

**Arizona Commission on Access to Justice
MINUTES**

Tuesday, February 4, 2020

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), Mike Baumstark, Judge Thomas Berning (*telephonic*), Judge Bruce Cohen, Judge Maria Elena Cruz, Nancy Gray-Eade (*proxy for Judge David Haws*), Anni Foster, Kevin Groman (*telephonic*), Judge Anna Huberman, Judge Joseph C. Kreamer, Maria Morlacci, Helen Purcell (*telephonic*), Dr. Kevin Ruegg, Rodolfo Sanchez (*telephonic*), Kathy Schaben, Valerie Wyatt, Anthony Young

Absent/Excused: Kip Anderson, Pamela Bridge, Judge Dean Christoffel, Joel England, William Knight,

Presenters/Guests: Dave Byers, Cathleen Cole, Chris Groninger, Alberto Rodriguez, Gretchen Hornberger,

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Julie Graber, Sabrina Nash,

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 4, 2020 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:05 a.m. Judge Winthrop welcomed and introduced new members; Judge Bruce Cohen, Rodolfo Sanchez and Kathy Schaben. He also introduced Judge Samuel Thumma to the commission.

B. Approval of Minutes

The draft minutes from the November 13, 2019, ACAJ meeting were presented for approval.

Motion: Judge Joseph Kreamer moved to approve the November 13, 2019, minutes, as presented. **Seconded:** Maria Morlacci. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reviewed the purpose of the commission as stated in Administrative Order 2014-83.

- Examine legal representation for moderate and low-income persons.
- Help self-represented litigants navigate the judicial process.
- To study and make recommendations on innovative ways on promoting access to justice for individuals who can't afford legal counsel, or who choose to represent themselves in civil cases.

- Evaluate best practices in Arizona and other states and to identify possible changes in court rules or practices to reduce barriers to meaningful access.
- Identify and pursue adopting best practices among legal service providers in Arizona and to consider long-term funding options for civil legal services.
- Make recommendations to assist self-represented litigants in revised court rules and practices to facilitate the efficient processing of family court and eviction cases.
- Encourage lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who can't afford legal services.
- Develop an informational campaign to inform lawyers and the public about the state tax credit available for contributions to agencies that serve the working poor, including legal service agencies in Arizona.
- On December 20, 2019 the President signed U.S. Senate appropriations legislation that included \$440 million dollars to the Legal Service Corporation (LSC) to provide civil legal aid services across the country. This is a \$25 million dollar increase from last year, distribution of funds is based on census numbers which may change in the future.
- ACAJ presented its written Annual Report to the Arizona Judicial Council (AJC) in December and Judge Winthrop updated AJC on the following:
 - The revival of the Law for Arizona Libraries project,
 - AZCourtHelp statistics,
 - Completion of the eviction videos, and the new topic that the ACAJ SRL-LJC workgroup is addressing - consumer debt.
 - The 20th anniversary of the Arizona Domestic Violence Legal Assistance Project and the number of Arizonans that have benefited from the project and the Arizona Tax Credit program.
- The Domestic Violence Legal Document Preparer Pilot Project has been approved by the Arizona Supreme Court. The pilot project will allow non-lawyer lay advocates to become certified as legal document preparers and will be able provide free assistance, legal information and document preparation for victims of domestic violence under the guidance and supervision of legal aid entities.
- The Maricopa County Veteran's Stand Down Alliance held its annual event at the Veterans Memorial Coliseum. This event assists veterans and their families who are struggling with homelessness and other issues to get and stay connected to supportive resources.

B. Update on Arizona Online Dispute Resolution Pilot Projects (ODR)

Cathy Clarich, Caseflow Manager, AOC, briefly discussed two family superior courts that are participating in the ODR pilot (Yuma and Pinal counties), and Scottsdale municipal court is piloting misdemeanor and parking cases. Concurrently, Maricopa County is piloting its own ODR program in their courts on civil debt collection and child support enforcement cases.

