

Arizona Commission on Access to Justice

MINUTES

Wednesday, February 7, 2018

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), Judge Janet Barton, Judge Thomas Berning, Pamela Bridge, Judge Maria Elena Cruz, Kevin Groman, Judge Anna Huberman, Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Kathy Schaben (*proxy for Judge David Haws*), Valerie Wyant

Telephonic: Kip Anderson, Judge Sean Brearcliffe, Millie Cisneros, Anthony Young

Absent/Excused: Mike Baumstark

Presenters/Guests: Chief Justice Scott Bales, Stacy Butler, Dave Byers, Cathy Clarich, Cathleen Cole, Dana Corbo, Christina Corieri, Chris Groninger, Denise Holliday, Robb Itkin, Don Jacobson, Karen Lash, Heather Murphy, Marcus Reinkensmeyer, Mona Stone

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 7, 2018, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair, at 10:06 a.m. Judge Winthrop welcomed members and introduced new members, Kevin Groman, Judge David Haws, and Valerie Wyant. Chief Justice Scott Bales thanked the commission for its efforts.

B. Approval of Minutes

The draft minutes from the November 8, 2017, ACAJ meeting were presented for approval.

Motion: Judge Thomas Berning moved to approve the November 8, 2017, minutes, as presented. **Seconded:** Janet Regner. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics.

- The 2018 Maricopa Veterans StandDown event took place on January 25 and 26 to connect homeless veterans or those at risk for falling into homelessness with resources and services, including civil legal aid. There were 1,658

veterans served and 46 attorneys handled 266 legal consultations in the areas of family law, bankruptcy and debt, landlord/tenant, and estate planning.

- Several presentations were made by ACAJ members to law firms and other organizations regarding access to justice, the commission's work, and the tax credit, and many future presentations are scheduled.
 - The January 2018 Arizona Attorney's cover story was on *pro bono* efforts of Arizona's attorneys and the "Last Word" column was devoted to the commission's work and the tax credit.
 - An access to justice program is being planned for the State Bar Convention to be held in June.
 - Two proposals for presentations were submitted for the 2018 National Access to Justice Chairs meeting on May 12, 2018: 1) how to build a virtual legal information resource center, and 2) adapting the Legal Aid Interagency Roundtable (LAIR) model to a state government setting.
- Judge Winthrop reminded the commission that Arizona is one of several states participating in the Justice in Government Project, which encourages the use of existing funding at the state level to provide civil legal aid services to individuals to remove obstacles to employment, escape domestic violence, and stabilize housing for needy families. At the same time, it helps responsible state agencies fulfill their mission of service.

B. Report on the Justice in Government Project

Guest presenter Karen Lash, Director of the Justice in Government Project at American University, discussed how the goals of the commission are finding interest convergence with the policy priorities of the executive branch, including the Arizona Governor's Office. Ms. Lash reviewed the roadmap for the Justice in Government Project and identified priority populations, such as victims of domestic violence, jobseekers who have criminal records, homeless veterans, and people addicted to opioids. She described the focus of LAIR, as well as the Justice in Government Project, which is based on the idea that all levels of government programs are more effective, efficient, and fair when legal services are included among supportive services. The goals are to determine if the LAIR concept can work at the state level; identify when there is interest convergence between the judicial branch and the executive branch; and find civil legal aid funds from existing federal funding sources. Ms. Lash also noted two guiding principles at the federal government regarding legal aid: there is low public awareness for low-income individuals, and social services providers, regarding legal aid as a solution; and there are economic benefits to investing in legal aid, for example, by reducing illegal evictions and domestic violence.

She provided a short primer regarding federal block grants and discussed which ones could include legal aid for priority populations.

1. Domestic violence. Research has shown that access to legal services can be a critical tool in helping domestic violence victims escape from abusive relationships. Governor Ducey has noted that society has a collective

responsibility to help. The Arizona Domestic Violence Legal Assistance Project is a model state program funded by Temporary Assistance for Needy Families (TANF), a state-administered federal block grant. TANF funds can be used for legal representation and to help resolve personal and family legal problems if costs are consistent with the program's purposes. Another grant is the Victims of Crime Act (VOCA). New rules have expanded the type of legal assistance that VOCA can accept, including human trafficking and identity theft. Some states are using their VOCA allocation increases to fund comprehensive statewide victim legal aid programs. The Services, Training, Officers, and Prosecutors Violence Formula (STOP) Grants also allow legal services and legal advocacy.

