

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

**Wednesday, February 13, 2019**

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

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

---

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

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

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

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

---

**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

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

**B. Approval of Minutes**

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

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

**II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS**

**A. Chairperson's Report**

Judge Winthrop reported on several access to justice topics.

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

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

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

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

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

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

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

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

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

**Member comments:**

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

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

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

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

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

**Member comments:**

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

**D. Report on Rule Petitions**

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

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

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

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

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

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

**Member comments:**

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

**E. Update on Public Information and Messaging Workgroup**

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

**F. Report on the [AZCourtHelp.org](http://AZCourtHelp.org) website**

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

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

Ms. Cole also reviewed 2018 annual Google Analytics results.

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

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

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

**Member comments:**

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

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

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

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

**H. Report from the Inter-Governmental Collaboration Workgroup**

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

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

**I. Presentation regarding the Arizona Legal Center**

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

**J. LINC Program**

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

**Member comments:**

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

**III. OTHER BUSINESS**

**A. Good of the Order/Call to the Public**

None present.

**B. Next Meeting Date**

Wednesday, May 15, 2019  
10:00 a.m. to 2:00 p.m.  
State Courts Building, Room 345  
1501 W. Washington Street  
Phoenix, AZ 85007

Adjourned at 1:42 p.m.