where were the papers served?	How were the papers served?	Count:	After:
In Arizona, not on an Indian Reservation	Acceptance of Service	20 days	The other party signs the Acceptance of Service
	Certified Mail	20 days	The other party signs the green card
	Process Server	20 days	The other party receives the papers from the process server
	Sheriff	20 days	The other party receives the papers from the sheriff
In Arizona, on an Indian Reservation*	Acceptance of Service	30 days	The other party signs the Acceptance of Service
	Tribally Licensed Process Server	30 days	The other party receives the papers from the process server

DRAFT

Where were the papers served?	How were the papers served?	Count:	After:
	Tribal Law Enforcement	30 days	The other party receives the papers from the officer
Outside of Arizona	Acceptance of Service	30 days	The other party signs the Acceptance of Service
	Certified Mail	30 days	The other party signs the green card
	Process Server	30 days	The other party receives the papers from the process server
	Sheriff or Tribal Law Enforcement	30 days	The other party receives the papers from the officer
	Publication	60 days	The first publication

***If the papers were served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be fewer days for you to respond. An attorney can advise you.

12-Q. How do I modify my divorce decree?
12-R. Your court might have a do-it-yourself packet for changing parts of your decree, however property and debt division are generally not subject to modification and you may want to seek the help of an attorney. Many courts accept Maricopa County's packets, which explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation.

Resources:

- Maricopa County divorce packets

13-Q. Can I dismiss my dissolution or divorce case?
13-R. If you are the Petitioner and service has not been completed, you can submit a Notice of Dismissal. If service has been completed you can file a Motion to Dismiss your divorce. If both of you agree to dismiss your divorce, you can submit a Stipulation to Dismiss your divorce. You can pick up the form from the Self Service Center or you can download the form, complete it, and return it to the court. You will need to determine which form you will need.

Resources:

- Maricopa County Stipulation to Dismiss

DRAFT

14-Q. How can I get a Consent Decree signed by the court?
14-R. The court enters a consent decree when all parties have agreed on how to resolve everything required for a divorce, legal separation or annulment. You must agree in writing to issues such as division of property and debt, spousal maintenance (if any), legal decision-making, parenting time, and support (if you have children). All parties must sign the written decree. In Maricopa County, after you have waited the required time frames, paid the response fee, and attended the Parenting Information Program (if you have children) you can submit a consent decree by mail or set a hearing on the Internet.

Resources:

- In Maricopa County – Call 602-372-3332 to schedule a time to come to court and have your paperwork signed during a hearing.
- In Maricopa County set hearing on the ezCourtForms site

15-Q. How can I get a Default Decree signed by the court?
15-R. If **no** response is filed, you may be able to get divorced by default. You can set a default hearing if the other party has not filed a written response. A default hearing is scheduled when you want a divorce, other judgment or order when the opposing side does not respond in writing to your petition or motion. A default hearing cannot be set for at least 61 days after the date the petition (and other documents) were served on the respondent. If you want to set a default hearing, you must complete the Application and Affidavit of Default and file it with the clerk of the court. You must be sure service of the petition was complete, and that the other party did not file a written response or answer with the court.

At the time you file the Application and Affidavit of Default with the clerk of the court, make sure you have two (2) copies of the Application and Affidavit of Default date-stamped by the clerk. You must mail or hand-deliver one copy to the other party the day that you filed the Application and Affidavit of Default with the clerk of the court. After you have given the other party a copy of the Application and Affidavit of Default you must wait ten (10) court days.

If the other party still does not file a written response or answer in ten (10) court days, you may be able request a default hearing date.

Resources:

- Arizona divorce or legal separation flowchart
- Maricopa County divorce packets
- Maricopa County How to Get a Default Decree in Family Court Cases
- In Maricopa County – Call 602-372-3332 to schedule a time to come to court and have your paperwork signed during a hearing.
- In Maricopa County set hearing on the ezCourtForms site

16-Q. If I cannot afford to pay the fees, can I have my fees deferred?
16-R. You may fill out an Application for Deferral of your filing or service fees. Your application will be reviewed and if you qualify the court may allow you to make payments for your fees.

Resources:

- Maricopa County To Request a Deferral or Waiver of Court Fees

DRAFT

17-Q. How can I get documents or exhibits released to me from the exhibits?
17-R. You will need a court order and valid identification (driver's license or other picture I.D.) to remove materials from this section.

18-Q. How long do you keep exhibits?
18-R. There are strict criteria that have to be met in order to return exhibits or dispose of them. There is no set time for a case; only specific criteria that must be met to determine when an individual case is closed. At the conclusion of a hearing, exhibits not offered into evidence or received in evidence by the court, can be returned to the respective parties. If the matter is taken under advisement, exhibits can be returned at the time of ruling. There is a different method of return for exhibits offered into evidence or received in evidence by the court. When a case is determined closed, including such considerations as a final judgment or decree, all appeals times are over, complete, and dismissal of the case, exhibits can be released to the parties or disposal can occur.

Resources:

- In civil cases, Local Rule of Maricopa County 2.8(d) is used to determine that the case is closed for all parties.

19-Q. I filed a motion for temporary orders; how soon will I see the judge?
19-R. It usually takes about 30 days to have a hearing on temporary orders.

20-Q. My child's other parent is not complying with the decree. How do I make the other parent comply?
20-R. To enforce the order, a party may file a Petition for Enforcement, or the party may initiate a contempt proceeding with an Order to Show Cause or Order to Appear, depending on the situation. Your court might have a do-it-yourself packet to enforce the decree. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation.

Resources:

- Maricopa County divorce packets
- Rules 91 and 92 of the *Arizona Rules of Family Law Procedure*

21-Q. What does the judge consider when determining legal decision-making and parenting time?
21-R. Arizona has statutes that have specific factors that the judge follows when deciding the best interests of the children. There are other factors that may not be written in the statutes, but may be important. These factors include but are not limited to the following: The court shall determine legal decision-making, either originally or on petition for modification, in accordance with the best interests of the child. The court shall consider all relevant factors, including:

- The past, present and potential future relationship between the parent and the child.
- The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.
- The child's adjustment to home, school and community.

DRAFT

- If the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time.
- The mental and physical health of all individuals involved.
- Which parent is more likely to allow the child frequent, meaningful and continuing contact with the other parent. This paragraph does not apply if the court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse.
- Whether one parent intentionally misled the court to cause an unnecessary delay, to increase the cost of litigation or to persuade the court to give a legal decision-making or a parenting time preference to that parent.
- Whether there has been domestic violence or child abuse pursuant to § 25-403.03.
- The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding legal decision-making or parenting time.
- Whether a parent has complied with chapter 3, article 5 of this title.
- Whether either parent was convicted of an act of false reporting of child abuse or neglect under §13-2907.02.

Resources:

- Legal decision-making; best interests of the child A.R.S. § 25-403

22-Q. I want to see my child more than the court order allows. How do I get more time with my child?

22-R. Your court might have a do-it-yourself packet to change parenting time. If not, many courts accept Maricopa County's packet. Modification of parenting time may involve complicated issues and you may want to seek the help of an attorney.

Resources:

- Modification of legal decision-making or parenting time A.R.S. § 25-411
- Maricopa County forms and instructions

23-Q. My child doesn't want to return to the other parent's home at the end of my parenting time. Does my child have to go back?

23-R. Everyone must follow the court order until the judge changes it. Your court might have a do-it-yourself packet to change parenting time. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation. If someone is in danger, you can call law enforcement.

Resources:

- Maricopa County forms and instructions

24-Q. How do I move out of state with my child (the other parent is staying here)?

24-R. If your parenting time order says you can't move, you can ask the court to change that order to let you move. Your court might have a do-it-yourself packet to change parenting time. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation.

DRAFT

Resources:

- Coconino County - Moving with Children When There Are Court Orders About the Children
- Maricopa County forms and instructions

25-Q. I am supposed to pick up my kids this weekend, but the other parent says I won't be allowed to have them. Can the court make the other parent give me the kids?

25-R. The court can't enforce an order unless the other party has actually disobeyed it. If the other parent denies your parenting time, you can ask the court to enforce the parenting time order. Your court might have a do-it-yourself packet for enforcement. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation.

Resources:

- Maricopa County forms and instructions

26-Q. Will I get to talk to the judge about my family court emergency?

26-R. That is up to the judicial officer on a case-by-case basis.

27-Q. Does an unwed mother automatically have sole legal decision-making authority of the children?

27-R. Legal decision-making authority and parenting time are determined by court order. If there is no court order, law enforcement agencies, schools, and doctors may have different and conflicting policies on how they determine which parent has legal decision-making authority. To establish legal decision-making authority and parenting time, the local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

28-Q. How do I remove the "presumed father" from the birth certificate when it turns out that he is not the biological father?

28-R. Your court might have a do-it-yourself packet to establish paternity. If not, many courts accept Maricopa County's packet. These packets explain the steps and include forms. Some courts offer special programs, such as counseling, or require additional steps, such as mediation. Parties are encouraged to seek advice and assistance from an attorney. Legal services may be available locally for those who cannot afford to hire a private attorney.

Resources:

- Maricopa County forms and instructions
- Arizona Department of Health Services – paternity information

29-Q. How do I add a father's name to the birth certificate?

29-R. Adding the father's name to the birth certificate requires filing an Acknowledgment of Paternity. Acknowledgement of Paternity forms can be found at all birthing hospitals, the Office of Vital Records, the Arizona Department of Economic Security's Division of Child Support Services offices and many of the county registrar's offices health

DRAFT

department Office of Vital Records. You can also work with the courts to file for voluntary paternity or file for paternity, legal decision-making authority and related matters together. Your court may have a do-it-yourself packet. If not, many courts accept Maricopa County's packet.

Resources:

- Arizona Department of Health Services Vital Records – Corrections & Amendments to Birth Certificates
- Division of Child Support Services – Voluntary Acknowledgement form
- Maricopa County To Establish Voluntary Acknowledgement

30-Q. If the father is on the birth certificate, does he still need to petition the court for paternity orders as well as parenting time and legal decision making?

30-R. Is his paternity being challenged? If not, then probably not. Even if paternity has been legally established and the father is on the birth certificate, the father has no legal right to parenting time or decision-making until the court orders parenting time or legal decision-making. Your county superior court may have more information or forms on this particular circumstance.

Resources:

- Maricopa County forms and instructions
- Presumption of paternity A.R.S. § 25-814

31-Q. The father of my children agrees that he is the father. How can we get an order from the court?

31-R. If the father's name is on the birth certificate you may not need a court order. If both parents agree who the biological father is, you can sign a statement called an Acknowledgment of Paternity. These forms are available at all birthing hospitals, the Office of Vital Records, the Arizona Department of Economic Security's Division of Child Support Services offices and many of the county registrar's offices.

You can also establish court ordered paternity by competing paperwork and filing it with the court. A court order to change a birth certificate must have the child's birthday on it. If you have a court order for paternity, the order may be filed with the Office of Vital Records directly by the court, the agency that petitioned the court for the order, or one of the parents may deliver it in person. If you decide to bring a court order to the Office of Vital Records in person, you must bring a certified copy of the court order with you.

Resources:

- Arizona Department of Health Services Vital Records – Corrections & Amendments to Birth Certificates
- Division of Child Support Services – Voluntary Acknowledgement form
- Maricopa County To Establish Voluntary Acknowledgement

32-Q. Where can I get help completing the Parent's Worksheet to establish or modify a child support order?

32-R. The Arizona Supreme Court maintains an online child support calculator. If you do not have exact figures, you can estimate the information input on the worksheet. You should be prepared to explain to the court the numbers used.

DRAFT

Resources:

- Arizona statewide online child support calculator

33-Q. Can I get a child support order without getting a legal separation or divorce?

33-R. If the parties have never been married, yes. You may file a petition directly with the court; a private attorney may file on your behalf; or the local Division of Child Support Services may help you establish a support order, as well as paternity, if that is an issue in the case. If you are currently married, you will need to contact an attorney or research the *Arizona Revised Statutes* to determine if child support can be ordered without filing a separation or divorce proceeding in court. For information regarding child support while married, contact the Division of Child Support Services.

Resources:

- Arizona Division of Child Support Services

34-Q. Please describe legal decision-making and parenting time.

34-R. Children are your first priority when making decisions concerning their lives. Research tells us that children of separated or divorced parents do better if both parents stay actively involved in their lives. Remember, conflict is not good for your children. The way you and the other parent act may affect them. The more you and the other parent can deal with each other without conflict, the better it will be for your children. As part of the divorce process, parents or the judge will decide if major decisions regarding the children's health, education, and religion can be made by one or both parents.

In most cases, the children will likely spend time with each parent after the divorce. Arrangements regarding when and how the children will spend time with each parent are referred to as parenting time.

Resources:

- Things You Should Know About Legal Decision-Making and Parenting Time

35-Q. What does the judge consider when determining legal decision-making and parenting time?

35-R. Arizona has statutes that have specific factors that the judge follows when deciding the best interests of the children. There are other factors that may not be written in the statutes, but may be important. These factors include but are not limited to the following: The court shall determine legal decision-making, either originally or on petition for modification, in accordance with the best interests of the child. The court shall consider all relevant factors, including:

- The past, present and potential future relationship between the parent and the child.
- The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest
- The child's adjustment to home, school and community.
- If the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time.

DRAFT

- The mental and physical health of all individuals involved.
- Which parent is more likely to allow the child frequent, meaningful and continuing contact with the other parent. This paragraph does not apply if the court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse.
- Whether one parent intentionally misled the court to cause an unnecessary delay, to increase the cost of litigation or to persuade the court to give a legal decision-making or a parenting time preference to that parent.
- Whether there has been domestic violence or child abuse pursuant to § 25-403.03.
- The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding legal decision-making or parenting time.
- Whether a parent has complied with chapter 3, article 5 of this title.
- Whether either parent was convicted of an act of false reporting of child abuse or neglect under § 13-2907.02.

Resources:

- Legal decision-making; best interests of the child A.R.S. § 25-403

36-Q. What are the types of legal decision-making in Arizona?

36-R. You may want to look at the definitions for legal decision-making.

- **"**Legal decision-making" means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions. For the purposes of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody.
- "Joint legal decision-making" means both parents share legal decision-making and neither parent's rights are superior, except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. "Parenting time" means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.
- "Sole legal decision-making" means one parent has the legal right and responsibility to make major decisions for a child.

Resources:

- Definitions A.R.S. § 25-401

37-Q. How can I find out more information regarding legal decision-making and parenting time?

37-R. The Arizona Supreme Court has more general information about legal decision-making and parenting time in this brochure.

Resources:

- Things You Should Know About Legal Decision-Making and Parenting Time

38-Q. What is the Parenting Information Class (PIP)?
38-R. Parent Information Program (PIP) is a mandatory class that provides information to divorcing parents, or parents involved in other domestic relations actions, concerning what their children may be experiencing during this emotionally difficult period. There are certain agencies that provide PIP classes in person and online.

39-Q. If we agree on joint legal decision-making what paperwork do we need to complete?
39-R. You will need a parenting plan, signed by both parents that includes:

- A designation of the legal decision-making as joint or sole as defined in §25-401.
- Each parent's rights and responsibilities for the personal care of the child and for decisions in areas such as education, health care and religious training.
- A practical schedule of parenting time for the child, including holidays and school vacations.
- A procedure for the exchanges of the child, including location and responsibility for transportation.
- A procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of conciliation services or private counseling.
- A procedure for periodic review of the plan's terms by the parents.
- A procedure for communicating with each other about the child, including methods and frequency.
- A statement that each party has read, understands and will abide by the notification requirements of A.R.S. § 25-403.05, subsection B.