2. Jobseekers with criminal records. Evidence suggests that legal interventions such as expungement halt the decline in earnings, even boost earnings, and are key components of an effective employment reentry strategy. In the 2018 State of the State Address, Governor Ducey supported policy for individuals who served their time and paid their debt. Legal aid can help jobseekers applying to set-aside their criminal records, reinstating revoked or suspended driver's licenses, and avoiding garnishment by negotiating child support or outstanding debts. Examples of block grants that support jobseekers' reentry legal needs include the Workforce Innovation and Opportunity Act (WIOA), TANF, Community Development Block Grant (CDBG), Social Services Block Grant (SSBG), and Title II Formula Grants Program.
3. Homeless veterans. Research has shown that five out of the top ten unmet needs for homeless veterans involve legal assistance like eviction foreclosure prevention, child support issues, and outstanding warrants and fines. Arizona's policy directive notes that eliminating homelessness among veterans is within reach. Available block grants to help homeless veterans include CDBG, SSBG, and Community Services Block Grant.
4. People struggling with the opioid epidemic. There is some research that suggests that civil legal aid can positively impact an individual and drive down the costs of healthcare. Governor Ducey has provided policy directive and leadership on the topic. The Substance Abuse Prevention and Treatment Block Grant and the State Targeted Response to Opioid Crisis Grant are helping families that are struggling with opioid addiction to address legal needs.

Member Comments:

- It is essential that the executive branch be an active partner in this project. Governor Ducey and his office have shown a willingness to listen, collaborate, and come up with great ideas.
- Christina Corieri from the Arizona Governor's Office reported on ongoing programs that focus on reentry issues for individuals with criminal records and victims of crime. These initiatives highlight how interests converge

between the judicial and executive branches. She offered the commission an opportunity to talk to key executive branch representatives who are running these programs.

C. Update on Online Dispute Resolution Software

Marcus Reinkensmeyer, AOC Court Services Division Director, updated members on the progress of implementing online dispute resolution (ODR) software, and provided an overview of the ODR model, proof of concept projects with limited duration to scale upward, and the statewide requests for proposals.

Mr. Reinkensmeyer defined ODR as a digital workspace that is neutral, secure, and in the control of the court where parties can convene to work out a resolution to their dispute or case. ODR would be part of the array of online litigant services. He described the ODR functions and the ODR planning considerations for courts, including the types of proceedings, privacy and security, audience, platform, citizen access, getting to resolution, and funding. The funding model is the most difficult consideration, which consists of either imposing a user fee or have the court absorb the costs because of the efficiencies that are realized.

Mr. Reinkensmeyer reported that Matterhorn was selected as the platform through a competitive bid process. There will be three pilot projects that will last 12 to 18 months and include an evaluation component. The AOC will be paying the user fees during this period. The following courts have agreed to be part of pilot projects in the following case types:

- Yuma County Superior Court in family court post-dissolution cases
- Scottsdale Municipal Court in traffic and misdemeanor cases
- Maricopa County Superior Court in family court post-dissolution and civil debt collection cases

He discussed the statewide request for proposals for ODR. The intent would be to make ODR available to all courts because there would be economies of scale and volume discounts. There is also a possible multi-vendor model so the best vendor in a particular case type could be selected. Mr. Reinkensmeyer reviewed the benefits of ODR, such as access, fairness, procedural due process, efficiency, litigant satisfaction, and enforcement. He also reviewed some findings from Michigan:

- Collection rate increased from 51 percent to 91 percent
- Default rate decreased from 37 percent to 2 percent
- 40 percent of transactions occur after business hours
- 37 percent of individuals could not have otherwise come to court and resolve the matter

Judge Winthrop remarked that ODR enhances meaningful access to justice for individuals and results in collateral benefits for the courts.

Member comments:

- Training should be provided to legal aid services before the pilot projects launch so they can refer individuals.
- Judge Barton reported that family law post-decree will use a different process than debt collection because of the need for a mediator.
- Mr. Reinkensmeyer reported that the AOC will pay the front-end costs as well as user and transaction fees during the pilot projects. The intent is for courts to pick up some of the costs because of the cost savings resulting from efficiencies.

D. Report from the Self-Represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup

Judge Anna Huberman reported that the workgroup is working on developing *Legal Info Videos* for eviction actions to complement the *Legal Info Sheets* that have already been created and posted. The *Legal Info Videos* will be more effective than the *Legal Info Sheets*, but they are more time consuming to develop. The workgroup has drafted eight scripts, which have been storyboarded by staff. Comments are due in a couple of weeks. The storyboards will be translated into Spanish once they are approved by the workgroup. The goal is to launch the videos as a series in both English and Spanish in April. An example video entitled “Your Landlord is Taking you to Court” was presented to the members.

E. New Rule Change Petition

Judge Huberman reported on SRL-LJC’s discussion of a new rule petition (R-18-0020) filed by the State Bar, which would add pleading requirements to the complaint in eviction actions if the rental unit is subsidized housing as well as a disclosure requirement regarding rent apportionment between the tenant and the public housing entity. The workgroup generally supported the rule petition but suggested the commission file a comment with recommended language changes.

