

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.