Resources:

> - Things You Should Know About Legal Decision-Making and Parenting Time
> - Planning for Parenting Time Arizona's Guide for Parents Living Apart
> - Sexual offenders; murderers; legal decision-making and parenting time A.R.S. § 25-403.05, subsection B

40-Q. Is Arizona a community property state?
40-R. Arizona is a community property state because of our state law. Community property generally means that spouses equally share ownership of anything purchased, acquired, or paid for during the marriage no matter who uses the property, who paid for the property or what name a title is under.

41-Q. What are examples of community property and debts?
41-R. Examples of community property include: real estate, home furnishings, vehicles, bank accounts, investment accounts, credit card debts, student loans, car payments, and some retirement plans. All property or debt that either spouse acquires during the marriage is likely considered community property or debt unless it can be proven that certain property was acquired as a gift or inheritance.

42-Q. Under what circumstances can spousal maintenance be paid?
42-R. Generally, the parties can agree or the court can order spousal maintenance be paid by one spouse to another. The court will follow the state law (A.R.S. § 25-319) when determining if spousal maintenance is appropriate:

DRAFT

A. In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse for any of the following reasons if it finds that the spouse seeking maintenance:

1. Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.
2. Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient
3. Contributed to the educational opportunities of the other spouse.
4. Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

43-Q. How do I appear after default is entered against me?
43-R. *Arizona Rules of Family Law Procedure* list these procedures and requirements. The local superior court may have forms with instructions available that you can prepare, or you may seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any.

Resources:

- *Arizona Rules of Family Law Procedure*
- Maricopa County How to Get a Default Decree in Family Court Cases

44-Q. How do I amend a motion?
44-R. *Arizona Rules of Family Law Procedure* list these procedures and requirements. The local superior court may have forms with instructions available that you can prepare, or you may seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any.

Resources:

- *Arizona Rules of Family Law Procedure*

45-Q. My child and former in-law are divorced and now I'm being kept from seeing my grandkids. How can I get to see them?
45-R. This is called grandparent's visitation. The local superior court may have forms with instructions available that you can prepare, or you may seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any.

Resources:

- Maricopa County establish grandparents visitation packet

46-Q. How can I get my parental rights restored?
46-R. Restoration of parental rights is a complex matter and court personnel do not provide forms. You may wish to contact an attorney.

47-Q. How can I get my children back?
47-R. If the Department of Child Safety (DCS) has removed your child from your home, you will be served with a Notice of Hearing. A court hearing will be set within seven (7) days. Any requests to the court must be made in writing. The local court can provide forms

DRAFT

for dependency petitions and service, requests for review of temporary custody (only in dependency) and requests for appointment of an attorney or court interpreter. Other forms are available at local court websites and self-service centers.

48-Q. How do I tell the court what witnesses I'm bringing to a hearing?
48-R. *Arizona Rules of Family Law Procedure* provides these requirements. The local superior court may have forms with instructions available that you can prepare, or you may seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any.

Resources:

- *Arizona Rules of Family Law Procedure*

49-Q. How do I get a protective order (order of protection or injunction against harassment?
49-R. Most protective orders can be filed in any justice court, municipal court, or superior court. However, when there is an active case between parties pending in superior court in family court, the petition must be filed in the superior court under your active case number. The protective order must be served on the other party by a process server or law enforcement officer before it is effective. The order will remain in effect for one year from the date it is served on the other party. If you are seeking an order of protection at the Superior Court in Maricopa County, you must go to the Family Violence Prevention Center located at the courthouse.

50-Q. I was dating someone and we split up. They have property that belongs to me that they won't let me have (car, furniture or other property). How do I get my property back?
50-R. This situation is a civil matter. If the value of the property is $10,000 or less, you may file a small claims case in justice court. If the value of the property is more than $10,000, you may file a civil complaint in superior court. For other options that may be available, you may want to speak with an attorney.

51-Q. How is child support determined in Arizona?
51-R. The current Arizona Child Support Guidelines follow the Income Shares Model. An income shares model is a model that takes into consideration the income of both parents. The guidelines allow for the children to be supported at the same level as when the parents and child were living together. Each parent contributes his or her proportionate share of the total child support amount. The Arizona Supreme Court and the Self Service Center also offer a free online child support calculator that may help you determine if a change in the child support amount is appropriate

Resources:

- Arizona statewide online child support calculator
- Arizona Child Support Guidelines

52-Q. What are IV-D services?
52-R. Title IV-D (Title IV-D of the Social Security Act) services are for any person with legal decision-making of a child who needs help to establish a child support or medical

DRAFT

support order, any parent who already has a support order who needs help to collect support payments, or any noncustodial parent can apply for IV-D child support.
If you are receiving public assistance from Temporary Assistance for Needy Families (TANF), or Medicaid or federally-assisted Foster Care programs, you have been automatically referred to the Division of Child Support Services (DCSS) for services.

Resources:

- Arizona Division of Child Support Services

53-Q. How do I apply for Title IV-D services?
53-R. You must contact the Division of Child Support Services (DCSS). DCSS is a Division of the Department of Economic Security (DES) that is charged with the statewide administration and operation of the Child Support Enforcement Program as established by Title IV-D of the Social Security Act.

Resources:

- Arizona Division of Child Support Services

SECTION 21
NAME CHANGE

1-Q. How do I change my name?
1-R. You may file an application in the superior court in your county of residence, listing reasons for the change and the name to be adopted. The court may enter judgment that your adopted name be substituted for your original name. You are required to contact the state vital records department of your birth with the court order.

Resources:

- Arizona Supreme Court name change forms and instruction
- A.R.S. Title 12 Courts and Civil Proceedings

2-Q. How do I change a minor's name when the other parent won't sign the request?
2-R. When the other parent does not agree with the request to change a minor's name, you must provide Notice of Hearing Regarding Application for Change of Name. The local superior court may have forms with instructions available; you can prepare your own application or seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any.

Resources:

- Arizona Supreme Court name change forms and instruction
- A.R.S. Title 12 Courts and Civil Proceedings

3-Q. How can I view the electronic court record?
3-R. Maricopa County - You can access the public information portion of the court and clerk's computer system by visiting the Customer Service Center at 601 W. Jackson (Phoenix), the Southeast Court at 222 E. Javelina (Mesa), the Northwest Court at 14264 W. Tierra Buena Lane (Surprise), or the Northeast Court at 18380 N. 40th Street, Suite 120 (Phoenix). You will find computer terminals that access the Integrated Court Information System (iCIS), which allows search capability of both iCIS cases and

DRAFT

information available in the L-Index (an archival listing of past cases and documents, with minimal identifying information). This means you can view case, party, docket, and judgment information from the computer terminal. You can also access and print scanned images of documents.

You can access documents anywhere through the Electronic Court Record (ECR) for those cases you, as a registered user, are directly related to. Attorneys are able to access images on cases where they are on the case record, and individual parties will have access to cases where you are the party of record. The system will not allow access to sealed cases, sealed documents, or Mental Health cases. One time registration to authenticate user identity is required and can be found at https://ecr.clerkofcourt.maricopa.gov/login.aspx**.** An Arizona driver's license is required for online authentication. Please be aware that copies printed from the ECR website are not considered certified. Certified copies of records must be obtained on paper, either in person or by mail from the clerk's office.

SECTION 22
PROBATE – MENTAL HEALTH

Probate cases present a challenge to courts across the country. They require a high degree of oversight to protect and prevent mistreatment of protected individuals and their property. The term "Probate Court" is used generically to reference the court that hears not only estate probate and intestate matters but also a variety of other cases that traditionally involve filings in the areas of guardianship, conservatorship, elder fraud, and physical abuse.

1-Q. Do I have to open an estate for a dead relative?
1-R. If you have a legal right to claim the property, and the value of all personal property is less than $75,000 or the value of the real property is less than $100,000, you may be able to file an Affidavit for Collection of All Personal Property or Affidavit for Transfer of Title to Real Property. If value of the personal property exceeds $75,000 or the value of the real property exceeds $100,000, you may qualify for an informal probate. Forms for filing are available in some self-service centers and some superior courts. You should consult an attorney to determine if you have a legal right to the property or if the estate has to be probated and to help guard against undesired and unexpected consequences. The clerk's office can inform the party of the current filing fee, if any.

Resources:

- Affidavit for Transfer of Real Property
- Affidavit for Collection of All Personal Property
- Maricopa County Probate cases webpage

2-Q. How do I get title changed on property that belonged to my relative (husband, wife, father, mother, etc.) who is now deceased?
2-R. If the value of the estate is less than $100,000, you may file an Affidavit for Transfer of Title to Real Property. Self-service centers or superior courts may have forms available online. If the value of the real property exceeds $100,000, you may qualify to file an informal probate. You should consult an attorney to determine if the estate has to be

probated and to help guard against undesired and unexpected consequences. The clerk's office can inform you of the current filing fee, if any.

Resources:

- Affidavit for Transfer of Title to Real Property
- Maricopa County Probate cases webpage

3-Q. My spouse died. How do I get his or her last paycheck?

3-R. For wages, you can file an affidavit at any time with the employer of the deceased and collect the deceased's wages if they are not more than $5,000. If more than $5,000, a probate case may be filed.

Resources:

- Trusts, Estates, and Protective Proceedings Title 14, Arizona Revised Statutes

4-Q. My spouse died. How do I get the money out of his or her savings or checking account or any other personal property?

4-R. If the value of the personal property is less than $75,000, you may file an Affidavit for Collection of All Personal Property. If the value of the personal property exceeds $75,000, you may qualify to file an informal probate. Forms for filing an informal probate are available in some self-service centers and some superior courts. You should consult an attorney to determine if you have a legal right to the property or if the estate has to be probated and to help guard against undesired and unexpected consequences. The clerk's office can inform you of the current filing fee, if any.

5-Q. Do you have my will?

5-R. The local superior court clerk can tell you whether your will is being stored in the clerk's office. The local county recorder's office can tell you if the will is recorded in its office.

6-Q. How can I get someone committed because he is a threat to himself or others?

6-R. You should contact the Arizona Department of Health Services, Division of Behavioral Health Services at 602-364-4558, or the Federal Mental Health Services Administration Treatment Referral Routing Service at 1-800-662-HELP (4357). Through either agency, you can request to be connected to the Regional Behavioral Health Authority in your region to inquire about completing an Application for Involuntary Evaluation.

7-Q. Do I need an attorney to file a guardianship and conservatorship?

7-R. It is possible for you to file a guardianship and conservatorship on your own, but due to legal complexities and potential liability, you may wish to consult an attorney. The local court or self service center may have forms and instructions. The clerk's office can inform you of the current filing fee, if any.

Resources:

- Arizona Supreme Court Probate webpage

DRAFT

8-Q. How do I establish guardianship and conservatorship of an adult?
8-R. The local superior court may have forms with instructions available that you can prepare, or you may seek the help of an attorney. The clerk's office can inform you of the current filing fee, if any.

9-Q. As a guardian (or conservator), do I have to file an annual report?
9-R. Yes. *Arizona Revised Statutes*, Title 14, lists additional procedures and requirements in this area.

Resources:

- Arizona Supreme Court Probate webpage
- Trusts, Estates, and Protective Proceedings Title 14 Arizona Revised Statutes

10-Q. How do I prepare a guardian's report?
10-R. The local superior court may have forms with instructions available that the party can prepare, you may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

Resources:

- Arizona Supreme Court Probate webpage
- Maricopa County Probate cases webpage

11-Q. Who do I call for a bond?
11-R. Some courts provide lists of bonding companies. Bonding companies can also be found online or in the phone book. Maricopa County suggests you contact your insurance agent as well.

SECTION 23
CRIMINAL
In Limited and General Jurisdiction Courts

1-Q. What is the procedure for entering a plea to a criminal charge?
1-R. There are three possible pleas to a criminal charge:

- Plea of Not Guilty - The defendant denies guilt and the State must prove the criminal charge(s) against him order. The State is represented by the city or county prosecutor's office.
- Plea of Guilty - The defendant admits that he or she committed the acts charged in the complaint, that the acts are prohibited by law and that he or she has no legal defense for such acts.
- Plea of No Contest - This plea, also known as *nolo contendere*, means the defendant is not admitting guilt and not denying it. The defendant is saying that he or she does not wish to contest the State's charges. Upon a plea of no contest, the judicial officer may find the defendant guilty and enter a judgment of guilt.

2-Q. What happens at a trial on criminal charges or complaints?
2-R. Depending on the alleged offense, a defendant may be entitled to a trial by jury. The defendant is entitled to hear all testimony introduced against him or her. A defendant

DRAFT

has the right to cross-examine any witness who testifies against him or her, to testify on his or her own behalf and a Constitutional right not to testify. If the defendant chooses not to testify, a refusal cannot and will not be used against the defendant in determining his or her guilt or innocence. However, if a defendant chooses to testify, the prosecutor will have the right to cross-examine the defendant. A defendant may call witnesses to testify on his or her behalf and has the right to have the court issue subpoenas for witnesses to ensure appearance at the trial.

3-Q. What will be my sentence?
3-R. The judge imposes the sentence. Court personnel cannot guess, as different facts and law may apply to each case.

4-Q. What happens at the arraignment?
4-R. The process may vary depending on the court. The accused may be advised of his or her rights, charges and consequences of convictions and asked to enter a plea of guilty, not guilty or no contest. In some courts the judge may enter a not guilty plea on behalf of the accused and remind the accused of the need to attend all hearings.

5-Q. What happens after I enter a plea at arraignment?
5-R. Once you have decided on your plea you must enter a plea with the judge at your arraignment. Unless the case involves a victim who has asked to be present, no witnesses will be present at arraignment and no testimony will be taken. At an arraignment, the judge will not grant a request to dismiss any charges. You must enter a plea to the charges against you.

- If a plea of guilty or no contest is entered you may be sentenced immediately following the judge's acceptance of your plea or you may be sentenced at a later date.
- If a plea of not guilty is entered, a pre-trial disposition conference will be scheduled followed by a trial setting. You must decide, if you have not already done so, whether to employ an attorney to represent you.
- You may be represented only by yourself or an Arizona licensed attorney. In some circumstances, a court- appointed attorney may be provided you.

If you cannot afford an attorney and wish representation, you may request that an attorney be appointed to represent you. An examination of your financial status will be made to determine if you are entitled to a court-appointed attorney. If eligible, you may be ordered to pay a portion of the attorney's cost.

6-Q. How do I post bond?
6-R. Procedures vary. Contact the local court or jail for locations and hours for posting bond. Some courts or agencies accept cash, money orders, bank checks (cashier's checks), personal checks, MasterCard, Visa or other major credit cards. Some agencies will only accept the exact amount of cash or a money order. Call first.

7-Q. I do not have the money to post bond. How can I find a bail bond agency?
7-R. Some courts provide lists of bonding companies. Bonding companies may also be found in the yellow pages or search online for bail bond agencies.

DRAFT

8-Q. What happens at a pre-trial conference?
8-R. A defendant or the defendant's attorney will be given an opportunity to meet with a prosecutor to review the facts supporting the State's criminal charges against him or her. At the pre-trial conference, a defendant is entitled to review a copy of the complaint, any written police reports or any other evidence that the State intends to use at the trial. Witnesses do not attend the pre-trial disposition conference and no testimony is taken. However, victims do have the right to be present if they request to do so.