Motion: To support R-18-0020 generally and authorize Judge Winthrop, Judge Huberman, and Pam Bridge to draft a comment in support of the rule petition with recommended language changes, as discussed. **Seconded:** Judge Berning. **Vote:** Unanimous with one abstention.

F. Update on Rule Petitions

Julie Graber reported that R-16-0022 regarding change of judge in eviction actions was adopted on a permanent basis, effective January 1, 2018.

G. Update on Public Information and Messaging Workgroup

Heather Murphy reported on the workgroup’s current projects regarding access to justice.

- AOC staff is in the process of redesigning the English and Spanish Self-Service Centers on azcourts.gov in a similar way as AZCourtHelp.org.

- The workgroup is developing a unique podcast series in which a Supreme Court Justice will be a guest host interviewing a subject-matter expert in a conversational tone on a topic. Podcasts will be five to twelve minutes in length and available on AZCourtHelp.org and azcourts.gov.

H. Update on the AZCourtHelp.org website

Dr. Kevin Ruegg reviewed the Google Analytics and reported that there have been 42,419 unique users since the launch. She reviewed the goals for 2018:

- Make forms fillable
- Provide guided interviews for dissolutions, legal decision-making, and parenting time
- Provide a partner portal to local courts that do not have their own website
- Include jury service information

Theresa Barrett discussed the traditional and digital marketing efforts, such as the redesign of the postcard and the creation of business cards.

I. Report regarding Access to Justice in Tucson and in Federal Court

Stacy Butler discussed three access to justice topics in Tucson and in federal court.

1. Step Up to Justice is a civil *pro bono* law center in Tucson, which attempts to bridge the justice gap for low-income clients. Ms. Butler reported that if individuals were represented by counsel, their outcome was three-times more favorable for guardianships, four-times more favorable for women in domestic violence cases, and nineteen-times more favorable for tenants in housing cases. She discussed JusticeServer, which is innovative software connecting low-income individuals to volunteer attorneys by providing effective client triage for direct representation, clinics, and court programs. It allows attorneys to volunteer from their desk and staff to track work in real time in a more efficient manner. In the first year of operation, Step Up to Justice served 1,000 clients and delivered the equivalent of \$1 million in free civil legal services, which represents a 20 percent increase in access to justice in Pima County. Ms. Butler described sustainability and projected growth for Step Up to Justice, whose model delivers significant cost reduction per case from \$215 to \$147.

Member comments:

- Are you eligible for IOLTA funding as a provider of legal services? It has been discussed but Step Up to Justice has not applied yet.
 - What entices an attorney to do *pro bono* work through Step Up to Justice instead of another organization? Step Up to Justice offers a menu of options, whether it is direct representation or a clinic setting.
2. Ms. Butler discussed resources for self-represented litigants in federal court since 2014. Volunteer attorney clinics began in Tucson in 2015 in partnership with Step Up to Justice. Based on the success of these clinics, clinics began in

Phoenix in 2017. Additional resources were developed, including “The Handbook for Self-Represented Litigants,” which takes the self-represented litigant from the start to the finish of the process, and E Pro Se, which is a web-based complaint drafting tool. The website was improved by providing a section entitled “For those Proceeding Without an Attorney.” Resources for chambers staff were added on the intranet on how to deal with incarcerated and non-incarcerated self-represented litigants.

Member comments:

- Is there consideration to create mediation by court staff for self-represented litigant cases? There is no formal system for non-incarcerated self-represented litigants to get into early mediation.
3. Ms. Butler described the access to justice course that she taught at the University of Arizona. The course objectives included being a problem-finder from the point of view of a self-represented litigant, diversifying perspectives beyond the legal community, and building smart solutions while understanding the end-user. She described some of the lessons learned from the projects: online resources are not a fix-all; resources may be hard to find or use; resources may not match the need; you cannot solve a problem you do not understand; importance of obtaining a diversity of perspectives; and solutions do not necessarily take a lot of money and resources.

Member comments:

- The commission was very impressed by this course and recommended that it be taught at every law school. The approach would be a great complement to existing clinical programs.

J. Report from the Judicial and Attorney Engagement Workgroup

Kevin Groman discussed how the In-House Counsel *Pro Bono* Commission has been working on removing barriers for in-house counsel to do *pro bono* and identified the issue of time as the most difficult challenge. Mr. Groman invited in-house counsel to attend the meeting and review the types of initiatives that the commission has been pursuing.

- Appreciation lunch for Association of Corporate Counsel – AZ Chapter, which won the national award for *pro bono* work.
- Commercial court mediation program to help small businesses. All nine cases were settled.
- Library effort working group has held successful programs for small business and people with modest means.

