

PROMOTING
ACCESS
 TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

February 17, 2016 - 10:00 a.m. to 2:00 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona

Conference call-in number: 602-452-3288 Access code: 9868

[ACAJ WEBPAGE](#) [WebEx](#) Password: 9868  

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks	<i>Judge Lawrence F. Winthrop, Chair</i>
	Approval of minutes from November 18, 2015 <input type="checkbox"/> Formal Action/Request	
10:05 a.m.	Chairperson's report	<i>Judge Winthrop</i>
10:25 a.m.	Report from SRL-Family Court Workgroup	<i>Judge Dean Fink, SRL-FC Workgroup Chair</i>
	<ul style="list-style-type: none"> • Maricopa County's AmeriCorps project • Update on Law4AZ training programs • Update on AZCourtHelp - Arizona's Virtual Access & Resource Center • Simpli Phi Lex "Instructions" project • Update on Q&R Handbook 	<i>Janet Fisher, State Library</i> <i>Theresa Barrett, AOC</i> <i>Judge Dean Fink</i> <i>Kathy Sekardi, AOC</i>
10:50 a.m.	Report from SRL-Limited Jurisdiction Courts Workgroup	
	<ul style="list-style-type: none"> • Forms and instructions for landlord and tenant issues • Update on Resources Sub-Workgroup efforts • Update on Maricopa County Justice Courts efforts 	<i>Nick Olm, AOC</i> <i>Nick Olm, AOC</i> <i>Jeff Fine, MCJC Court Administrator</i>
11:15 a.m.	Report on latest developments in non-lawyer representation initiatives	<i>Judge Kreamer, Non-lawyer Representation Task Force Chair</i>
11:30 a.m.	Update: Lay Legal Advocates	<i>Chris Groninger, AZFLSE</i>

 **Lunch – 11:45 a.m.** 

The Chair may call items on this Agenda, including the Call to the Public, out of the indicated order. Please contact Kathy Sekardi (602) 452-3253 or Nick Olm (602) 452-3134 with any questions concerning this agenda. Persons with a disability may request reasonable accommodations by contacting Julie Graber at (602) 452-3250. Please make requests as early as possible to allow time to arrange accommodations.

TIME	AGENDA ITEM	PRESENTER
12:45 p.m.	Report from <i>Pro Bono</i> Service and Funding Workgroup <ul style="list-style-type: none"> • Update regarding the <i>Pro Bono</i> Workgroup's focus and goals • Charitable Tax Report • Report on outreach efforts • Recognition of In-House Counsel of the Year 	<i>Judge Joseph Kreamer, Pro Bono Workgroup Chair</i> <i>Lara Slifko, AZFLSE</i> <i>Dr. Kevin Ruegg, AZFLSE</i> <i>Judge Joseph Kreamer</i>
1:15 p.m.	Review of Commission progress on mandate in Administrative Order No. 2014-83 <input type="checkbox"/> Formal Action/Request	<i>Judge Winthrop</i>
1:55 p.m.	Good of the Order / Call to the Public Adjournment	<i>Judge Winthrop</i>

2016 Meetings

May 18, August 17, and November 9
10:00 a.m. to 2:00 p.m.
State Courts Building, Phoenix, Arizona
Conference Room 119

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Arizona Commission on Access to Justice
DRAFT MINUTES
November 18, 2015
10:00 a.m. to 2:00 p.m.
State Courts Building, 1501 W. Washington Street
Phoenix, AZ 85007

Present: Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Millie Cisneros; Michael Jeanes; Ellen Katz; Judge Joseph Kreamer; Michael Liburdi; Judge James Marnier; John Phelps; Kevin Ruegg; Judge Rachel Torres Carrillo; Lisa Urias

Telephonic: Judge Maria Elena Cruz; Anthony Young

Presenters/Guests: Pamela Bridge; Judge Dean Fink; Kevin Groman; Maggie Kiel-Morse; Judge Bill Rummer; Cari Gerchick; Chris Groninger; Judge Steven McMurry; Judge Patricia K. Norris; Scott Uthe

Administrative Office of the Courts (AOC): Judge Mark Armstrong (ret.); Dave Byers

AOC Staff: Theresa Barrett; Julie Graber; Nick Olm; Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome, Opening Remarks and Approval of Minutes

With a quorum present, the November 18, 2015 meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:08 a.m.