- A defendant has three options at the pre-trial conference:

(a) Change his or her plea to guilty and accept the prosecutor's settlement offer, which contains the recommended sentence he or she will receive upon acceptance by the judge;
(b) Reject the prosecutor's offer and change his or her plea of not guilty to a guilty or no contest plea and accept the sentence determined by the judge;
(c) Maintain his or her plea of not guilty and have the case set for a trial date.

9-Q. Can I reschedule (continue) my hearing to a later date?
9-R. Only the judge can continue a hearing. You may file a written request with the clerk and provide a copy of the request to the other parties (or the prosecuting attorney in a criminal case) for the judge to consider the request.

10-Q. Can I plead by telephone?
10-R. If authorized by the court and the case is a misdemeanor, a telephonic plea may be available provided you are an out of state resident or you reside more than 100 miles from the court.

11-Q. How do I get unsupervised probation?
11-R. Probation is determined by the judge. You would in most cases be represented by counsel who could make the request to the court on your behalf. You may also talk to the probation officer who is preparing a pre-sentence report and ask the probation officer to recommend that, if appropriate. If you are representing yourself, you may request that the court impose unsupervised probation at the time of sentencing. The final decision is up to the judge.

12-Q. How do I clear my record and get my rights restored?
12-R. If you are a first-time offender, convicted of a single felony count, you do not need to petition the court for restoration of civil rights. Civil rights are automatically restored upon successful completion of all aspects of sentencing, including payment of all court ordered fines, fees and restitution. The right to possess firearms requires petitioning the sentencing court. The judge will determine whether or not to grant the request. If you served time in prison, two years must have passed since the date of absolute discharge before becoming eligible to file for restoration of civil rights. To restore civil rights, the party may apply to the sentencing court to vacate the judgment of guilt, dismiss charges and restore civil rights in Arizona. The Certificate of Absolute Discharge must be included with your application.

13-Q. My relative got arrested. Who do I talk to?
13-R. If your relative has an attorney, you may contact your relative's attorney. Court personnel may provide public information, such as upcoming court dates and how to post

DRAFT

bond. In some cases, the arresting agency can provide terms of release or other information and may be able to accept bond.

14-Q. I posted bond for someone. How and when can I get my money back?
14-R. The bond will be exonerated (released) after the conclusion of the case or when ordered by the court. The court must have a current mailing address to return money, which usually occurs within a few days of the exoneration order.

15-Q. What victim services are available?
15-R. Victim services are available through the local county attorney's office. Victims' services vary between courts and agencies and based on misdemeanor or felony crimes may be available through the prosecutor's office involved in the case, the law enforcement agency involved in the case, or an outside agency. A victim advocate can explain the judicial system, act as a link between the prosecutor and the victim, give current case status information, assist in obtaining orders of protection, make referrals for counseling, food, shelter, and escort victims while they testify or appear at hearings.

16-Q. What is a public defender?
16-R. A public defender is an attorney who represents a person who is accused of a crime who cannot afford to hire an attorney. Some counties have public defender offices that have a number of attorneys on staff. Some counties may contract with private attorneys to provide services to the accused who cannot afford to hire an attorney.

17-Q. Will the county attorney represent me?
17-R. The county attorney and other prosecutorial agencies usually represent the State and its municipalities in criminal cases. For more information, the party may contact the county attorney or prosecuting agency.

18-Q. Can you appoint an attorney for me?
18-R. Only a judge can appoint an attorney, and only in certain cases. In most civil and domestic cases, attorneys are not appointed.

19-Q. What is a warrant?
19-R. A warrant is an order from the court to law enforcement to take someone or something into custody. Some warrant information is forwarded to law enforcement agencies throughout Arizona. For example, the court may order a "bench" warrant for law enforcement to arrest someone who failed to appear in court, or the court may issue a search warrant for law enforcement to seize and remove property from a person, place, or thing.

20-Q. What are the different warrants?
20-R. There are several different times in criminal cases when warrants may be issued by the court: at the beginning of a case, during a case if a defendant fails to appear, or after sentencing when a defendant fails to comply with a court order.

Criminal arrest warrants may be issued when there is reasonable case to suspect an individual of a misdemeanor or felony crime.

DRAFT

Arrests result in being held in jail until a bond is paid or until the defendant is brought to court from the jail to see a judge. The judge will decide if bond is continued or if the defendant can be released on his or her own recognizance, meaning the defendant remains personally responsible for appearing, but is not required to post a bond.

When a person fails to appear for a scheduled court date, a warrant is issued. The defendant may be arrested and may be required to post a bond and another court date will be set. If a defendant knows ahead of time that he or she cannot attend court at the scheduled time, the defendant may request a continuance. The defendant must appear unless the continuance is granted by a judicial officer. The defendant may contact his or her attorney, if one has been appointed or retained, or appear as soon as possible in court to ask the judge to quash (end) the warrant and to reset the court date. The judge decides whether to require bond.

A warrant may be issued if a person placed on probation violated his or her probation, or if the defendant failed to comply with any other order the court imposed at sentencing.

21-Q. What attorney should I call to handle my case? Who would be good?
21-R. Court personnel cannot advise a party whether the party should hire a lawyer, nor may they recommend a specific lawyer. Some courts provide a list of local attorneys and there may be a list of local resources of attorneys who will work for a reduced fee or no fee.

Resources:

- Maricopa County Bar Association Lawyer Referral Service
  602-257-4434 - http://maricopalawyers.org
- Pima County Bar Association Lawyer Referral Service:
  520-623-4625 - http://www.pimacountybar.org
- Arizona Foundation for Legal Services & Education:
  866-637-5341 - www.azlawhelp.org

22-Q. I cannot afford to hire an attorney. How do I get one appointed?
22-R. You may request the court to appoint an attorney when you make the first court appearance. You will have to complete a financial affidavit to determine whether or not you qualify for a court appointed attorney. In some cases, the court may appoint an attorney to represent you, even if you do not want an attorney, if the court determines it is in your best interest or if the case is too complex for you to self-represent. In other cases, when you wish to self-represent, the court may appoint an attorney as advisory counsel. The court may order you to pay a monthly amount towards the costs of your attorney either during the case or, if you are convicted, after you have been sentenced.

23-Q. What have I been charged with?
23-R. Court personnel may show you the public record file if it is not confidential or sealed.

24-Q. What sentence will I get if I plead guilty?
24-R. The judge imposes the sentence. Court personnel cannot guess, as different facts and law may apply to each case. However, certain offenses have mandatory sentences,

DRAFT

meaning a judge cannot order a lesser sentence than is required. Other offenses allow a judge to use discretion to determine the appropriate sentence. If a charge has a mandatory sentence, the judge will inform you of that during the sentencing proceeding.

25-Q. When do I have to pay my fine?
25-R. The terms and schedule for paying fines and other obligations are set by the judge at the time of sentencing. If you have lost the paperwork, the information may be available in the public record or from the probation office, if applicable.

SECTION 24
CRIMINAL
In General Jurisdiction Court

1-Q. Will you give me an extension to pay my fine?
1-R. Usually only a judge may grant an extension. You may file a request in writing with the clerk who will then process the request to the judge for consideration. In some cases, probation officers have the authority to grant extensions. You may check with the probation officer first.

2-Q. How do I get unsupervised probation?
2-R. Probation is determined by the court. You would in most cases be represented by an attorney who may make the request to the court. You may also talk to the probation officer who is preparing a pre-sentence report and ask the probation officer to recommend that option. If you are representing yourself, you may make the request at the time of sentencing. The final decision is up to the judge.

3-Q. How do I get a copy of my grand jury minutes or presentence investigation?
3-R. For a copy of grand jury transcripts, a request must be made in writing to the judge who presided over the case, providing a specific reason to support the request. Presentence investigations are public record after they are filed with the clerk of the court's office. Copies are available from the clerk.

4-Q. How do I appeal my case?
4-R. In superior court, you may only appeal a criminal case under certain circumstances. The party's Notice of Rights of Review after Conviction will tell you what may be appealed. If you do not have the right to appeal, you may file for post-conviction relief. The Notice of Rights of Review after Conviction provides the procedure for filing post-conviction relief.

DRAFT

SECTION 25
JURY SERVICE

1-Q. Where does the jury commissioner obtain names of prospective jurors?
1-R. The list of names used to summon people for jury service is created by combining the county's voter registration list and Arizona Department of Transportation records. Names are randomly selected from that master jury list.

2-Q. I have been called to serve three times in the past five years and none of my friends have ever been called. Why don't you pick some other people?
2-R. Names are randomly selected to summon potential jurors. Since that process is random, some people may be selected more often than others.

3-Q. Some people would volunteer for jury service if you'd let them. Why don't you?
3-R. The jury office adheres to the random selection process set forth in the law. Arizona law does not allow people to volunteer for jury service.

4-Q. I can no longer fulfill my duties as a juror. Can't you take my name off your list?
4-R. Under certain circumstances, such as permanent mental or physical disability, jury staff can permanently remove a name from its records. Prospective jurors must explain their situation in writing and return it to the jury office with any required supporting documentation. Since April 13, 2005, people who receive a jury summons to an Arizona court who are at least 75 years of age may be excused upon written request. Eligible citizens who wish to be excused should mark this option on their summons and return it to the jury office.

5-Q. I am not a citizen of the United States but I would still like to serve as a juror. Why can't I?
5-R. Arizona law disqualifies non-citizens, non-residents, convicted felons whose civil rights have not been restored, and people under 18 years of age from jury service.

6-Q. Is jury service mandatory?
6-R. Yes, the United States Constitution and the Arizona State Constitution guarantee the right to trial by jury. Failure to attend as directed may subject the person to penalties provided by law, including a fine up to $500 and being rescheduled for jury service.

Resources:

- Arizona Revised Statutes Title 21

7-Q. How long will I have to serve as a juror?
7-R. If selected to serve on a jury for a trial, service is complete at the conclusion of the trial. Generally, jury service is also complete for those who are not selected to serve on the first day.

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8-Q. Are there ever any instances when I may have to serve longer?
8-R. Jurors have to serve the length of the trial. Trials usually end within three to five days. During the jury selection portion of the case, the judge presiding over the trial will state the estimated length of that particular trial.

Resources:

- Arizona Supreme Court Jury Service Information webpage

9-Q. I served on a jury three years ago. Do I have to serve again already?
9-R. Yes. Jurors who appeared for service but were not chosen for a trial are exempt from serving again for a period of time determined by the jury commissioner, generally ranging from one to two years. Jurors who served on a jury panel for a trial in Arizona are exempt from serving again for two years. If it has been more than two years since serving as a juror, citizens are required to appear for jury service again, regardless of how many times they have served in the past**.**

Resources:

- Arizona Supreme Court Jury Service Information webpage

10-Q. How do I request to be excused from jury service?
10-R. Prospective jurors who are otherwise qualified to serve may be excused from jury service for certain reasons and hardships. The jury summons or local jury office can provide the specific reasons or hardships and explain the supporting documentation needed with the request to be excused. Each request is reviewed individually. Potential jurors are encouraged to complete the juror questionnaire truthfully, to the best of their knowledge. Failure to do so is against the law. Jury service is a citizen's civic duty and responsibility.

Resources:

- Arizona Supreme Court Jury Service Information webpage

11-Q. I know that I will not be selected for a jury because of what I do for a living. Why not excuse me now and save time?
11-R. Many courts try civil and criminal cases, both of which require juries. The random selection process prevents jurors from knowing in advance what trial or the type of trial for which they will be selected. Jury office staff cannot excuse potential jurors based on what they do for a living. However, peace officers wishing to be excused may review the requirements explained in A.R.S. Title 21, and send the necessary documentation to the jury office.

Resources:

- Arizona Supreme Court Jury Service Information webpage

12-Q. I am unable to judge anyone because of my moral or religious beliefs. May I be excused?
12-R. Arizona law does not provide an excuse from jury service for moral or religious beliefs; jury service is still required. Prospective jurors may tell the judge about their beliefs during the jury selection process.

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13-Q. Does my employer have to pay me for serving as a juror?
13-R. No. Arizona law does not require employers to compensate their employees while they are on jury service. Many employers support the jury system and provide jury service benefits and will continue employee wages while they serve as a juror. Each employer may have a policy answering this question.

14-Q. Can my employer prevent me from serving as a juror?
14-R. Arizona law prohibits an employer from discharging or in any manner discriminating against an employee for taking time off to serve as a juror if the employee, prior to taking time off, gives reasonable notice to the employer of the requirement to serve as a juror. Jurors who experience problems with their employers should contact the jury office for assistance.

Resources:

- Arizona Revised Statutes Title 21

15-Q. I live closer to a different court than the one where I've been summoned. Why can't my service be transferred there?
15-R. Arizona law requires that jurors be selected randomly from the court's jurisdiction. Prospective jurors must appear at the court to which they were summoned.

16-Q. How late will I be at the courthouse?
16-R. The hours of operation for most courts are 8:00 a.m. to 5:00 p.m. Prospective jurors should make arrangements to remain the entire day.

17-Q. What about getting a postponement?
17-R. Courts realize prospective jurors may have been summoned at an inconvenient time and in most instances are willing to reschedule service to a more convenient time. Review the jury summons or contact the local jury office for information on postponing jury service.

Resources:

- Arizona Supreme Court Jury Service Information webpage

18-Q. Will I be compensated for jury service?
18-R. Yes, jurors who appear only on the first day will be compensated for their mileage. Jurors selected to serve on a trial will receive compensation for every day the trial lasts, plus mileage. Courts differ in how often they compensate jurors for jury service (daily, weekly, or bi-weekly).

19-Q. My jury summons asks if I have been convicted of a felony and if my civil rights have been restored. How do I find out if I was convicted, if it was a misdemeanor or a felony, and how do I know if my civil rights have been restored?
19-R. You may check with the records department of the court where you were sentenced to see what the conviction was on the sentencing minute entry or order. Persons are "convicted" when sentenced to a felony or if the charge is left "undesignated." If the conviction was a first-time felony, and all terms of the sentence are completed (monies paid, probation, etc.) then civil rights and the right to sit on a jury are automatically restored. If the conviction was a second-time felony (or more), you must

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apply to have civil rights restored. If the sentencing minute entry or order reflects "undesignated felony" (still a felony conviction), the judge has the option to designate the offense a misdemeanor after the party has completed all aspects of the sentence. If the judge chooses to do this, the judge will mark "misdemeanor" on the bottom of the discharge. If the judge chooses not to designate the felony a misdemeanor, you may ask the sentencing judge to do this. The discharge can also be found at the records department of the court where the person was sentenced.

SECTION 26
CALCULATING NUMBER OF DAYS

Rules of Civil Procedure 6(a). Computation

In computing any period of time specified or allowed by these rules, by any local rules, by order of court, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. When the period of time specified or allowed, exclusive of any additional time allowed under subdivision (e) of this rule, is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When the period of time is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

Rules of Civil Procedure 6(e). Additional time after service by mail

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party, and the notice or paper is served by mail, five calendar days shall be added to the prescribed period. This rule has no application to the distribution of notice of entry of judgment required by Rule 58(e).

Rules of Criminal Procedure 1.3. Computation of Time

In computing any period of time of more than 24 hours prescribed by these rules, by order of court, or by an applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which case the period shall run until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sunday, and legal holidays shall be excluded in the computation. Whenever a party has the right or is required to take some action within a prescribed period after service of a notice or other paper and the notice or paper is served by a method authorized by Rule 5(c)(2)(C), (D), or (E), *Arizona Rules of Civil Procedure*, five calendar days shall be added to the prescribed period. Mailing pursuant to *Arizona Rule of Civil Procedure* 5(c) (2) (C) includes every type of service except same day hand delivery.