Judge Kreamer reported that the workgroup has been working on drafting a letter to send to law firms asking about their *pro bono* policies and activities. Chief Justice Bales recently approved the letter, which will be sent out shortly. The workgroup will be holding a strategic discussion exploring options based on the responses received.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

John Phelps updated members on the Public Service Center, which will launch in March as a way for consumers to connect with attorneys.

B. Next Meeting Date

Wednesday, May 23, 2018

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

State Courts Building, Room 119

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:59 p.m.

Arizona Commission on Access to Justice
Wednesday, May 23, 2018
10:00 a.m. to 2:00 p.m.

State Courts Building, 1501 W. Washington Street, Conf. Rm. 345A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson, Judge Janet Barton, Judge Maria Elena Cruz, Anni Foster, Kevin Groman, Judge Anna Huberman, Maria Morlacci, John Phelps, Helen Purcell, Dr. Kevin Ruegg, Kathy Schaben (*proxy for Judge David Haws*), Valerie Wyant, Anthony Young

Telephonic: Judge Thomas Berning, Pamela Bridge

Absent/Excused: Mike Baumstark, Judge Joseph C. Kreamer, Janet K. Regner

Presenters/Guests: Cathleen Cole, Chris Groninger, Cheryl Kulas, Roshon Parra, Lara Slifko, Cindy Trimble, Sara Tulane, David Withey

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the 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 introduced new member, Anni L. Foster, General Counsel from the Office of the Governor.

B. Approval of Minutes

The draft minutes from the February 7, 2018, ACAJ meeting were presented for approval.

Motion: Anthony Young moved to approve the February 7, 2018, minutes, as presented. **Seconded:** Judge Maria Elena Cruz. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics.

- Intel Arizona Legal Team was the recipient of the 2018 ABA National Public Service Award for delivering innovative *pro bono* services for low-income communities.
- The Immigration Clinic at the University of Arizona celebrated incredible wins for their clients.

- Follow up information was provided about the court navigators who completed the AmeriCorps service program at the Maricopa County Superior Court.
- Several presentations were made by ACAJ members to law firms and other organizations regarding access to justice, the commission's work, and the tax credit. Many future presentations are scheduled.
- The Cochise County Law Library was reopened as an expanded Self-Help Center during the Law Day Celebration.
- A new [Member Toolkit](#) webpage was created within the commission's "Resources" tile on azcourts.gov that consolidates the presentation tools for commission members who make access to justice presentations in their community.
- The American Bar Association (ABA) sponsored a two-day series of meetings with each state's congressional leaders. Several Arizona representatives, including members of the Commission, attended and met with Arizona's elected officials and/or their staff. One of the themes included educating leaders about the value of legal aid services for constituents. Additionally, congressional leaders were encouraged to urge the Department of Justice to reinstate the funding for education for detained undocumented individuals. That advocacy was successful, and the funding was restored.
- There might be social services cuts to the proposed federal budget as a fallout from the recent tax cut, and Legal Services Corporation (LSC) has requested that access to justice commissions send letters of support for LSC funding.

Motion: Dr. Kevin Ruegg moved to approve sending a [letter of support for LSC funding](#) on behalf of the commission, as discussed. **Seconded:** Kip Anderson. **Vote:** Unanimous.

- The ABA sponsored a national access to justice chairs meeting on May 11 and 12 in San Diego, California. A specific session was dedicated to Arizona's Justice in Government Project.
- Building relationships across Arizona is part of the work still to be done for the commission. One opportunity that will be further explored is with the O'Connor Institute, a non-profit based at Arizona State University Law School, which focuses on civic education and civic engagement.

B. Arizona Judiciary Policy Against Employment Discrimination and Harassment

David Withey, AOC Chief Counsel, reviewed the proposed judicial branch policy on discrimination and harassment, which updates the original 1992 policy and extends to all types of harassment in the workplace with specific attention to sexual harassment as currently recommended by the Equal Employment Opportunity Commission. Mr. Withey will be presenting the proposed language to the Arizona Judicial Council (AJC) at the June meeting and sought comments from members. Highlights included:

- Sex discrimination includes discrimination based on sexual orientation, gender identity, and transgender status.
- A definition of retaliation has been included.
- Duty to report for observers and victims has been included in the policy since 1992 and was referred to as bystander responsibility. Language about false and malicious reporting has been placed back in the policy.
- Several elements must be included when implementing the policy, such as effective dissemination of the policy, accessible reporting system, keeping the information confidential to the extent possible, providing the investigation result, and protection from retaliation.
- Education opportunities need to be made available at the local court level and statewide.

Member comments:

- Several members commented that while it is good to have policies and resources in place, the emphasis must be placed on leadership and ongoing training in the workplace.

C. Overview of Strategic Planning for the Next Strategic Agenda

Cindy Trimble, AOC Executive Office, provided an overview of the strategic agenda's planning process and sought feedback from the commission on agenda items to include. The next strategic agenda will take effect on July 1, 2019.