Motion: Judge Kreamer moved to approve the August 12, 2015 minutes. **Seconded:** Mike Baumstark
Vote: Unanimous.

B. Chairperson's Report on Presentations and Meetings

Judge Winthrop reported the Arizona poverty rate is 21.2%; which equals 1.7 million people (or one out of every 11 people) living at or below the federal poverty level (\$5,000 for individuals and \$12,000 for a family of four).

Over the past year, Judge Winthrop has been building partnerships with a variety of groups to promote the work of the commission, to raise awareness regarding the needs of self-represented litigants, and to educate and inform people about the Arizona Charitable Tax Credit. The presentations have been made to lawyer groups, bar associations, law firms, public law agencies, various business communities and private foundations.

Action item: Judge Winthrop requested members to identify two groups in the community that they feel comfortable talking to about the Arizona challenges that relate to access to justice issues and the work of the commission, the need for legal services funding, and the promotion of the charitable tax credit. Once the groups are identified and the presentations have been made, members are requested to provide this information to staff.

II. REPORT FROM SRL-FC WORKGROUP

A. Report on the Law4AZ project

Maggie Kiel-Morse reported training for library staff is scheduled in January and February of 2016 for the remaining nine counties as part of the Law4AZ project. Ms. Kiel-Morse asked the commission members to help locate volunteer attorneys who are willing to participate with the Law4AZ training.

Mr. Phelps offered to coordinate with Ms. Kiel-Morse to solicit volunteers and mentioned that the Arizona Foundation for Legal Services and Education (AZFLSE) has developed a *pro bono* portal website, which can also be used to solicit volunteers.

Mr. Young suggested group of *pro bono* lawyers could attend the library training sessions. Logistics of their attendance could be accomplished by a conference call with the *pro bono* directors of AZFLSE, the State Bar, and legal service agencies. He also suggested that *pro bono* attorneys could make use public libraries as a free venue in which to speak with low-income people about public benefits, and as a possible website to post educational videos.

B. Maricopa County Superior Court’s AmeriCorps Project

Judge Dean Fink reported Maricopa County Superior Court received a three-year AmeriCorps grant to have 38 AmeriCorps members (students) in the Law Library Resource Center to assist self-represented litigants gain access to justice by helping them find legal information, walking self-represented litigants to the filing counter, and completing and filing forms. It is anticipated these activities will have a measurable impact on the court calendar by eliminating the need for repeat visits from litigants who did not initially fill out paperwork correctly. AmeriCorps members will receive a stipend and may receive grant monies for school loans or tuition. Initially, the students will only assist with family court and protective order matters. However, with success, it is hoped that the program can expand to other areas of law.

The program has recruited 57 applicants for the 38 positions. Staff will be interviewing applicants in the coming weeks and final selections will be made by the end of November. Orientation is scheduled over the course of a couple days in January, 2016.

C. Report on the updated “Q&R Handbook”

Ms. Kiel-Morse reported that feedback and comments were received from commission and workgroup members and many of the suggestions were incorporated into the current draft. Some of the changes include:

- Handbook is anticipated to be used electronically within a PDF format to make use of bookmarks for user-friendly navigation.
- “Resources” such as links to web pages and reference materials, have been added below the question and response instead of inside the response narrative.
- New section added for fee waivers and deferrals.
- New section added that outlines the Arizona court system.
- New section added that defines legal information versus legal advice.
- Added the list of things court personnel can and cannot do when helping court customers.

Judge Winthrop expects this document will be helpful when educating the judiciary and judicial staff regarding dealing with self-represented litigant issues. A suggestion was made to sponsor a statewide WebEx event to present this material to the judiciary.

A member inquired as to how the public are educated about what court staff can and can’t do. Staff responded by saying that an administrative order (A.O. 2007-28) requires signage be prominently displayed at court service counters, self-service centers, and law libraries open to the public.

Motion: Ms. Ruegg moved to approve the Q&R Handbook and recommend that this document be vetted through the Arizona Judicial Council. **Seconded:** John Phelps **Vote:** Unanimous.