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The Question and Response (Q&R) Handbook presented herein may be copied, reproduced, and used by court personnel and members of the public to assist with answering commonly asked questions regarding court procedures. However, no part of this publication may be reproduced in any form or by any means, except for non-profit purposes, without permission in writing from:

Arizona Supreme Court
Administrative Office of the Courts
Court Services Division

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Question & Response (Q&R) Handbook
How to Respond to Common Questions from Court Customers

© 2015 Arizona Supreme Court
Court Services Division, Court Programs Unit
1501 W. Washington, Suite 410
Phoenix, AZ 85007-3231
(602) 452-3250

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☒ Formal action or request ☐ Information only ☐ Other	Report from the Self-represented Litigants in Limited Jurisdiction Courts (SRL-LJC)

From: SRL-LJC Workgroup

Presenter: Chair Judge Rachel Torres Carrillo

Discussion: Judge Carrillo will be presenting on the work of the SRL-LJC Form's subgroup related to forms and instruction packets. She will also briefly discuss the work of Paul Julien's resources subgroup on landlord/tenant videos.

Judge McMurry will be presenting on the Maricopa County Justice Court Best Practices handout that he worked on along with Judge Gerald Williams and Charles Adornetto who were recognized by Chief Justice Bales for their work in the area of ensuring access to justice for self-represented litigants.

Recommended motion: Motion to approve final drafts in concept with the understanding that these forms and information packets will be edited by ASU to get the forms to a fifth grade reading level. Also, with the understanding that these forms will be translated to Spanish upon final completion.

Notice for Failure to Pay Rent

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

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

A. Rent $ _____

1. Current month/week $ _____
2. Prior month $ _____
3. Other $ _____ why _____
4. Other $ _____ why _____
5. Other $ _____ why _____

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

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

You may settle this matter before any eviction is filed. Your options are:Your landlord may file an Eviction Action asking the judge to order you to move unless you do one of the following:

A. Pay the total owed within 5 calendar days of receiving this notice.

B. Move out of the rental and **return the keys** to the landlord within 5 calendar days of receiving this notice. (You may still be responsible for the total owed.)

C. Contact the landlord and settle this matter, in writing signed by both you and the landlord.

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

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

This notice is given under A.R.S. § 33-1368(B). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://Housing.AZ.Gov, the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov or www.AZLawhelp.org.The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://Housing.AZ.Gov, the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov or www.AZLawhelp.org

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Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by:

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

This notice is given under A.R.S. § 33-1368(B). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://Housing.AZ.Gov, the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov or www.AZLawhelp.org.~~The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://Housing.AZ.Gov, the Maricopa County Justice Courts website at www.JusticeCourts.Maricopa.Gov or www.AZLawhelp.org~~

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____.

If you do not fix the violation(s) within 5 calendar days of receiving this Notice Yyour landlord may file an Eviction Action requiring you to move.asking the judge to order you to move unless you do one of the following:

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

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

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is given under A.R.S. § 33-1368(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

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This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

This notice is given under A.R.S. § 33-1368(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.~~The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org~~

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

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

_____

_____

_____

_____

_____.

~~If you do not fix the violation(s) within 10 calendar days of receiving this Notice y~~**Your landlord may file an Eviction Action ~~requiring you to move.~~asking the judge to order you to move unless you do one of the following:**

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

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

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

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

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

This notice is given under A.R.S. § 33-1368(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.

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

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Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by:

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

This notice is given under A.R.S. § 33-1368(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.

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

Notice of Material and Irreparable Breach

(Immediate Notice to Move | A.R.S. 33-1368A)

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

Notice Date:_____

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

_____
_____
_____
_____
_____
_____
_____

Please move out of the rental and return the keys to the landlord immediately. An Eviction Action may be or has been filed against you. If an eviction is filed, Yyou have the right to appear in court to dispute the Eviction Action. After a Hhearing, the Judge may order you to movewill decide if you have to move or if you can stay in the rental. If the judge orders you to move, A a Writ of Restitution (a court order to have you removed from the rental) may be issued between 12-24 hours from the date a judgment is signed.

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐ Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

This notice is given under A.R.S. § 33-1368(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org

Notice of Repeat Material or Health and Safety Breach

~~(~~10 Day Notice to Move ~~| A.R.S. 33-13868A)~~

_____ _____

_____ _____

_____ _____

( ) - ( ) -

Tenant(s) Name / Address / Phone Landlord(s) or Agent Name / Address / Phone

Notice Date:_____

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

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

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

_____

_____

_____

_____

_____

_____

_____.

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

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

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

Date:_____ Signature:_____

☐ Landlord ☐ Agent

This notice is served by

☐

This notice is given under A.R.S. § 33-13868(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.~~The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org~~

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Hand delivery to *(name)*: _____who is the ☐ tenant ☐ occupant

☐ By certified mail *(mail receipt #)*:_____

This notice is given under A.R.S. § 33-13868(A). The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org.~~The laws about this Notice are found in the Arizona Residential Landlord and Tenant Act. For more information on the Act, Eviction Actions, and your rights, please visit the Arizona Department of Housing website at https://housing.az.gov, the Maricopa County Justice Courts website at www.justicecourts.maricopa.gov or AZLawhelp.org~~

Maricopa County Justice Courts

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

– Draft 11.6.15 –

Introduction

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

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

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

The topics covered are:

[Fill in all major headings – with links]

Tenant Obligations (what is expected of tenants)

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

- Pay rent on time
- Keep the residence clean and safe
- Remove and dispose of trash
- Keep all plumbing fixtures clean
- Use electrical appliances, heating and air-conditioning systems and plumbing in a reasonable manner
- Not deliberately or negligently damage the property or allow someone else to do so
- Use the property only as a residence, unless there is a different agreement

- Allow reasonable access to the landlord to inspect the rental or make needed repairs with at least 2 days' notice, unless there is an emergency or entry is in response to a tenant request for repairs – A.R.S. § 33-1343
- Follow the rules of the property and the rental agreement
- Require all guests to follow the rules of the property and the rental agreement
- Promptly notify the landlord in writing of needed maintenance or repairs
- Do not knowingly move property into the rental that has bedbugs. A.R.S. § 33-1319
- Give written or electronic notice to the landlord of any bedbugs in the rental

Landlord Obligations (what is expected of landlords)

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

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

Tenant's Options for a Landlord's Violations

- **Tenant Options if Landlord Fails to Make Needed Repairs – Self-Help for Minor Repairs (when not caused by tenant or tenant's guest) – A.R.S. § 33-1363**
  - This option applies to repairs that cost less than $300 or half of 1 month's rent
  - If the tenant wants the landlord to make any repairs, the tenant must put the request in writing
  - If the landlord does not make the repairs quickly if it is an emergency or within 10 days of the notice for other repairs, the tenant may:
    - Hire a licensed contractor to make the repairs

      The licensed contractor must give a waiver of lien. This is a signed statement that the contractor will not put a lien on the property for the work done. [link]
    - Give the repair bill and the lien waiver to the landlord, and
    - Deduct the cost of the repair from the rent
  - Sample notices are available at www.AZLawHelp.org.

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

- Sample notices are available at www.AzLawHelp.org.

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

- **Giving the Landlord the Notice**
  - For the above notices, the tenant may give the landlord the notice by hand delivery or by certified mail. The days in the notice start to count:
  - The day there is hand delivery, or
  - If certified mail, once the landlord signs the green card or 5 days after the notice is mailed by certified mail, whichever comes first.

Landlord's Options for Tenant Violations

- Tenant Does Not Pay All Rent Owed:
  - The landlord may give the tenant a written notice asking for payment of the rent owed within 5 days and telling the tenant that the lease will

end if all rent and reasonable late fees (if in the rental agreement) are not paid. [Sample 5 day notice with link].

- Health and Safety Violations:
  - If a tenant's actions affect health and safety, the landlord may give a written notice asking the tenant to fix the violation within 5 days and telling the tenant that the lease will end if the tenant does not fix the violation. [link]
- In each of the above situations, if the tenant does what is asked, the lease continues and the tenant can stay in the rental. If the tenant does not do what is asked, the landlord may file an eviction action.
- Serious Criminal Activity or Major Violations:
  - For some serious tenant actions, the landlord may give a written notice for the immediate end of the lease. [link]. The tenant does not have the option to fix the problem and the landlord may file an eviction.
- Other Violations with Option to Fix the Problem:
  - If the tenant violates the rental agreement and it is not covered by the above situations, the landlord may give a written notice to the tenant to fix the problem within 10 days. [link to sample 10 day notice]. If the tenant does not fix the problem, the landlord may file an eviction action. If the tenant fixes the problem, the landlord should not file an eviction. The tenant will get to stay in the rental.
- Denial of Access: If the tenant denies the landlord reasonable access to the rental or access after 2 days' notice the landlord may
  - Sue for an injunction to allow access, <u>or</u>
  - End the rental agreement, and
  - In either case, sue for actual damages. A.R.S. § 33-1376(A).
- Sample Notices also are available at: www.AzLawHelp.org

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

- For a week to week tenant, the landlord may end the rental agreement by giving the tenant a written notice to move at least 10 days prior to the last day of the week to week period. [link].
- For a month to month tenant, the landlord may end the rental agreement by giving the tenant a written notice to move at least 30 days prior to the last day in the month to month period. [link].
- In both situations, if the tenant remains in the rental after the notice, the landlord may sue for possession of the rental.

    - If the tenant's action is willful and not in good faith, the landlord may sue for 2 months' rent or actual damages, whichever is greater.
- **Landlord must give the tenant the notice**
    - For the above notices, the time to serve is added to the front of notice, not the end as with other notices
    - The landlord may give the notice by hand delivery or by certified mail.
- The days in the notice start to count
    - The day there is hand delivery or
    - If certified mail, once you sign the green card or 5 days after the envelope was postmarked, whichever comes first.

Sample Notices are available at: _____

Rights of the Military to End the Rental Agreement

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

Other Protections for Tenants

- **Protection from Being Locked Out or Forced Out of Rental – A.R.S. § 33-1367**
    - A landlord may not lock or force the tenant out of the rental. A landlord cannot do such things as change the locks, take off the doors or turn off utilities. If the landlord does, and the landlord has not filed an eviction action:
        - The tenant will need to file an eviction case against the landlord. This is referred to as a "reverse" eviction. The complaint is found at [link]. The tenant can follow the informational materials for a landlord filing an eviction action. [link].

- If a landlord locks or forces a tenant out of the rental after an eviction is filed, the tenant should come to court and let the judge know. Information about filing counterclaim is found at [link].

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

- **Protection for Victims of Domestic Violence – A.R.S. § 33-1318**
  - A victim of domestic violence may end the rental agreement early and move out if the tenant gives the landlord
    - A written notice that she or he is a victim of domestic violence and wants to end the lease within 30 days, (link to sample notice) and
    - A copy of an order of protection issued to the tenant <u>or</u> a copy of a police report that shows the tenant told the police she or he is a victim of domestic violence
    - The notice and order of protection or police report must be given to the landlord within the 30 days of the domestic violence (landlord may waive this requirement)
    - If proper notice is given
      - The tenant must pay any current rent owed before moving out of the rental
      - The tenant does not owe any future rent for the time after the end of the notice
  - A victim of domestic violence may ask the landlord to install a new lock at the tenant's expense

- A landlord must not let a tenant who has an order of protection against them have access to the rental unless the tenant is with the police
- More information can be obtained from the Arizona Coalition to End Sexual and Domestic Violence. www.acesdv.org; (602) 279-2900.

- **Protection from Retaliation – A.R.S. § 33-1381**
  - A landlord may not retaliate against a tenant by increasing rent, decreasing services or threatening an eviction because the tenant did any of the following:
    - Complained to a government agency that enforces building or housing codes about violations that significantly affects health and safety
    - Complained to the landlord about the landlord's failure to keep the rental fit and habitable as required by A.R.S. § 33-1324 [link].
    - Organized or became a member of a tenants' union or similar organization.
    - If any of the above occurred, the tenant may claim retaliation as a defense to the eviction.
    - There is a presumption that the eviction is in retaliation if any of the above actions occurred within the 6 months before the eviction was filed.
    - A landlord can file an eviction for rent owed or health and safety violations.

Security Deposits – A.R.S. § 33-1321

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

Public Housing or Section 8 Housing:

If you live in public housing, subsidized housing or have a Section 8 voucher, you may have other protections in federal law. [link]. You should tell the judge that you live is this type of housing and bring a copy of the public housing contract that explains the amount of rent you are supposed to pay.

- **More Information:**

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

AzLawHelp. www.AzLawHelp.org.

Community Legal Services. clsaz.org

Southern Arizona Legal Aid. sazlegalaid.org

DNA People's Legal Services. dnalegalservices.org.

Maricopa County Justice Courts

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

– Draft 11.6.15 –

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

The topics covered are:

[Fill in all major headings with links]

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

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

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

If You Represent Yourself

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

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

- **Prior to the hearing:**
  - Your summons will tell you the address and telephone number of the court that will hear the case and the date and time of the hearing.
  - Be sure to let the court know as soon as you can if you need an interpreter or a reasonable accommodation.
  - You should plan to arrive in court at least 30 minutes before your hearing. **Do not be late**.
  - In many courts you will need to check in with the clerk and then go to the courtroom.
  - Once in the courtroom, please pay attention and listen for your case to be called.

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

- **The hearing on your case:**
    - The judge will call each case by the name of the landlord and the tenant.

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

- The landlord will go first and may call witnesses and offer documents as evidence to support the landlord's claims.
- The tenant may question any witnesses or object to the admission of any documents.
- After the landlord finishes, the tenant will then present his or her case. The tenant may call witnesses and offer documents to support the tenant's claims.
- The landlord may question any witnesses and object to the admission of any documents.

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

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

▪ When you are in court.

- Be sure to get a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

Offers to Settle the Case

- The parties may decide to settle the case.

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

A Jury Trial

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

If the Judge Orders the Tenant to Move Out

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

Appeal of a Judge's Decision When You Did Not Come to Court and Lost

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

Appeal of Judge's Decision When You Came to Court and Lost

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

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

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

- For more information, please go to "Other Steps in the Appeal" below.

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

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

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

To Stay in Rental During the Appeal When the Tenant Lost

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

- How the supersedeas bond is determined:
    - You will have to pay to the court any prorated rent due from the date of the judgment to the next rent due date. This amount of rent is not listed in the judgment.
    - You will also have to pay to the court any costs and attorney fees listed on the judgment.
    - During the appeal, you must continue to pay to the court the rent as it becomes due. If the tenant fails to make a rent payment, the landlord may ask the judge for an order that the tenant must leave the rental.

- You should try to file the supersedeas bond before the constable comes out to remove you. [Rule 6 of Superior Court Rules of Appellate Procedure link].

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

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

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

Other Steps in the Appeal

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

memo. [link] In the memo, you should tell the court the reasons you think the judge's decision is wrong. [link to memo].

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

Special Issue: When the Landlord Has Locked Out the Tenant

It is against the law for the landlord to do such things as change the locks, take off the doors or turn of the utilities to force the tenant out of the rental.