Member comments:

- Remove obstacles to limited scope representation and attorney conflicts of interest.
- Continue simplifying forms and instructions and provide fillable forms.
- Continue exploring Online Dispute Resolution software.
- Develop content for self-represented litigants in the form of videos, podcasts, and webpages.

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

Judge Anna Huberman discussed the workgroup's efforts on developing a series of *Legal Info Videos* for eviction actions. Eight scripts have been storyboarded and finalized. Staff is working on creating the videos. Male and female volunteers are needed for voiceovers in both English and Spanish. An example video entitled "What Landlords Need to Know Before Going to Court" was presented to the members. The commission discussed how to promote the videos.

E. Legislative Update

Judge Huberman discussed SB1376, which is effective August 2, 2018, and changes the number of days the landlord is required to hold the tenant's personal property from 21 days to 14 days.

F. Update on Rule Petitions

Julie Graber updated members on several pending rule petitions.

- **R-18-0020** – Subsidized housing pleading requirements and disclosure requirements. The commission filed a comment on May 4, 2018, which generally supports the proposed changes with some modifications and presents different views on the exact language to be utilized. Three other comments have been filed, some in support and some in opposition.
- **R-18-0021** – To adopt rules of small claims procedure in justice courts. The Committee on Improving Small Claims Case Processing filed an amended petition on April 27, 2018, and the next round of comments are due September 7, 2018.
- **R-18-0004** – To allow non-lawyers to represent certain types of small business entities in court. Five comments were filed, some in support and some in opposition. The Attorney Regulation Advisory Committee supported the public policy objective of improving access to justice but had concerns that the language was overbroad.

G. Update on Public Information and Messaging Workgroup

Kathy Sekardi reported that members of the Arizona Supreme Court have completed three podcasts on adoptions, protective orders, and veterans court. The goal is to go live with a series of six podcasts and post on both AZCourtHelp.org and azcourts.gov. Julie Graber presented the redesigned English and Spanish Self-Service Centers on azcourts.gov, which will likely go live in the next week. The new pages consolidate content and use tiles to organize the subject matter in a more user-friendly way. New topic pages and resources have been added to the Spanish Self-Service Center, so the Spanish pages mirror the English ones.

H. Update on the AZCourtHelp.org website

Theresa Barrett reviewed the impact of digital and traditional marketing efforts, and provided bags to members with traditional marketing items, including business cards, postcards, and posters, to distribute and share with outside groups when making access to justice presentations.

Dr. Kevin Ruegg reported on search engine optimization, Google Analytics, and shared the statistics for Google AdWords and Facebook ads for the period January 2018 through April 2018. She updated members on goals, such as finalizing the dissolution guide, expanding jury service information from court tours, and making forms fillable in the areas of name change, emancipation, garnishment, language access complaint, and personal information redaction.

Cathleen Cole, Arizona Foundation for Legal Services & Education, wrapped up the presentation with highlights of the site's new content and features. Find My Court webpages are being populated with the court's contact information, accepted methods of payment, parking and security information, language and disability access information, and forms from 68 court tours. The Like button has been updated so the user is prompted with a follow up question if he or she clicks "no," and the user can indicate if looking for a lawyer or for free legal advice.

Member comments:

- John Phelps inquired why the Like button does not link to Find a Lawyer on the State Bar’s website. Dr. Ruegg explained that the feature establishes first if free legal services are needed, and if not, then refers them to the State Bar.

I. Report from the Judicial and Attorney Engagement Workgroup

Dr. Ruegg reported on the workgroup’s efforts to engage public attorneys and judges. To engage law firms and identify *pro bono* participation, share *pro bono* policies, and determine if law firms are willing to discuss increasing their *pro bono* activities, a targeted letter signed by Chief Justice Bales was sent to 73 law firms with survey questions about their *pro bono* policies and areas of interest. To date, 47 percent of law firms responded to the survey, 32 percent reported having a formal *pro bono* policy, and 88 percent reported *pro bono* activities in their law firm. Kevin Groman reported on the progress of the In-House Counsel *Pro Bono* Commission to increase awareness of *pro bono* opportunities with efforts, such as Wills for Heroes, clinics, and the Florence project in which children are being represented by counsel in deportation cases. John Phelps discussed the State Bar of Arizona’s Public Service Center, which went live on May 1, 2018, and matches potential clients to attorneys. While there are many people requesting free legal help, there are also a number of people with modest means who are willing to pay.

J. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop discussed Arizona’s ongoing participation in the Justice in Government Project that was an agenda item at the commission’s last meeting. He reminded members that the project encourages the use of existing federal funding at the state level to provide civil legal aid services to individuals to remove obstacles to employment, escape domestic violence, and stabilize housing for needy families. He shared that interest convergence was identified between the commission’s goals and the policy priorities of the Arizona Governor’s Office that is being explored. Judge Winthrop reported on the presentation made in March to the Governor’s Task Force on Reentry and Recidivism on removing obstacles for jobseekers who have criminal records. The workgroup will continue building on this cooperative platform.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, September 19, 2018
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 1:41 p.m.