- Yuma County was the first ODR pilot court in 2018. Their focus is on post-decree modifications; child visitation, parenting time and legal decision-making.
- Pinal County has a higher volume of cases and conciliation services. They have added pre-decree cases to online dispute resolution.
- Scottsdale municipal court has two case types: criminal misdemeanor pleas and disputed parking cases. An individual can request a plea by mail and the staff

will review the request and forward it to the prosecutor who'll determine if they want to offer a plea, and if so handle all the signing of the plea agreement and related documents through online dispute resolution.

Ms. Clarich noted that the pilots end March 2020, both Pinal county and Scottsdale municipal courts would like to extend the pilot. She mentioned the development of a workgroup made up of members from the AOC's standing committees to determine next steps:

- Allow participants to opt-in/opt-out.
- Mandatory for all courts to participate.
- Case types to include in ODR.
- Cost of administering the program.
- Determine the biggest needs for the courts before going statewide.

C. Update on the Delivery of Legal Services Task Force

Dave Byers, Executive Director, AOC, updated members on the status of recommendations from the Delivery of Legal Services Task Force (LSTF). He noted that two petitions have been filed on the Rules Forum for public comment.

- Petition R-20-0034 – primarily focuses on the development of a regulatory structure for regulating legal services businesses that involve nonlawyer owners, managers and decision-makers. It also proposes adopting a new nonlawyer category of limited license legal practitioner (LLLP).
- Petition R-20-0030 – would amend the Ethical Rules regarding lawyer advertising, solicitation and referral.

The petitions filed have a two-step comment period, the first comment period ends March 30, 2020, the workgroup will then respond to the comments and refile in April. The second comment closes May 26, 2020. The workgroup will again review comments received and make edits. The Supreme Court will review the petitions at the August 2020 Rules Agenda. Mr. Byers noted that the Report and Recommendations of the Delivery of Legal Services Task force along with other task force information, can be found on the task force's [webpage](#).

D. Update on the Public Information and Messaging Workgroup (taken out of order)

Aaron Nash, co-chair, updated the commission on the workgroup's efforts:

- The air conditioning legal information sheets and materials have been posted online in both English and Spanish – will promote the air conditioning information closer to summer.
- Warrants are one of the highest search topics when looking for information on the court's webpage. Info sheets and other materials are in development for this topic.
- PIM assisted with putting together the annual report this year. To obtain information for the report throughout the year, a SharePoint page has been created where members can provide their quarterly information. ACAJ members will be receiving reminder emails requesting information for the annual report.
- AOC has purchased a replica of the American Bar Association traveling exhibit on the 100th anniversary of the 19th Amendment guaranteeing women the right to vote. Justice Timmer will be presenting it at a conference and PIM is in the process of developing a calendar for use in scheduling the traveling exhibit.

- AZCourtCare.org will go live in February on the AZCourtHelp.org website as a resource for information about mental health treatment resources and options, including involuntary treatment in Arizona.

E. Report on Revival of the Law4AZ project (taken out of order)

Gretchen Hornberger, Law Librarian, Coconino County has been in touch with Katie Hobbs, Secretary of State, and Holly Henley, state librarian, to discuss the grant application to revive the Law4AZ project and to work out the timelines for development and training. The project is a collaboration between the Secretary of State and the state library system. The Law4AZ project sends volunteer law librarians around the state to train public librarians on how to help patrons find useful law-related information. Ms. Hornberger is taking a phased approach to the revival of Law4AZ.

- Year one is planning and measuring where the justice gap statewide is in relation to legal needs of the public and their access to legal information. Updating training to take to public libraries and train the law librarian trainers.
- Year two will focus on in-person training in the libraries where the justice gap is the greatest. Another goal in year two is to increase technological capacity of libraries to be broadcast receiving sites for the AZCourtHelp Legal Talks.

F. Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup (taken out of order)

Judge Anna Huberman reported on the following workgroup activities:

- The subsidized housing and military services videos have been completed and will be posted to the website shortly.
- Rule Petition R-19-0042 was approved on November 12, 2019, on an expedited basis to update the web addresses on the Residential Eviction Procedures Information Sheet (REIS) in the Rules of Procedure for Eviction Actions.
- The workgroup's next topic is Consumer Debt with new and existing subject-matter experts. The workgroup has listed several potential consumer debt topics and will narrow the list during the next workgroup meeting.

G. Report on the AZCourtHelp.org website (taken out of order)

Cathleen Cole stated that AZCourtHelp has been working with the Committee on Mental Health and the Justice System to develop an online presence for mental health court. The AZCourtCare.org website was created to share information about treatment resources and options in Arizona. Ms. Cole demonstrated the website and explained that it provides basic information on what to do in a crisis, forms and other resources, processes that can apply to any Arizona county, a glossary and collection of acronyms to assist individuals through the process. The direct link is AZCourtCare.org and there is also a link to the website on AZCourtHelp.org. Based on the success of postcards and business cards created for AZCourtHelp, Judge Winthrop suggested that cards be developed for AZCourtCare.

H. Report from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer stated the workgroup has not met but announced that his busy schedule has slowed down, and he will be scheduling a meeting soon to discuss pro bono services, judicial and attorney engagement, in-house counsel and finding volunteer opportunities for lawyers. He stated the current challenge of pro bono work for in-house

counsel and governmental attorneys is matching volunteer opportunities with their limited time and options.

I. Report from the Intergovernmental Collaborative Workgroup

Chris Groninger stated that the workgroup has been using fact sheets produced in conjunction with the Justice in Government Project to assist in conversations with other agencies to encourage them to integrate legal services in the other services offered by the agencies. The workgroup focused on three areas.

- Re-entry – met with the Governor’s office to talk about the benefits of integrating legal services in the Second Chance Centers to those who are receiving services to assist with employment or housing issues.
- Kinship Care/Guardianship – two webinars showcasing promising programs or services that are provided by other state’s legal aid programs to assist grandparents and family members with the guardianship issues encountered due to the opioid crisis have been presented to interested legal aid programs.
- Domestic Violence Community –successful in moving the pilot project forward and are working to create partnerships with the legal aid community, non-profit community and courts to provide legal assistance for victims. Currently seeking funding sources to assist with the work of the pilot project and expanding the Domestic Violence Legal Assistance project.

J. Report from the Family Court Improvement Committee

Judge Bruce Cohen, Presiding Judge, Family Department, Maricopa County Superior Court, announced that he is a member of the new AOC standing committee, Family Court Improvement Committee. He stated that the committee has met twice and outlined the tasks assigned to them in Administrative Order 2019-115:

- Make recommendations that would improve and enhance family law statutes, rules, and court processes and procedures.
- Develop and coordinate policies and strategies to improve the likelihood of child support being paid.
- Conduct the federally-mandated quadrennial Child Support Guidelines review and make recommendations on the issues raised by the 2017 Committee for the Interim Review of Child Support Guidelines.
- Identify and respond to emerging trends and issues that impact family court services.
- Advise the AOC Education Services Division on judicial officer and court staff educational needs.
- Provide advice regarding the use of online dispute resolution in family court.

Discussion on how to deal with self-represented litigants among various judges. Judge Cohen volunteered to arrange training for judges, administrative law judges and support staff on the challenges of dealing with the self-represented community and how it benefits the judges and the courts. Judge Huberman suggested checking the Commission on Judicial Conduct cases for potential participants for training.

K. Strategic Agenda Development Session

Judge Winthrop asked the members to review the 2019 ACAJ Annual Report, the current and the previous Strategic Agendas with a focus on access to justice. He asked members to bring strategic agenda ideas to the May 2020 meeting.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public
No members of the public were present.

B. Next Meeting Date
Thursday, May 14, 2020
10:00 a.m. to 3:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 1:56 p.m.