- **If the landlord tries to force the tenant out after the landlord has filed an eviction:**
  - If a landlord has changed the locks or forced the tenant out of the rental, the tenant may appear in court and explain the situation to the judge. The tenant also may file a counterclaim. The judge should give possession of the rental to the tenant and order the landlord to immediately let the tenant back in the rental.
  - If the landlord refuses to let the tenant back into the rental, the tenant may ask the judge for a Writ of Restitution. This is an order that tells the constable to allow the tenant in the rental.[link to information on writs]
- **If the landlord tries to force the tenant out but has not filed an eviction:**
  - The tenant will need to file what is often referred to as a "reverse eviction." More information can be found at _____.

More Information

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

Information also is provided at:

www.AzLawHelp.org.

Southern Arizona Legal Aid – sazlegalaid.org

DNA People's Legal Services – dnalegalservices.org

Maricopa County Justice Courts

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

– Draft 11.6.15 –

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

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

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

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

Notice to Tenant of Tenant Violations

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

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

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

Sample Notices are available at: _____

Landlord Must Give the Tenant the Notice

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

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

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

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

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

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

Sample Notices are available at: _____

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

Filing the Eviction:

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

If You Represent Yourself

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

Where to File the Eviction:

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

What Pleadings to File:

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

Getting the Summons Issued:

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

Court Fees:

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

Serving the Court Papers:

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

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

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

Continuing the Court Date

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

What Will Happen on the Scheduled Court Date

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

- Answer: In Justice Court a tenant is not required to file a written answer.
- Counterclaim:
  - A tenant may claim that the landlord owes the tenant money. This is called a counterclaim.
  - In eviction cases, the counterclaim must be because the landlord violated the rental agreement or the Arizona Residential Landlord and Tenant Act.
  - A counterclaim is filed at the same time the answer is due.
  - If a counterclaim is filed, it will be considered and decided at the time of trial. [link to counterclaim].
- Please bring any documents and any witnesses to court.
- Rule 10 of the Rules of Procedure for Eviction Actions allows for certain disclosures and more formal discovery. [link].

- **The hearing on your case:**
  - The judge will call each case by the name of the landlord and the tenant.
  - The judge will ask you and the tenant questions to decide if the tenant will have to move and if the tenant owes any rent.
  - Be sure to let the judge know if you have any witnesses or documents.
  - Listen to the questions the judge asks. If you do not understand a question, let the judge know. Answer the questions the best you can.
  - Be polite and courteous to the judge and the tenant.
  - The judge will decide:
    - If you properly served the summons and complaint.
    - If the summons and complaint included the required information and notice.
    - If you served a proper notice and, if required, gave the tenant an opportunity to fix the problem.
    - If the eviction is for rent owed, whether you followed the required procedures. If you did, whether the tenant paid you the rent owed.
      - If the landlord accepted a partial payment of rent, whether a waiver signed by the tenant.

- If the eviction is for violation of the rental agreement, whether you followed the proper procedures. If you did, whether the tenant violated the rental agreement. If they did, whether they fixed the problem as requested.
- If the tenant filed any affirmative defenses, whether these defenses defeat your case.
- If the tenant filed a counterclaim, whether you owe the tenant any money.

- You will go first and may call witnesses and offer documents as evidence to support your claims.
- The tenant may question any witnesses or object to the admission of any documents.
- After you finish, the tenant will then present his or her case. The tenant may call witnesses and offer documents to support the tenant's claims.
- You may question any witnesses and object to the admission of any documents.
- The judge will hear testimony from both sides, review the documents and make a decision.
  - A hearing is required when the landlord wants the judge to evict the tenant quickly for serious and major violations. A.R.S. § 33-1377(E); Rule 13(b)(3)(B).
- The hearing will be tape recorded.

The Judge's Decision

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

- If a counterclaim was filed, the judge will decide if you owe the tenant any money.
- The tenant to leave the rental and return the keys to the landlord
  - The judgment will explain that if a tenant does not move out as ordered, the landlord can ask the judge for a Writ of Restitution. A writ is an order that tells the constable to remove the tenant from the rental. Writs are only used when the tenant does not move out. Writs are explained below.

- **If the judge finds for the tenant:**
  - The tenant will get to stay (remain) in the rental.
  - The judge may enter judgment for the tenant or the eviction may be dismissed.
  - If the tenant was unlawfully removed from the rental by the landlord, the tenant may obtain a judgment for possession of the rental _____ end the rental agreement.
  - If the landlord intentionally reduced essential services such as electric, gas or water, the tenant may get possession of the rental or end the rental agreement.
    - If either of the above things happened, the tenant may get 2 months' rent or 2 times the actual damages, whichever is greater.
    - If the landlord locked out or forced the tenant from the rental and the tenant wants back in, the judge may give the tenant judgment for possession of the rental and order the landlord to immediately let the tenant back into the rental.
  - If a counterclaim was filed, the judge will decide if the landlord owes the tenant any money.
  - Attorney fees (only if provided for in a written agreement).
  - Court costs (if any paid).
  - Annual interest rate on the unpaid judgment.

- **Judgment:**
  - A landlord should have a copy of the judgment for the judge to sign. [link].
  - Be sure the tenant gets a copy of the judgment.

Right to Stay in Rental After Eviction Case Filed

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

Offers to Settle the Case

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

A Jury Trial

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

If the Judge Orders the Tenant to Move Out

- The judge may order the tenant to move by a certain date.
- If the tenant does not move out, the landlord may ask the judge for a Writ of Restitution. This is an order that tells the constable to remove the tenant from the rental.
- A landlord cannot change the locks or force a tenant out of the rental. The landlord must ask for a writ.
- **The Writ:** The landlord can get the writ when the time for the tenant to move has ended.
  - Usually the judge will give the tenant 5 calendar days to move.
  - If the tenant does not move out, the landlord can ask for a writ on the 6th day.
  - In the case of an immediate eviction for serious violations, the judge will order the tenant to move out immediately. The landlord can get

the writ between 12 and 24 hours after the judgment is signed or soon thereafter.

- The writ will tell the constable to tell the tenant to immediately leave the rental. The tenant will be able to take some property with them such as clothes, tools, professional books, identification, medication and financial documents. For other property, the tenant will need to make arrangements to come back to the rental within 21 days and get the property. Once the constable has removed the tenant, you can change the locks.
    - The landlord is required to store the tenant's property for 21 days. Storage fees may be charged. The requirements on storage can be found at A.R.S. § 33-1368(E).
- If after the constable tells the tenant to leave and the tenant tries to go back to the rental without permission, the tenant may be charged with a criminal offense. A.R.S. § 12-1178(D).
- The court has prepared a Writ of Restitution Packet. [link].

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

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

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

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

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

- **The Steps to File an Appeal:**
    - A landlord may appeal a justice court judgment (except a default judgment) to the Superior Court. To appeal, the landlord must do the following within 5 days of the date of the judgment:

- File a **Notice of Appeal** with the Justice Court. [link] There is a fee to file an appeal and if you cannot afford the fee, you can ask for a fee waiver or deferral. [link]
- Pay money to the court called a **Cost Bond.** This amount is set by the judge. The Cost Bond is paid to the Justice Court that entered the judgment. If you cannot afford a Cost Bond, you can file a statement with the court giving the reasons you cannot pay the Cost Bond. The statement is called An Affidavit of Inability to Post Cost Bond. [link to affidavit].
- **File a designation of record**. This lists the parts of the record you want the Superior Court to consider on the appeal. [link to form designation of record].
- The clerks can give you information about bonds, court costs, and applications for fee waivers and deferrals.

- **Time to File the Notice of Appeal**
  - Either party may appeal an eviction judgment by filing a Notice of Appeal within 5 calendar days from the date of judgment.
    - When the 5th day falls on a holiday or a weekend, you will have until the day after the holiday or the weekend to file the appeal.
  - The judge cannot extend the time for the appeal.

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

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

Other Steps in the Appeal

- Get copy of court CD (record of court hearing) from the Justice Court. If there is a cost for the CD and you cannot afford the cost, you can file a

request for waiver or deferral of the fee. [link]. The CD will be part of the evidence in the appeal but it also will help you prepare an appeal memo.

- After the Justice Court receives the record and the Notice of Appeal, it will tell the landlord when the first memo is due. The due date is 60 days from the deadline to file the notice of appeal. This memo must be in writing. [link to sample memorandum]. The landlord should review the Superior Court Rules of Civil Appellate Procedure, Rule 8 that explains the requirements for a memo. [link] In the memo, you should tell the court the reasons you think the judge's decision is wrong. [link to memo].
- You must file an original and one copy of your memo with the justice court that heard the case.
- There is a fee to file the appeal with the Superior Court. If you cannot afford the fee, you can request a fee waiver or deferral of the fee. [link]
- The tenant has 30 days to file a response memo giving the tenant's reasons why the landlord should lose.
- The landlord must get permission from the Superior Court to file a reply memo.
- The Superior Court will review the documents submitted and make a decision. The decision will be in writing.

If you Move:

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

More Information

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

www.AzLawHelp.org.

Community Legal Services – www.clsaz.org

Southern Arizona Legal Aid – www.sazlegalaid.org

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

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

Maricopa County Justice Courts, Arizona

CASE NUMBER:_____

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

COMPLAINT *(Eviction Action)*
☐ Immediate
☐ Residential ☐ Mobile Home ☐ Commercial

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

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

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

☐ NON-COMPLIANCE: After getting a notice, the Defendant failed to do the following: _____ _____ on this date:_____, at the following location_____.

☐ IRREPARABLE BREACH: The Defendant has committed a material and irreparable breach. Specifically, on this date_____, at the following location_____the Defendant did the following: _____ _____.

☐ OTHER: State the date, place and reason for eviction:_____ _____

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

DRAFT

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

Date:_____ _____
Plaintiff

EA 8150-212
R: 07/27/15

DRAFT

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

SUMMONS *(Eviction Action)*
☐ Amended

THE STATE OF ARIZONA TO THE DEFENDANT(S) NAMED ABOVE. YOU ARE HEREBY SUMMONED TO APPEAR.

An **Eviction Case** has been filed against you. A court hearing has been scheduled.

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

Please arrive early.

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

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

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

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

Date: _____ Justice of the Peace _____

EA 8150-211

DRAFT

Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

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

JUDGMENT (Eviction Action) ☐ **Amended**

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

Plaintiff appeared ☐ in person ☐ by counsel ☐ failed to appear

Defendant appeared ☐ in person ☐ by counsel ☐ failed to appear

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

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

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

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

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

☐ RENT OWED ☐ NON-COMPLIANCE ☐ IRREPARABLE BREACH ☐ OTHER

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

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

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

☐ **IT IS FURTHER ORDERED** granting monetary judgment to:

☐ Plaintiff(s)

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

$ _____ TOTAL

☐ Plaintiff awarded nothing

☐ Defendant(s)

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

$ _____ TOTAL

☐ Defendant awarded nothing.

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

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

Date: _____ Time: _____ _____

(No sooner than five (5) calendar days after date of judgment)

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

Date: _____ Time: _____ _____

(No sooner than 12 - 24 hours from the time of judgment)

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

IT IS ORDERED dismissing this case ☐ with prejudice ☐ without prejudice

Date: _____ _____
Justice of the Peace

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

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

Date: _____ By _____
Clerk

EA 8150-201 R: 7/22/15

MARICOPA COUNTY JUSTICE COURTS
BEST PRACTICES

SUBJECT: Ensuring Access to Justice for Self-Represented Litigants in Civil Cases

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EFFECTIVE: August 26, 2015

1.0 RATIONALE: Judges should ensure access to justice by attempting to make sure that people get their day in court by having an opportunity to be heard and by explaining that otherwise admissible evidence should not be excluded due to an insignificant procedural problem. Most self-represented litigants want to trust the process and the judge. Thus, an explanation of questions, descriptions of procedures and of the law, and clarifications of what will happen next are welcomed. If decisions are based upon the merits of a case, and not because a self-represented litigant was unfamiliar with procedural rules, confidence in the judicial branch can be maintained.

2.0 PURPOSE: The purpose of any "best practice" is to foster excellence regarding case processing, form development and control, and other operating procedure throughout the Maricopa County Justice Court system ("MCJC"). Implementation of a "best practice" is strongly recommended to promote consistency and efficiency throughout the MCJC but is voluntary by any individual Justice of the Peace ("JP") Court.

3.0 ISSUE: There has been a paradigm shift away from a trial court judge strictly enforcing every court rule against a self-represented litigant (and simply holding them to an identical standard as an attorney) to encouraging judges to inform self-represented litigants of proper procedures. Much of this new judicial philosophy has already been incorporated into the Rules of Procedure for Eviction Actions and into the Justice Court Rules of Civil Procedure. Even so, this type of judicial discretion is especially challenging because it requires the judge to balance competing interests. A judge should ensure that any leniency

that compromises the court's impartiality should not occur.

4.0 LEGAL AUTHORITY: In accordance with the Arizona Code of Judicial Conduct, Rule 2.2, Impartiality and Fairness, a "judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." Comment 4 to that Rule confirms that a judge may "make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard." Judges have the obligation to ensure that all parties are heard and the right to be heard is meaningless unless that right is full and complete. In addition, Rule 2.8(B) of the Code of Judicial Conduct requires that a judge shall be patient, dignified, and courteous to litigants. *See also*, *Turner v. Rogers*, 131 S.Ct. 2507 (2011)(Held 14th Amendment's due process clause requires state assistance to unrepresented litigants in a child support case when the possible outcome includes incarceration); "Proposed Best Practices for Cases Involving Self-Represented Litigants," American Judicature Society; Goals 1 and 4 of the Arizona Supreme Court's Strategic Plan, "Advancing Justice Together." *See generally*, R. Engler, *Ethics in Transition: Unrepresented Litigants and the Changing Judicial Role*, 22 Notre Dame Journal of Law, Ethics & Public Policy 367 (2008).

5.0 **SUGGESTED BEST PRACTICES**: When a self-represented litigant appears, a judge should consider implementing the following best practices:

BEGINNING A PROCEEDING:

1. **Record all interactions with self-represented litigants.**

Note: Rule 1(L) of the Arizona Rules of Protective Order Procedure states that a judge shall, where practicable, record all hearings, including ex parte proceedings. In addition, an audio record would assist a court in determining whether to allow a withdrawal of a guilty plea pursuant to Rule 17.5 of the Arizona Rules of Criminal Procedure.

2. Make sure the parties understand what is to be decided at the current proceeding.

OOP Example: *"Today I have to decide whether to leave in place an Order of Protection that prohibits the defendant from contacting the plaintiff in certain ways and from visiting certain locations. That is all that I am going to decide. [I am not going to determine child custody, parenting time, who is a better parent, or who is a better person.] Do both sides understand that?"*

Civil Pre-trial Conference Example: *"The purpose of a pre-trial conference*

is to check in on the status of a case and see what needs to happen next. We can briefly discuss whether the case can be settled today and if it can, great. If not, I need to explain what a motion for summary judgment is. Did both sides exchange a disclosure statement?"