**Arizona Commission on Access to Justice
MINUTES**

Wednesday, November 14, 2018

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, Mike Baumstark, Judge Thomas Berning (*telephonic*), Judge Maria Elena Cruz, Kevin Groman, Judge David Haws, Judge Anna Huberman, Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Valerie Wyant (*telephonic*), Anthony Young

Absent/Excused: Judge Janet Barton, Pamela Bridge, Anni Foster

Presenters/Guests: Ann-Marie Alameddin, Cathleen Cole, Chris Groninger, Cheryl Kulas, Aaron Nash, Dr. Jessie Pettit, Anne Ryan, Lara Slifko

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the November 14, 2018 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:07 a.m.

B. Approval of Minutes

The draft minutes from the May 23, 2018, ACAJ meeting were presented for approval.

Motion: Judge Anna Huberman moved to approve the May 23, 2018, minutes, as presented. **Seconded:** Anthony Young. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics with emphasis on collaborative community-based *pro bono* assistance.

- The poverty rate in Arizona is 15.5 percent, which is three points higher than the national rate. Arizona is ranked ninth in the nation behind Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, and West Virginia.
- There are collaborative projects underway that involve access to justice issues, including a current State Bar task force to make proposals to assist senior lawyers facilitate *pro bono* legal services.

- A rule change petition will likely be filed in January by the Attorney Regulation Advisory Committee to rewrite Supreme Court Rule 38 regarding alternative pathways to the practice of law, legal service organizations, and attorneys who volunteer *pro bono* services. Included in that proposed rewrite are provisions to encourage retired and inactive lawyers to volunteer *pro bono* legal services.
- A new committee has been established, chaired by Justice Ann A. Scott Timmer, to study and make recommendations about expanding the use of court navigators, narrowing the definition of the unauthorized practice of law, and broadening the provision of allowable legal services by creating a new non-lawyer, legal professional.
- Judge Winthrop and Kevin Groman will be meeting with the Dean of the University of Arizona to discuss a potential collaborative project to enhance access to justice by leveraging technology.
- On January 22, Justice Bales and Judge Winthrop will be speaking at a public forum hosted by the University of Arizona which will focus on access to justice and the role that technology can play in connecting Arizonans with legal information.
- As required by the administrative order creating the Commission, a presentation on the Commission's activities this year will be given to the Arizona Judicial Council on December 13th.
- Electronic and hard copies of the new annual report are available to commission members if presenting to a group about access to justice.

B. Report on the Modest Means Program

Lara Slifko, Chief Resource Officer, Arizona Foundation for Legal Services & Education, provided background information and a current status on the modest means program.

- In 2009, 34 individuals were helped.
- In 2018, 2,298 individuals were helped.
- In the last ten years, approximately 10,000 individuals have been helped.
- The attorney's fee is \$75 per hour.
- There are currently 157 modest means attorneys.

Member comments:

- Are modest means cases typically brief or do they go beyond the initial hour? Based on anecdotal information, the cases tend to require more than one hour.
- Are modest means attorneys covered under their own malpractice insurance? Malpractice insurance is required. If the attorney does not have coverage of their own, he or she is covered under the Bar Foundation's policy for the modest means clients only.
- Do modest means attorneys tend to be newer or more experienced attorneys? Attorneys are usually more experienced.

C. Arizona State Bar Public Service Center

Cheryl Kulas, manager, State Bar of Arizona's Public Service Center, updated members on the Find-a-Lawyer platform since launching on May 1, 2018. Ms. Kulas reviewed some bar-wide attorney statistics and totals to date:

- Attorneys who will be matched with projects: 10,760
- 80.22 percent of attorneys who will be matched with projects have paid project notifications on.
- 75.42 percent of attorneys who will be matched with projects have included notification of potential *pro bono* projects.

Since May 1, there have been:

- 3,480 registered clients
- 2,525 projects posted (2,149 fee projects and 376 *pro bono* projects)
- 4,025 attorney applications
- 233 upgraded premium accounts (attorneys who have paid the annual fee)

Responses to projects posted are usually made within 36 hours. Attorneys can see how many applications have been made for a project in real time. If an application has been accepted by the client, the client deactivates the project. There is no cost for the public and for attorneys with *pro bono* project notifications on. The annual \$300 subscription fee is only for attorneys choosing to connect with paying clients. The fee subsidizes the development and maintenance of the platform. While the number of premium accounts is low, the goal is to build good cases in the platform without overwhelming the system. In the breakdown of cases, 69 percent of fee projects received applications and 40 percent of *pro bono* projects received applications. As part of the monitoring efforts, projects can also be reposted to a new pool of attorneys if the projects do not get any applications.

