

**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.