3. Outline the procedure to be followed at the hearing, including the responsibility for the burden of proof.

Civil Case Example: "I *don't expect that either side is an expert in hearing procedures, so I want to give you a brief overview of what is going to happen today. (1) Both sides will have an opportunity to make an opening statement. An opening statement is a brief overview of what you think the evidence will be. It is not your time to tell me everything you think I need to know about the case. (2) After both sides have made opening statements, the Plaintiff will go first. You can call yourself as a witness and can call other people as witnesses. You can also offer documents and photographs into evidence. (3) After you are through with your initial testimony, the Defendant will have a chance to ask you questions. The same is true for any other witnesses you call. (4) This is called cross-examination. You may be familiar with it from TV police shows. However, when you are asking questions to the other side, you must just ask questions. You cannot argue, debate, start to give your own version of the facts, or do anything you see on afternoon TV judge shows. Nobody is going to yell at each other. You just ask questions. (5) After the Plaintiff is through with her case, the Defendant's case will proceed in the same manner. You can call yourself as a witness, offer documents or photographs into evidence, and then she will ask questions of you and of your witnesses. (6) After both sides have presented their evidence, both sides have a chance to tell me why they think their side should prevail. That is called closing argument. The Plaintiff will go first, followed by the Defendant, and then the plaintiff gets the last word because she has the burden of proof. That's called a rebuttal argument. Does either side have any questions?*

4. Indicate the time available for the hearing.

Example: *"I will let you know in advance that we have only thirty minutes for this whole hearing. Please understand that, at times, I may have to keep us moving to ensure that we get to everything we need to and to properly hear from both of you."*

5. Explain the governing law or explain the elements of the case in a manner that helps the parties focus their testimony.

Example: *"In order to grant an Injunction against Harassment, I need to find at least two specific examples of harassment that happened within the*

last year. That means behavior that would cause a reasonable person to be seriously alarmed, annoyed, or harassed."

6. Use simple language and invite questions.

Eviction Example: *"Your landlord is claiming that you have not paid rent for July. Is that true? [If tenant says, yes] Why? [Listen for anything that sounds like a potential defense (e.g. It's been really hard since he cut off the electricity, etc.)]. All kinds of people cannot pay their rent for all kinds of reasons that are not their fault. That does not make you a bad person; but it does entitle the landlord to a judgment against you today."*

7. Clarify that the judge's questions and interruptions have no purpose other than getting to the facts.

Example: *"If I ask a question or shape the discussion, it is not to cut you off or to help you. I am just trying to get to the facts we need to decide the issue before us. It does not mean anything about how I feel about the case."*

8. Pay attention and look like you are paying attention.

Note**:** *If you take notes or refer to books or information on a computer screen during a proceeding, explain what you are doing so that the litigants understand that they have your attention.*

MANAGING EVIDENCE:

1. Permit narrative testimony by a self-represented litigant.

Example*: "You don't have to ask yourself questions and then give answers. Just tell me, what happened from your perspective?*

2. Ask questions to get to evidence.

OOP Example*: "In order to consider an Order of Protection, I need to find a specific relationship and then an act or threatened act of domestic violence. First, tell me about your relationship with the Defendant."*

3. Ask questions concerning the nature of the evidence and avoid not admitting evidence for overly technical reasons (e.g. foundation or authentication).

Note: This area is especially tricky and what may be appropriate in one context may not be appropriate for another.

Example: *"I see that you are offering a photograph. Can you tell me where the photograph came from, who took it, and what it shows? Is that what the plumbing looked like after the repairs were made?"*

4. Probe for details and for clarification.

Example: *"Can you help me understand what happened by telling me a bit more about that conversation? How did it start? What did he say? How did you respond?"*

5. Maintain control of the courtroom with courtesy and respect, and help litigants stay focused on matters relevant to the judge's decision.

Example: *"Sir, I think you may be telling me things that are not directly relevant to this case, and please stop making disparaging comments about the Defendant. That is not appropriate behavior for a courtroom and it makes it harder for me to listen and to consider the points you are making. It is not helpful to me in deciding the case because I need specific acts of conduct, not generalizations. Please just focus on what happened on that Friday between the two of you."*

6. Clarify the relevance of testimony when it is uncertain.

Example: *"Why do you think the behavior of the Defendant's girlfriend will help me decide whether to issue a Protective Order against the Defendant? Can you tell me instead about the conduct of the Defendant?"*

7. A judge in a bench trial determines the facts and applies the law to those facts. As such, the judge can consider any evidence that does not draw an objection and can either admit or reject evidence. However, there is an additional option. The judge can admit evidence that may not appear to comply with the Rules of Evidence and in so doing, can give that potentially questionable evidence the weight the judge sees fit.

8. **When appropriate, tell litigants when they have failed to establish an important element, and then provide an opportunity to fill the gap.** In some cases, it may be appropriate for the judge to consider telling litigants when they have failed to establish an important element of their claim or defense, and then, provide an opportunity to fill the gap. For example, it is often appropriate to ask a self-represented landlord whether they provided a five-day notice. Before telling a litigant this type of information there are several factors to consider (e.g. whether the other party is represented by an attorney, whether it is a bench or a jury trial, whether doing so is objectively fair, etc.).

Example: *"Sir, the only evidence that you have given about the nature of your injuries is your testimony that when it rains, your knee hurts a little. That is not, itself, very strong evidence. Do you have any other evidence about your injuries?"*

9. Provide a final opportunity for litigants to add to their testimony or to present additional evidence.

Example: *"You will still have an opportunity to make a closing argument; but is there any additional evidence you would like me to consider? Do you have any additional documents or photographs? Do you have any additional witnesses?"*

10. When necessary, the judge should remind the parties that the judge must be neutral and fair.

Example: *"I can't help you present your case; but this is a time to ask questions and you need to ask questions. You will have a time to testify and give your own version of these events; but now, you can only ask questions. I am neutral and don't have a stake in the outcome of this case."*

CONCLUDING THE PROCEEDING:

1. Announce the decision, if possible, from the bench.

Eviction Example: *"I find that the tenant did not pay rent and did not have a valid reason to withhold rent under Arizona law. In some states you can 'rent strike' or just stop paying all of your rent if you are having problems with your landlord. In Arizona, you can't do that. Now let me explain what your options are now that I am granting judgment for the Plaintiff."*

2. Explain the decision and consider acknowledging the positions and strengths of both sides.

Example: *"Let me explain my decision to you. The Plaintiff did establish that the Defendant was negligent in repairing her car. She did establish that she is entitled to $1,500.00 for the costs of the additional repairs. However, the Plaintiff did not establish that she was entitled to expenses for the limousine service that she had used while her vehicle was being repaired."*

3. Make sure that the litigants understand the decision and what is expected of them, taking the opportunity to encourage the litigants to explain any problems that they might have complying.

OOP Example: *"It is very important that you understand what I have just ordered. Do you understand that you are to have no contact with the Plaintiff except by e-mail or by text message? Now let me emphasize that this order is not something for you two to disregard on your own. Plaintiff, if in the future you want the Defendant to be able to contact you in different ways, then you would need to come in to court to have the order modified or dismissed. Do both of you understand?"*

4. Where relevant, inform the litigants of what will be happening next in the case and what is expected of them.

Eviction Example: *"All kinds of people cannot pay their rent for all kinds of reasons. This does not make you a bad person, but it does mean that the landlord will get a judgment against you today. You may or may not have to move, but you need to know whether the landlord is willing to work with you or not. If not, then you need to immediately start looking for a new place to live because five days from today, the landlord can file what is called a writ of restitution. When I sign it, it is an order for a constable to remove you from the residence. Five days is not very much time to find a new place to live, but it is much better than the five minutes that the constable will give you. So you need to know today, if possible, whether your landlord is willing to work with you. You also have a right to appeal this case and there is a handout available at our front counter that explains those rights. You only have five days to file a notice of appeal. Do you have any questions?"*

5. Thank the parties for their participation and acknowledge their efforts.

Example: *"I want to end by thanking you both for your professionalism. This case had the potential to get very ugly but it didn't."*

6.0 IMPLEMENTATION: The above best practice was recommended on August 26, 2015. The practice may be implemented immediately and remain effective until superseded or abolished.

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☒ Formal action or request ☐ Information only ☐ Other	Barriers to Access to Justice for Tenants in Eviction Cases

From: William E. Morris Institute for Justice

Presenters: Pamela Bridge, Director of Litigation, Community Legal Services

Discussion: There will be a general introduction to the issues faced by unrepresented tenants in eviction cases. Ms. Bridge will also highlight 3 global concerns: (1) lack of understanding and recognition of subsidized housing in eviction cases; (2) ethical concerns raised by court procedures and landlord attorney efforts to talk to tenants prior to the hearing and the use of stipulated judgments; and (3) how the courts handle non-payment of rent cases and habitability issues.

Recommended motion:

For issue number 1, we request the Commission present a CLE on the subsidized housing issues for all justices of the peace within 3 months.

For issue number 2, we request that the Commission set up a sub work group to study the ethical concerns about represented landlords talking to unrepresented tenants and to propose a rule change to the Rules of Procedure for Eviction Actions, rule 13(b)(4), concerning stipulated judgments.

For issue number 3, we request the Commission set up a sub work group to study changes in court procedures for the handling of non-payment of rent cases.

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	R-14-0027: Petition to Amend Rule 11 of the Rules of Procedure for Eviction Actions

From: Committee on Limited Jurisdiction Courts

Presenter: Judge Mark Armstrong (Ret.), Staff Attorney

Discussion: The Petition to Amend Rule 11 of the Rules of Procedure for Eviction Actions (RPEA) envisions telephonic appearance by parties and witnesses in an eviction action. Comments have been filed by Judge Gerald Williams on behalf of the Maricopa County Justice Court Bench and Ellen Katz, William E. Morris Institute for Justice. The issues noted in the comments, other than terminology and readability, involve:

1. Statutory time standards
2. Equal protections for both parties
3. Practicality of a written request
4. Alignment of filing deadlines for the request for telephonic appearance, objection to plaintiff's request for telephonic appearance and the Answer as associated with the trial.

At the Committee on Limited Jurisdiction Courts (LJC) October 28, 2015 meeting, the Petitioner and commenters attempted to find middle-ground that would have allowed amended language to move forward to the Arizona Judicial Council meeting scheduled for December 10, 2015. However, at this meeting proposed language based on Rule 1(R) *Arizona Rules of Protective Order Procedure* was offered to replace in whole, the language offered by the petitioner and commentators. Since the rule petition will not be ready for the December Rules Agenda, the LJC has continued the matter until its February 2016 meeting.

Recommended Action or Request (if any): None at this time.

STAFF ATTORNEYS COPY

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FILED
JUL 24 2014
JANET JOHNSON
CLERK SUPREME COURT
BY:

BEFORE THE ARIZONA SUPREME COURT

PETITION TO AMEND RULE 11 OF THE RULES OF PROCEDURE FOR EVICTION ACTIONS.	)	Supreme Court No. R-14-0027

PURSUANT TO Rule 28 of the Rules of the Supreme Court, undersigned petitioner submits the following proposed addition to Rule 11 of the Rules of Procedure for Eviction Actions as set forth in Appendix A hereto.

Nonresident landlords are disadvantaged in eviction actions in Arizona because there is no rule or authority which allows them to appear telephonically at eviction hearings. While some courts permit telephonic appearances for nonresident landlords, many do not.

Counsel for a nonresident landlord can hope that an expedited motion for leave to appear telephonically will be granted but there are no guarantees that the Court will be sympathetic to such motion because there is no rule or statute which authorizes telephonic appearances.

If the Court denies a nonresident landlord's motion for leave to appear telephonically, the landlord is left to make last-minute travel plans, committing substantial time and money for an appearance which may take no more than a few minutes. Depending on the domicile of the landlord, he may need to commit a full day

or more to make the trip to the court house. All the while, there is no way to know whether the tenant will even appear at the hearing. Because of the accelerated nature of the eviction process, a landlord may not know until one or two days prior to the hearing whether the motion for leave to appear telephonically is granted or denied.

A rule which allows parties or witnesses to appear telephonically if no substantial prejudice would result and if the court finds that, as to such parties or witnesses, they are reasonably prevented from attending the hearing or that attendance in person would result in a burdensome expense would serve the interests of justice. Nonresident landlords and their counsel could file eviction actions with the knowledge and comfort that they won't be put to the inconvenience, expense and hassle of needing to make last minute travel plans and dealing with an upset to their personal and business calendars.

The drafters of the Rules of Family Law Procedure fashioned a rule, similar to that being proposed, which allows for telephonic appearances by parties and witnesses upon a showing that they are "reasonably prevented from attending the hearing" or that "attendance in person at hearing or trial would be a burdensome expense..." *Rule 8[A] and [B], Arizona Rules of Family Law Procedure.* The concept adopted for family law cases makes sense in the context of eviction hearings.

For these reasons, petitioner respectfully requests that this Court amend Rule 11 of the Rules of Procedure for Eviction Actions as set forth in Appendix A hereto.

DATED this 23rd day of July, 2014.

LAW OFFICE OF DOUGLAS C. FITZPATRICK

By /s/ Douglas C. Fitzpatrick
Douglas C. Fitzpatrick
Petitioner

An electronic copy filed with
the Clerk of the Supreme Court
this 23rd day of July, 2014.

/s/ Douglas C. Fitzpatrick

APPENDIX A

Proposed Rule 11[d][3], Rules of Procedure for Eviction Actions

Rule 11[d] [no change in text]

Rule 11[d][1] [no change in text]

Rule 11[d][2] [no change in text]

Rule 11[d][3] Upon request of a party or witness, or on its own motion, and upon a finding that no substantial prejudice will result to any party by allowing telephonic testimony, the court may allow a party or witness to give testimony at any evidentiary hearing telephonically if the court finds that the party or witness is reasonably prevented from attending the hearing or that attendance in person at the hearing would result in a burdensome expense to the party or witness.

Any documents a party wishes to introduce into evidence through a party or witness appearing telephonically shall, where practicable, be provided in advance to the party or witness. Exact duplicates shall be provided to the opposing party with an affirmation on the record by the party introducing same that they are true and correct copies of the documents provided to the party or witness who will be appearing telephonically.

A party intending to have offer telephonic testimony at a hearing shall file a request for same with the filing of that party's complaint or answer as the case may be. Opposition to said request shall be made within two [2] days after service, following which the court may, in its discretion, rule upon said request with or without hearing. Unless otherwise ordered by the court, the party requesting telephonic testimony shall arrange and pay for same.

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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	Supreme Court
	)	No. R-14-0027
PETITION TO AMEND	)	
RULE 11 OF THE RULES OF	)	**Response from Maricopa**
PROCEDURE FOR	)	**County Justice Court Bench**
EVICTION ACTIONS	)	

BACKGROUND

The author of this pleading is the Associate Presiding Justice of the Peace for Maricopa County. After a discussion of the proposed amendment to the Rules of Procedure for Eviction Actions (RPEA), both over e-mail and in person, a vote was taken at our monthly bench meeting to authorize this response.

By any standard, the Justice Courts in Maricopa County have an extremely high eviction workload. Although some individual courts have eviction caseloads that are much higher than others, the system, as a whole, handles on average in excess of 5,000 cases per month. From July 2014 through April 2015, 52,916 eviction actions were filed in Justice Courts in Maricopa County.

The concerns raised by the Petitioner on behalf of out-of-state landlords have value; but, statewide, the party in a landlord and tenant case who is the most likely to request a telephonic appearance is a self-represented tenant. This is true both in rural areas, where the justice court may be on the other side of a geographically large county, and in urban areas. By way of example, the North Valley Justice Court has jurisdiction over Anthem, parts of Glendale and parts of Phoenix, but is located (along with three other Justice Courts) in Surprise, in a facility that is not served by any form of public transportation.

I.

AMENDING THE RULES OF PROCEDURE FOR EVICTION ACTIONS WITH A RULE OF PROCEDURE DESIGNED FOR FAMILY COURT CREATES PROBLEMS CONCERNING LEGAL TERMS OF ART, CONCERNING SCHEDULING, AND CONCERNING STATUTORY REQUIREMENTS.