John Phelps stressed that the platform is a safe harbor for lawyers by matching profiles to a service provider within the ethical constraints of the professional rules. The platform also provides consumer protection for the public by ensuring that the lawyer is in good standing with the State Bar and discipline records are transparent. The platform is not about bidding low to get a client, but rather, it provides additional marketing leads and filters cases to attorneys.

The program has been in its first phase focusing on getting the platform up and running, and developing manual letters, mostly for *pro bono* cases, as a stop gap to give clients access to more information and if a case is not matched. The upcoming second phase will consist of a traditional and digital marketing push to the public, ongoing recruitment of attorneys, and distribution of branded materials to give an image to the program.

Member comments:

- In response to a question regarding user feedback, Ms. Kulas noted that surveys will be conducted shortly to ensure clients are satisfied with the movement of their cases and the platform is fulfilling its purpose.

- Limited scope representation materials should be provided in the platform to subscribing attorneys.
- Information could be included in the manual letters about the Access to Justice Online Intake System to ensure individuals are not lost in the platform.
- Legal aid providers and other partners should include a link to Find-a-Lawyer on their websites.
- The availability of this platform is a game changer because it covers either *pro bono*, modest means, or full price cases.

D. Report on Rule Petitions

Julie Graber, AOC staff, reported on pending and upcoming rule petitions.

R-18-0020 – Subsidized housing pleading requirements and disclosure requirements. At the August Rules Agenda, the Supreme Court adopted the rule petition, which is effective January 1, 2019. Ms. Graber presented a proposed complaint and proposed judgment and sought the commission’s approval before finalizing and posting to the webpage.

Motion: Janet Regner moved to approve the revised complaint and judgment forms, as presented. **Seconded:** Anthony Young. **Vote:** Unanimous.

Ms. Graber also discussed a proposed rule petition pending filing from the State Bar of Arizona, which would require landlords to serve relevant documents, including the lease, with the complaint, and would continue to allow parties to request other relevant information.

ACTION: The SRL-LJC Workgroup will review the proposed rule petition once it is filed and provide feedback at the February commission meeting.

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

Judge Anna Huberman reported that the workgroup is continuing to develop eviction Legal Info Videos in English and in Spanish. In addition to the initial series of nine residential eviction videos, five mobile home and five recreational vehicle videos are being produced. At the last workgroup meeting, ten additional scripts were approved for production. Finally, four new Legal Info Sheets have been added to the redesigned webpages in English and Spanish.

F. Update on Public Information and Messaging Workgroup

Julie Graber, AOC staff, reported that the workgroup is in the process of reorganizing and discussed the status of web initiatives.

- A press release was issued on October 31, 2018, announcing the redesign of the English and Spanish Self-Service Centers on AZCourts.gov. Available resources have been increased and the way the information is organized and laid out was improved to make more user friendly. Special

attention was taken on creating a separate Spanish Self-Service Center that mirrors and equals the English one. There are over 400 forms posted in English and over 400 forms posted in Spanish that are generic in nature.

- Since the commission's establishment, many legal resources have been developed by the commission and its workgroups in a variety of formats. A new Legal Info Hub is being developed as the repository for the entire Supreme Court for Legal Info Podcasts, Legal Info Videos, Legal Info Sheets, and Legal Info FAQs. A Spanish Legal Info Hub will also be available. The target launch date is December 3, 2018.

Member comments:

- AZCourtHelp.org and other court websites should provide links to the Legal Info Hub when it goes live.
- A member recommended exploring social media sharing to easily spread the information.

G. Report on the AZCourtHelp.org website

Theresa Barrett, AOC staff, reported that Coconino County started holding the Family Law 101 Legal Talks in Spanish with the help of the Hispanic Bar Association. Ms. Barrett announced the addition of a second hub housed in Yuma County, and Yuma County Law Library recently received the Strategic Agenda Award for Goal 3: Improving Court Processes to Better Serve the Public. Finally, she noted the ongoing efforts to develop Spanish content.

Cathleen Cole, Arizona Foundation for Legal Services & Education, reviewed Google Analytics, search engine optimization, and enhanced features and content on AZCourtHelp.org. Ms. Cole demonstrated the new legal aid resource page, which directs individuals to a menu of available legal services, and the new traffic hub, which was developed in collaboration with limited jurisdiction subject-matter experts. A new quarterly newsletter will be published and distributed to partners, which will feature new content and latest statistics about AZCourtHelp.org.

H. Report from the Judicial and Attorney Engagement Workgroup

Judge Joseph Kreamer discussed the workgroup's efforts to promote judicial engagement, private attorney engagement, and public attorney engagement.