Consistent with the Chief Justice's strategic plan to promote access to justice and to our courts, we do not oppose a rule that would specifically authorize telephonic appearances in eviction actions. Many, if not most, Justice Courts already authorize such appearances. However, there are several problems with the language of the proposed amendment.

First, the proposed rule refers to an "evidentiary hearing." That is a term of art and there are no evidentiary hearings in residential eviction

actions.[1] If the rules are amended in a way that adds this term to the RPEA, then parties will start demanding evidentiary hearings on potentially a variety of topics or points of law. The only limits would be the imagination of the party making the request.

Second, the proposed amendment does not require a written request to appear by phone. The Family Court rule that it is based on does have detailed pleading requirements.[2] A similar rule for Probate Courts also requires a written request to appear by phone.[3] In its' current form, the suggested rule change would allow a party to call in at the time set for the initial appearance and verbally request to appear by phone. Allowing such a procedure would be impractical. In addition, the proposed language ("the court may, in its' discretion, rule upon said request with or without a hearing") arguably creates a new type of hearing on the issue of whether to allow telephonic testimony.

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[1] There is an initial appearance and then a trial. RPEA 11. Although eligible for a jury trial, residential eviction actions are summary proceedings. A.R.S. § 12-1176; RPEA 12. A judgment can be signed after a brief conversation among the judge and the parties and often without the need for witness testimony or anything that looks like a formal trial. RPEA 11. The case will begin by the judge calling it and asking the tenant whether the allegations in the complaint are true. RPEA 11(b). If the tenant disputes the factual allegations, then the judge will make a decision after a trial has been held; however, that trial could be held that same day as the initial appearance.

[2] Arizona Rule of Family Law Procedure 8(D).

[3] Arizona Rules of Probate Procedure 11(A). The rule begins, "Upon timely written motion or on the court's own motion, a judicial officer may allow telephonic appearance or testimony …" Id.

Third, the proposed language sets up a procedure that would likely violate the statutory time standards for residential eviction actions. In Arizona, residential actions are, by statute, designed to be resolved within an extremely short window in Justice Courts. When an eviction action is filed, the Justice Court must immediately issue a summons.[4] The summons and complaint can then be served on the tenant by what is often called a "nail and mail" posting.[5] This service need only be made two days before the initial appearance date.[6] In a contested case, there is a preference for holding the trial on the initial appearance date[7] and when a delay is requested, in justice court, it cannot be for longer than three days.[8]

Given the courtroom time demands for other types of cases, many Justice Courts have established calendars where eviction cases are heard two days each week. Under the proposed amendment, a party may have until two days after an answer is filed to object to a request for telephonic testimony (and perhaps to even request that a hearing be held on that

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[4] "The summons shall be issued on the day the complaint is filed and shall command the person against who the complaint is made to appear and answer at the time and place named which shall be not more than six nor less than three days from the date of the summons." A.R.S. § 33-1377(B); *See also*, A.R.S. § 12-1175(A)(The summons must be issued "no later than the next judicial day").

[5] A.R.S. § 33-1377(B); RPEA 5(f).

[6] A.R.S. § 12-1175(C); A.R.S. § 33-1377(B).

[7] RPEA 11(c).

[8] A.R.S. § 12-1177(C); A.R.S. § 33-1377(C); RPEA 11(c).

objection). If the answer is filed five minutes before a trial, and the case has already been delayed once because the trial was not held on the date of the initial appearance, it would be difficult for most Justice Courts to allow two days to respond without violating the required time standards.

II.

ANY AMENDMENT TO THE RULES OF PROCEDURE FOR EVICTION ACTIONS ALLOWING FOR TELEPHONIC APPEARANCES SHOULD CONTAIN CLEAR LANGUAGE AND A REFERENCE TO THE REQUIRED TIME STANDARDS.

The recommended language is consistent with what is used in other sets of court rules; but it is perhaps written in a style that is inconsistent with the goal of having self-represented litigants being able to read our rules and to be able to understand what is expected of them. For example, it begins with an 80 word sentence. It also contains arguably unnecessarily legalistic language, such as "shall file a request for same with the filing" and "Opposition to said request." In addition to being simple, any amendment must make it clear that a request for telephonic testimony, in and of itself, will not delay a residential eviction case. Accordingly, we recommend the following language as a new RPEA 11(d)(3):

(3) Telephonic Appearance. A party may request, that either themselves or a witness, appear by telephone at either an initial appearance and/or a trial. This request must be in writing and must be made in advance of the time of the scheduled court date. The opposing party shall be given an opportunity to object to this request. A request for a telephonic appearance shall not delay the times set by statue for proceeding with an eviction action.

CONCLUSION

While we have no objection to the concept of allowing parties to eviction actions to request telephonic appearances for either themselves or their witnesses, we do have some significant concerns about the language of the proposed amendment. If the RPEA is to be amended to formalize the practice (that already exists in many if not most Justice Courts) of allowing telephonic testimony, then the amended language should be consistent both with the goals of the RPEA and with the time standards for eviction cases that are required by law.

RESPECTFULLY SUBMITTED, this ____ day of May 2015.

_____

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IN THE SUPREME COURT

STATE OF ARIZONA

Petition to Amend Rule 11 of the Rules of Procedure for Eviction Actions	Supreme Court No. R-14-0027 **COMMENTS IN OPPOSITION TO PETITION TO AMEND RULE 11 OF THE RULES OF PROCEDURE FOR EVICTION ACTIONS**

Pursuant to Rule 28 of the Arizona Rules of the Supreme Court, the William E. Morris Institute for Justice ("Institute") submits these comments in opposition to the Petition to Amend Rule 11 of the Rules of Procedure for Eviction Actions. The proposed Rule would allow the parties and witnesses to appear telephonically upon request if certain reasons are satisfied. In response, on May 18, 2015, the Maricopa County Justice Court Bench submitted a comment that proposes an alternative rule for telephonic appearances. The Institute also opposes the Bench's proposal. As explained below, the Institute would not oppose a rule that allows for telephonic appearances if the rule is fair and may be of actual use by tenants. Unfortunately, neither the Petition, not the Bench's alternate proposal is. Therefore, in opposition to the Petition and the Bench's alternative proposal, the Institute states the following:

I. Statements of Interest

The Institute is a non-profit public interest program that works on issues of importance to low-income Arizonans. The rights of tenants in eviction cases is such an issue. In 2005, the Institute published a study of eviction cases in Maricopa County:

"Injustice In No Time: The Experience of Tenants in Maricopa County Justice Courts" found at morrisinstituteforjustice.org.

The Institute works closely with federally funded civil legal services program for low-income Arizonans. The legal services programs represent tenants in eviction actions throughout the state. They typically are the only attorneys who represent tenants in Justice Court. The Institute's opposition is based on its knowledge of eviction practices and information provided by legal services housing attorneys.

II. Non-Resident Landlords Do Not Need the Proposed Rule

This rule is being proposed by and for "nonresident landlords" who own residential property in Arizona. These non-resident landlords want the "knowledge and comfort" that they will not "be put to the inconvenience, expense and hassle" of coming to court for an eviction case they filed. These non-resident landlords own property in Arizona, are the party filing the eviction case, and are typically represented by an attorney. In such circumstances, there is no "inconvenience" or "hassle" in coming to court and any "expense" is part of doing business.

The non-resident landlord has other options. The Arizona Residential Landlord and Tenant Act, A.R.S. § 33-1309(B) ("ARLTA") provides:

> If a landlord is not a resident of the state or is a corporation not authorized to do business in this state and engages in any conduct in this state governed by this chapter, or engages in any transaction subject to this chapter, he may designate an agent …

If the non-resident landlord does not want to hire a local property manager who could appear at the hearing as a witness, that is the landlord's decision. The landlord has a rental business and chose to operate the rental business in Arizona.

In support of the Petition, the non-resident landlord references a Rule of Family Law Procedure, Rule 8(A) that allows for telephonic appearance by parties and witnesses. An eviction case is markedly different than family court cases where jurisdiction of the child remains in Arizona even if the parent moves out of state. Significantly, the Justice

Court Rules of Procedure do not have a rule pertaining to telephonic attendance. Neither does the Superior Court Civil Rules of Procedure.

III. The Proposed Rule Is Not Practical For Tenants And Will Only Benefit Landlords

The practicalities of the proposal render it only of use to landlords and of no use to tenants. As proposed, in order for a tenant to request a telephonic appearance, the tenant must "file" the request with the "filing" of the answer. In general, all pleadings in Justice Court may be made orally. A.R.S. § 22-215.[1] Thus, currently tenant answers do not need to be in writing and filed and neither do requests for telephonic appearances. If the proposed rule is read to require written pleadings, which the Institute believes it does, then it imposes additional pleading requirements on tenants that currently do not exist.

In marked contrast, as proposed, for the landlord, the request for telephonic appearance would be "filed" with the complaint. The overwhelming majority of landlords are represented by counsel. Therefore, such a written request filed with the complaint will be relatively easy to accomplish.

For telephonic requests by landlords, the request would be served with the complaint. Any tenant opposition would have to be filed two days after service. Given the statutory time frames for service of process on a tenant, a tenant only needs to be served 2 calendar days before the hearing. A.R.S. §33-1377(B). Thus in many situations, if a tenant wanted to oppose the request, the tenant would have to come to court, often on the day of the trial, to file an objection. Subsequently, the Court would rule on the motion. That ruling could be at the time for trial or at some other time. How the tenant would be notified whether the request was or was not granted is not clear. Thus, as proposed, if a tenant wanted to object to a request, the tenant may have to come to court 2 times, the date set for the trial and on another date after the ruling on the motion.

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[1] Eviction claims and defenses do not fit within the limited exceptions to oral pleadings in the justice court statute. A.R.S. § 22-216.

There are practical problems for the tenant who wants to appear by telephone. If the tenant wanted to request to appear telephonically, given the short time frames for service, as proposed, the practical result is that a tenant would have to come to court on the date set for the trial to "file" the request to be allowed to appear by telephone at the trial. The same concerns apply if a tenant wanted to request that a witness appear telephonically. Often the tenant would be making the request at the initial court date.

While this proposed rule may work for landlords with attorneys, it certainly does not work for tenants who rarely have attorneys. The proposed rule appears to be of no practical use by tenants. For all of these reasons, the proposed rule should be rejected.

IV. The Maricopa Justice Court Bench's Untimely Alternative Proposal Should Be Rejected

On May 18, 2015, the Maricopa Justice Court Bench ("Bench") filed a response supporting the concept of telephonic appearances but not the wording of the Petition. The Bench proposes an alternative rule. Unfortunately, as explained below, the Bench's untimely counter-proposal creates its own problems and should be rejected.

First, presented as a comment, the Bench did not submit its comment until 2 days before the close of the public comment period. Thus, the public has not been given adequate time to evaluate and respond to the proposal. For that reason alone, the proposal should be rejected.[2]

Second, the proposal is seriously flawed. The Bench claims that self-represented tenants are the "most likely" to request a telephonic appearance because of the large geographical areas covered by many justice courts and because many justice courts "are not served by any form of public transportation." While the Institute may agree with the obstacles that face many tenants in appearing in court, upon close examination, the Bench's proposal does not address any of these obstacles, and instead, creates more obstacles for the unrepresented tenant.

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[2] The Justices may want to submit a petition for a rule change allowing telephonic appearances next petition cycle that allows for adequate public comment.

The Bench's proposal requires that any request "must be in writing and must be made in advance of the time of the scheduled court date." As explained above, there is no statutory requirement in justice court that motions must be made in writing. *See* A.R.S. § 22-215. The practical result of the Bench's proposal for tenants, who almost universally are unrepresented, will be that they will have to travel significant distances to a court that often is not served by public transportation to file the written request to appear by telephone. That is because after service of process, there is not sufficient time to mail in the request. In addition, there is no online court filing in justice courts. Thus, the only option left for the tenant is to come to court to file the request. If the justices are concerned about tenant access to the courts, then a system should be developed where requests to appear telephonically can be made without coming to court.

As explained above, tenants often only receive a few days notice of the eviction prior to the scheduled trial date. Thus, as with the non-resident landlord proposal, most tenants would have to come to court on the day set for trial to file a written request to appear telephonically. That defeats the whole purpose of a process to request telephonic appearances. Thus, the same tenants who will not be able to get to court to appear for trial will not be able to get to court to file a written request for telephonic appearance.

The example of the Northwest Justice Court in Maricopa County is illustrative. A tenant could live in the Anthem area over 40 miles from the justice court with no public transportation available. Under either proposal, the tenant would have to find a ride to court to either appear at trial or to file a written request for a telephonic appearance.

The timing concerns that arise with the Petition also arise with the Bench's proposal for tenant requests that a witness testify by telephone. A tenant will often have to make the request for a witness to appear telephonically at the beginning of the trial. The Institute has concerns whether the justices will grant these requests.

In addition, the Bench's untimely proposal does not include a requirement that the request to appear telephonically be made for good cause. The Institute is concerned that without any articulated standards, the justices will be unduly strict with tenant requests

and deny a tenant's request to appear telephonically when the tenant has good cause.

Finally, the Bench's proposal inserts wording about a request for telephonic appearance not delaying the timeframes set by statute.[3] Since landlords will file their requests with the complaint, their requests will have less impact on any delay than the tenant's request that is filed days later. Thus, this appears to be one more factor that will weigh against the justices granting tenants' requests.

The Institute wants to make it clear that it does not oppose appearance by telephone if there is a fair and adequate process to request telephonic appearances for witnesses and parties that would allow tenants to actually be able to make the requests and receive permission to appear telephonically without the necessity of always coming to court first to make the request. As explained above, the Petition and the Bench's untimely alternative proposal do not satisfy even that basic due process requirement.

Conclusion

For all the above reasons, the Institute respectfully requests that the Court deny this Petition and deny the Bench's untimely alternative proposal.

RESPECTFULLY SUBMITTED this 20th day of May 2014.

WILLIAM E. MORRIS INSTITUTE FOR JUSTICE

By /s/Ellen Sue Katz

Ellen Sue Katz
William E. Morris Institute for Justice
202 East McDowell, Suite 257
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[3] The Institute does not agree with the Bench's characterization of any statutory time restraints. Regardless, these concerns will no doubt affect some justices' rulings on the requests and are another example of why the Bench's alternative proposal should be rejected.

Electronic copy filed with the Clerk
of the Supreme Court of Arizona this
20th day of May 2015

Copy of the foregoing emailed to

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Sedona, Arizona 86351
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Attorneys for Petitioner

By /s/Ellen Sue Katz

Rules of Procedure for Eviction Actions

Rule 11. Initial Appearance and Trial Procedures

a. – e. [No change in text.]

f. Telephonic or Video Conference Proceedings

(1) Grant of Permission. At the request of a party or a witness or on its own motion, the court may allow a party or a witness to testify at any initial appearance or trial by telephone or video conference upon finding that:

(A) no substantial prejudice will be caused to either party by allowing telephonic or video conference testimony; and

(B) as to a party, the party is reasonably prevented from attending the hearing or trial;

(C) as to a witness, the witness is either reasonably prevented from attending or would be unduly inconvenienced by attending the hearing or trial; or

(D) as to a party or a witness, attendance in person at the hearing or trial would be a burdensome expense.

(2) Documents. Any documents a party wishes to introduce into evidence through a party or a witness appearing telephonically or by video conference must, where practicable, be provided in advance to the party or the witness.

Arizona Commission on Access to Justice

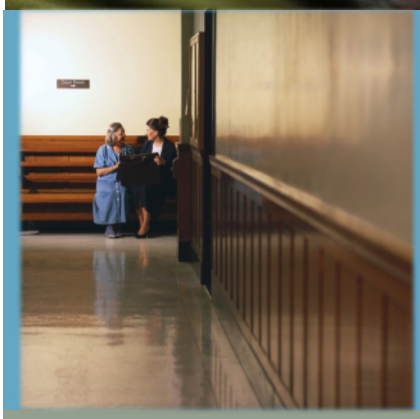
Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	Update: Arizona Charitable Tax Credit campaign efforts

From: Judge Lawrence F. Winthrop, Chair

Presenter: Judge Winthrop

Discussion: Judge Winthrop will provide an update on the Arizona Charitable Tax Credit campaign and present a new flyer from the Arizona Foundation for Legal Services & Education.

Recommended motion: Information only



Support Access to Justice through the Arizona Charitable Tax Credit

Roughly 25% of Arizonans have an income stream that qualifies them for free civil legal aid services. But, for every 3 people in Arizona who realize they have a legal problem and contact a legal aid office, **2 must be turned away because of a lack of resources.**

YOU CAN DECIDE HOW YOUR TAX DOLLARS ARE SPENT

Charitable Tax Credit donations directly reduce the amount you owe and let you direct where your funds go!

You can help more people receive services by designating where $200 (single) or $400 (married) of your taxes owed go! **Give to an approved legal aid agency** (see other side) and the amount you give will reduce the tax you owe.

That simple.

For more information on the Charitable Tax Credit visit the Arizona Department of Revenue at www.azdor.gov. This credit is in addition to the school tax credits. Please consult your tax advisor for details

To make a donation go online to www.azflse.org/legalaid

2015 Participating Civil Legal Aid Partners
Approved by the Arizona Department of Revenue

Arizona Women's Education & Employment Inc.

Christian Legal Aid of Arizona

Community Legal Services, Inc.

Defenders of Children

Southern Arizona Legal Aid, Inc.

Tucson Family Advocacy Program (SALA)

William E. Morris Institute for Justice

I am joining the Campaign– Justice with Arizona Charitable Tax Credit!

Donate online at www.azflse.org/legalaid

Donate by Dec. 31st and you'll have the added satisfaction of knowing your money is helping Arizona's working poor get the legal assistance they need to solve housing, health care and benefits challenges. You no longer need to itemize deductions to claim this credit!

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	Report from the Pro Bono Service & Funding Workgroup

From: Pro Bono Service & Funding Workgroup

Presenters: Judge Joseph Kreamer and Dr. Kevin Ruegg

Discussion: Judge Kreamer will offer an update regarding the promotion of pro bono services by the Legal Services Corporation (LSC) Volunteer Lawyer Programs in coordination with the Arizona Bar Foundation and upcoming initiatives to increase opportunities for lawyers to offer pro bono services.

Recommended motion: None at this time.

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	Report from the Non-Lawyer Representation Workgroup

From: Non-Lawyer Representation Workgroup

Presenters: Judge Joseph Kreamer

Discussion:
Judge Kreamer will discuss Washington and other states' lay legal advocacy efforts and considerations for any Arizona initiative.

Recommended motion:
None at this time.

Arizona Commission on Access to Justice

Meeting Date:	Type of Action Requested:	Subject:
November 18, 2015	☐ Formal action or request ☒ Information only ☐ Other	Report on Town Hall discussion

From: Judge Patricia K. Norris, Court of Appeals, Div. 1

Presenter: Judge Norris

Discussion: A brief report on the Town Hall that was held a few weeks ago concerning the lay legal advocates in the domestic violence arena.

Recommended Action or Request (if any): None at this time.

DOMESTIC VIOLENCE LEGAL ASSISTANCE PROJECT

8/28/2015

Lay Legal Advocate & Attorney
Town Hall Meeting

Introduction

Dedicated attorneys and lay legal advocates throughout Arizona assist and support victims of domestic violence in the civil justice system. As part of the Domestic Violence Legal Assistance Project, a statewide network of legal aid organizations and domestic violence shelters, the Arizona Bar Foundation brought together 29 Project advocates and attorneys operating in rural, tribal and urban Arizona to: identify opportunities to better serve their clients through collaboration with one another; share information about best practices and innovative strategies; and, explore how to more effectively use limited resources. The efforts of these committed professionals led to the development of specific and concrete actions that will help them to: more effectively serve victims of domestic violence; strengthen the partnerships of the Domestic Violence Legal Assistance Project; and, contribute to the Supreme Court's broader Access to Justice initiative.

Participants used the Arizona Town Hall process to create the following consensus report of their discussions and recommendations for action.

Participants

Participants in the Town Hall meeting included lay legal advocates and attorneys from across Arizona.

Ninfa	West	DV Advocate	Against Abuse	Casa Grande
Anita	Green	Victim Advocate	Alice's Place	Winslow
Lisa	Silva	Program Director	Catholic Community Services of Southeastern Arizona	Sierra Vista
*Gabriella	Sanchez	Victim Advocate	Catholic Community Services Safe House	Yuma
Ryan	Esplin	Managing Attorney	Community Legal Services	Kingman
Patricia	Madsen	Managing Attorney	Community Legal Services	Phoenix Metro
Jim	Marshall	Managing Attorney	Community Legal Services	Yuma
Kimberly	Nier	Paralegal	Community Legal Services	Kingman
Ruth	Szanto	Staff Attorney	Community Legal Services	Prescott
Sheri	Timlick	Legal Assistant	Community Legal Services	Prescott
Konnie	Young	Staff Attorney	Community Legal Services	Phoenix
Brenda	Anderson	Managing Attorney	DNA People's Legal Services	Window Rock
Kristen	Fitzharris	Attorney	DNA People's Legal Services	Flagstaff
Charlotte	Miranda	Tribal Court Advocate	DNA People's Legal Services	Chinle
Sumita	Misra	Staff Attorney	DNA People's Legal Services	Kayenta
Stephanie	Noriega	Program Manager	Emerge! Center Against Domestic Abuse	Tucson Metro
Sheri	Cassa	Tribal Court Advocate	Four Rivers Indian Legal Services	Sacaton
Suzanne	Clarke	Executive Director	Kingman Aid to Abused People	Kingman
Heather	Marcy	Lay Legal Advocate	Northland Family Help Center	Flagstaff

Jeane'e	Green	DV Advocate	Page Regional Domestic Violence Services	Page
Raquel	Balcazar	Lay Legal Advocate	Sojourner Center	Phoenix Metro
Katie	Osselaer	Lay Legal Advocate	Sojourner Center	Phoenix Metro
Alex	Brockman	Staff Attorney	Southern Arizona Legal Aid	Pinetop Lakeside
Rachel	Raynes	Staff Attorney	Southern Arizona Legal Aid	Bisbee
Anthony	Wisz	Attorney	Southern Arizona Legal Aid	Tucson Metro
*Robin	Miller	Lay Legal Advocate	Time Out, Inc	Payson
Meily	Rodriguez	Legal Advocate	Verde Valley Sanctuary	Cottonwood
Valerie	Tapia	Senior Legal Advocate	Verde Valley Sanctuary	Cottonwood
*Marina	Jessop	Social Worker	White Mountain S.A.F.E. House	Pinetop Lakeside

**Registered but was unable to attend*

Town Hall Facilitators

Tara Jackson	Pat Norris
Jennifer Frownfelter	Mary Grier

Town Hall Observers

Chris Groninger Arizona Bar Foundation	Laura Guild Arizona Department of Economic Security	Merri Tiseth Arizona Coalition to End Sexual & Domestic Violence

Current Strengths and Keys for Successful Partnerships

Various systems exist to serve victims of domestic violence in Arizona and we are fortunate to have diverse and active efforts to improve their lives. A key strength in the system is the ease of communication among those who interact with victims of domestic violence, from law enforcement and shelters to advocates and providers of legal assistance. Where there is openness in communication and a mutual understanding of each other's roles and responsibilities, victims are better able to access the services and assistance they need. Mutual understanding facilitates an effective team effort and fosters trust and respect but it takes time to establish, requires regular interaction, and is particularly strong when it can occur on a day-to-day basis.

A strength of Arizona's system when compared to other states is the means of protecting victims—including the issuance of ex parte orders of protection at no cost which are served by law enforcement as well as the speed at which temporary protective orders can be issued.

The cultures of organizations and agencies, driven in part by the personal support and beliefs of individuals within those organizations, have a great influence on how efforts to support victims are integrated. Geographic areas that have intergovernmental agreements or the support of a police chief or sheriff who are active in the support of domestic violence victims are more effective overall in serving victims.

The system operates best where consistent, regular communication occurs freely and without "turf battles." Other important factors are a shared commitment to set and carry out protocols for providing assistance and services to victims, and interaction between law enforcement, shelter representatives, Department of Child Safety (DCS), advocates, legal services and others. Face-to-face meetings are critical; however, funding for such meetings is lacking.

Working Together Effectively

The greatest opportunities to improve working relationships between lay advocates and attorneys include increasing communications, conducting training, and recruiting within local communities for additional advocates.

Participants listen during Town Hall discussions.

Training opportunities include those that focus on a broad scale with different groups represented as well as those that are more focused for specific groups—such as trainings for lay advocates to assist with paperwork for clients. Cochise County offers an example of training on a broad scale that could be replicated. In Cochise County, training is provided twice a year for multiple agencies about what is allowed and required under the law, so that people within those agencies understand what services should and can be provided. These trainings also help lessen problems encountered due to staff changes with court clerks, the Border Patrol and others.

Focused training for specific groups and organizations is also effective. For example, when law enforcement, advocates and others conduct programs in high schools about domestic violence, there are positive results. Focused training with lay advocates and attorneys that clarifies roles and responsibilities, explains various legal processes (including how to obtain protective orders), and that allows for productive discussion on how best to work together is also effective.

Lay advocates and attorneys can also be more effective when they are able to work with members of the communities they serve. For example, in tribal areas there can be a barrier created when someone from outside the tribe is not able to partner with a tribal advocate who knows the language and law. Recruiting advocates and lawyers who come from the communities served will allow all lawyers and lay advocates to be more effective.

Effectiveness would also be improved by increasing the use of confidentiality agreements and by evaluating and offering recommendations for changes to offender treatment programs and court-ordered classes.

Judge Pat Norris listens as participants discuss the challenges faced by lay legal advocates and attorneys serving victims of domestic violence.

Challenges

Some of the greatest challenges that face attorneys and lay advocates are the inconsistencies between judges, the potential for conflicts of interest, and defining what role lay advocates are able to serve.

In metropolitan areas particularly, there are a lot of inconsistencies among judges. There are also inconsistencies across the state. These inconsistencies make it difficult to communicate expectations about the process to the clients.

Arizona's legal aid organizations must carefully monitor conflicts of interest which can create challenges for serving victims of domestic violence. For example, when one party has asked for and received services from Community Legal Services (CLS) in the past and another party is presently seeking services that involve the first party, CLS cannot represent them. This is especially an issue in rural areas where the potential for a conflict of interest is greater because of the smaller population.

Another challenge is defining what roles can be played by lay advocates under relevant ethical rules. For example, some of the participants believe that telling clients which form they are supposed to fill out and file is legal advice. Other participants believe that lay advocates are allowed to provide options of what someone can do and in this way are providing information as opposed to legal advice. As a result of these inconsistencies when defining legal advice, it can be a challenge to assure that all victims and clients are receiving the same level of legal assistance as rapidly as it may be needed.

Intake requirements can also pose challenges. Intake requirements are separate processes for lay advocates and attorneys, requiring victims to apply to legal aid for assistance. Legal aid program offices have various ways to apply for services: via telephone lines during business hours, by walking in and

completing a paper application, and by applying online. The application process may be streamlined if lay legal advocates and legal aid attorneys were able to communicate with each other about the status of a victim's application for legal aid services. An example was provided where a lay legal advocate had a paper application copy of the form. The lay legal advocate assists the client in completing the application and faxes or emails the application directly to the legal aid program while copying the appropriate attorney to notify them that the application was submitted. It would be beneficial if other programs – advocates and attorneys – were able to replicate this process.

The lack of funding for collaborative activities such as joint trainings and task force group meetings continues to be a challenge. Funding for training events, travel reimbursements to participants in rural areas and for enhanced communication technology would be helpful to bring those who serve victims together so that they can be supported in providing appropriate and consistent services.

Guest speaker during lunch, Judge David Gass, speaks to participants about efforts in concilliation court services.

Systemic Improvements

There are many systemic improvements that would allow victims of domestic violence to be better served. First, there should be improved information available to clients about available community services and/or policies or rules that apply to situations where a victim has left an abusive partner. (For example, "when a woman comes in fleeing domestic violence and needs to enroll in a health care program after open enrollment, we need information about how and when she can enroll".)

We also need to improve methods for identifying appropriate individuals and locations for supervised parenting time. Victims of domestic violence are often isolated from family members and friends, which makes it challenging to identify an appropriate supervisor for child visits with the abusive partner. It usually becomes the mother-in-law which is not always the best resolution. In addition, there is a lack of publicly funded sites for safe exchange and visitation.

Public transportation or reliable private transportation does not exist for many of the clients served. This can result in several days of delay, if not longer, to get to the court. For example, a client who was attempting to get a protective order had to go to a distant court and in the time it took to arrange transport was again assaulted by the same offender. To resolve this type of problem, alternatives need to be considered, including authorization for electronic filing and telephonic appearances in courts across the state.

The system can use more volunteers. Each legal aid program already staffs programs with volunteer attorneys (Volunteer Lawyers Program) but more volunteers with legal expertise are needed—especially as court appointed advocates when the family cannot afford assistance.

We also need to ensure that judicial education programs include information on the real-life effects and impacts of domestic violence on individuals, families and the legal entities that serve them.

Action Items for Stakeholders

Based on the discussion and recommendations above, participants developed the follow list of priorities and action steps. After development of this list, participants met in groups by county to begin sharing specific ideas for implementation.

1. Agencies should set up and organize regular meetings with stakeholders and courts, by county or regional service area. The agenda for those meetings should include:
    a. Establishing common goals to unite efforts.
    b. Training on what is considered legal advice.
    c. Communication about any concerns with services provided.
    d. Establishment or revising of protocols.
    e. Education about the roles and services of providers.
    f. Joint training, as exemplified by the Domestic Violence Task force in Navajo and Yuma counties.

2. Applications for legal aid services should be coordinated/communicated using the model implemented in the Cochise County area.

3. Tribes should seek federal monies for training programs for advocates and attorneys providing services to victims.

4. Agencies should initiate the creation or enhancement of classes, including offender classes, with the court.

5. We should support cross training among lay advocates and attorneys. Lay advocates can build these opportunities into their community education requirements.

6. We need to create or enhance specialized training for judges about domestic violence issues, including the unique challenges that can impact victims such as transportation to court to file documents, lack of access to childcare during court hearings, and issues of safety.

Action Items for Individuals

1. Get to know court clerks and other court staff one on one.

2. Get to know and become an "ambassador" for each other's programs and services.

3. Lay legal advocates and attorneys should communicate with each other to identify what individual, program and victim needs might be.

4. Distribute and share stakeholder informational brochures.

This program was funded through a contract with the Arizona Department of Economic Security. Points of view are those of the author and do not necessarily represent the official position or policies of the Department.