Judicial engagement: The plan is to develop a website with information about appropriate judicial engagement opportunities to let judicial officers know what is available and get the information to them. The workgroup has contacted former Judge Margaret H. Downie, executive director of the Commission on Judicial Conduct, to make sure the opportunities are indeed appropriate for judicial officers. Judge Kreamer also highlighted Judge Maria Elena Cruz's successful presentations to high school students regarding all parts of the judicial process, which could be expanded to schools on a statewide basis.

Public lawyer engagement: The workgroup has reached out to various agencies, including the Attorney General's Office and the Maricopa County Attorney's Office, to develop a *pro bono* partnership concept to engage public lawyers. In light of issues raised with a public *pro bono* policy, the workgroup settled on a plug-and-play programmatic approach where public lawyers can connect to existing programs hosted by the Bar Foundation that do not have potential conflict issues. This concept was approved by agency decision-makers. The next step is to work out the details and identify specific opportunities that are deemed acceptable. The goal is to bring public officials on board to endorse and promote participation.

Private attorney engagement: At the next workgroup meeting, the workgroup will discuss developing a strategy to engage law firms as a follow up to the earlier survey conducted.

John Phelps briefly discussed a report from the Institute for Advancement of the American Legal System about using unbundled legal services to fill the access gap.

I. Report from the Inter-Governmental Collaboration Workgroup

Judge Winthrop updated members on Arizona's continued participation in the Justice in Government Project. Chris Groninger, Chief Strategy Officer, Arizona Foundation for Legal Services & Education, announced that the Bar Foundation recently received a two-year \$1.1 million federal VOCA Vision 21 grant to improve technology services for all Arizona victims of crime, including victims of domestic violence, elder abuse and consumer fraud, who are having issues accessing services. Judge Winthrop discussed an article in The Arizona Republic on the Governor's Second Chance Centers and how providing legal aid resources reduces barriers for those who have criminal records. He also reviewed a fact sheet developed by Karen Lash on how civil legal aid assists those affected by the opioid crisis.

J. Presentation of the St. Vincent de Paul Legal Clinic

Ann-Marie Alameddin, St. Vincent de Paul Legal Clinic, provided background information on the St. Vincent de Paul Legal Clinic, which is based on a variation of the medical-legal partnership model and housed in the medical clinic at St. Vincent de Paul in the family ministry's office. In partnership with the law firms of Jennings Strouss and Gallagher & Kennedy, the 100 percent *pro bono* staffed legal clinic provides access to free legal services for those in need in the areas of immigration, consumer, landlord/tenant, and family law on the third Thursday of the month in a dining hall for 90 minutes. There are no eligibility, residency or income requirements. A general advice attorney and an immigration attorney are always available. Ms. Alameddin noted that it would be helpful if the legal clinic could tie into the greater resources available for volunteer attorneys since the volunteers have day jobs.

Member comments:

- The Bar Foundation could be a place for groups to meet, share information, and coordinate referral opportunities.
- Members identified the legal clinic as a good example of community lawyering and praised its valuable work. In addition, members felt this model should be replicated.

K. Presentation of the Tucson Family Advocacy Program (TFAP), a Medical Legal Partnership for Health

Anne Ryan, director, and Jessie Pettit, M.D., medical director, Tucson Family Advocacy Program (TFAP), provided an overview of its medical-legal partnership, which is embedded with the University of Arizona's Family Medicine's Residency Programs, and teaches healthcare providers about legal barriers to patient health and how providers can become more effective advocates for their patients. Dr. Pettit pointed out that while quality medical care alone cannot always improve patient health, many acute and chronic diseases are exacerbated by the stress of poverty. She illustrated how the multi-disciplinary team approach, which is centered on building a healthcare team able to identify, treat, and prevent health-harming legal needs for patients, in turn benefits providers, attorneys, and patients.

Ms. Ryan described the program's core components: integrated medical-legal services, education, systemic advocacy, and community partnerships. She reviewed 2017 case types, which focused on access to health care, public benefits, naturalization, disability-related matters, housing, and advance care planning, divided between refugee and non-refugee cases. The education component stresses the importance of providers being good advocates for patients. Ms. Ryan illustrated how systemic issues can be addressed through advocacy for individual patients and in the community in areas such as access to healthcare for refugees and citizenship for refugees with disabilities. As part of community partnerships, outreach and trainings are done with refugee resettlement agencies. The program reaches vulnerable patients who otherwise would not access the medical and legal services they need to prevent or resolve crises that undermine health.

Member comments:

- Members applauded the great work and impact of the program, which is a great example of community-based *pro bono* assistance.
- In response to a suggestion about including the program on the Ref-Aid mobile app, Ms. Ryan clarified that it does not advertise and relies only on referrals from health care providers.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date
Wednesday, February 13, 2019
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 119
1501 W. Washington Street
Phoenix, AZ 85007

Adjourned at 2:01 p.m.