D. Report on the Simpla Phi Lex Project

Judge Fink reported Pima County Commissioner Dean Christoffel developed the Simpla Phi Lex project that transformed family law documents into forms and instructions that are easier to read and understand. University of Arizona law students were partnered with graduate students in the English department to work on this award-winning project.

Judge Fink has established a sub-workgroup to further develop the Simpla Phi Lex products into a generic statewide instructions product.

E. Report on the Arizona's AZCourtHelp Virtual Access and Resource Center

Ms. Kiel-Morse reported a task force was established to develop a project plan for the new AZCourtHelp resource center. The Coconino County Law Library Self-Help Center will house the physical space. The remodeling plans include configuring a modular classroom space to use for workshops and clinics. A comprehensive webpage is planned that will be a discovery tool and a repository for statewide and county-specific self-help videos. There are plans for live video streaming of workshops and clinics so participants have the benefit of asking questions and getting feedback immediately.

An AmeriCorps Vista Grant allowed Coconino County to hire a Program Coordinator who will research and report to the task force on best practices for developing the webpage and what content to provide. The coordinator will also reach out to community organizations and get input regarding the needs of the community and their constituents. The proposed timeline to launch the resource center and webpage is late summer of 2016.

III. REPORT FROM SRL-LJC WORKGROUP

A. Presentation of best practices for ensuring access to justice for self-represented litigants

Judge Steven McMurry, Presiding Justice of the Peace in Maricopa County, presented information about a program that was recently offered to justice court judiciary regarding the best practices for ensuring access to justice for self-represented litigants. The best practices were developed by a committee of Maricopa County Justice Courts Justices of the Peace along with input from the National Center for State Courts.

The best practices were developed by focusing on fairness from the perspective of the self-represented litigant. Although the best practices have not been adopted, they are persuasive and are being followed by Justices of the Peace.

Judge Winthrop noted that it is not improper for judges to accommodate self-represented litigants and there has not been an instance where a judge has ever been admonished for delivering legal information to self-represented litigants in any manner.

B. Report on the Forms Sub-workgroup and Resources Sub-workgroup

Judge Carrillo's reported that over the past year, the Forms Sub-workgroup held numerous meetings to edit forms and information packets for eviction matters and vetted the drafts to various stakeholders. The sub-workgroup has developed ten different forms and packets:

1. 5 Day Notice to Vacate (failure to pay rent)
2. 5 Day Notice to Vacate (health and safety violations)
3. 10 Day Notice to Move (material breach)
4. 10 Day Notice to Move (repeat material or health and safety breach)
5. Immediate Notice to Move (material and irreparable breach)

6. General Information About Landlord and Tenant Rights and Options Before You Come to Court
7. General Information for Tenants Who Have Been Served with Eviction Court Pleadings
8. General Information for a Landlord Filing an Eviction Action in Justice Court
9. Complaint and Summons
10. Judgment

Paul Julien established a group to develop video scripts for landlord/tenant issues. Production is expected to commence in January, 2016. The working titles are:

- o “So You Just Got Served Eviction Paperwork”
- o “So You’re Thinking of Renting an Apartment or Home”
- o “So You’re Thinking of Filing an Eviction Action”

The Justice Courthouses have signs posted that inform the public about requesting fee waiver and deferral form applications at the clerk windows. Justice Court clerks are also being trained to inform the public about the fee waiver and deferral forms.

It was suggested that the commission or one of its workgroups explore developing forms that tenants can use in landlord/tenant matters.

Motion: Judge Carrillo moved to have the commission approve the drafts of the forms and information packets in concept with the understanding that the forms will be reviewed by Arizona State University English Department to alter them to a fifth grade reading level and for the AOC to seek resources to have the documents translated into Spanish. **Seconded:** Mike Baumstark **Vote:** Unanimous.

IV. BARRIERS TO ACCESS TO JUSTICE FOR TENANTS IN EVICTION CASES

Pamela Bridge, Community Legal Services, presented the following issues:

The first issue is an ethical concern regarding court procedures that allow a landlord attorney an opportunity to question a tenant in the courtroom before the judge has taken the bench. Many tenants are nervous and confused and simply leave the courthouse, which may result in a default judgment against the tenant; or the tenant may have signed a stipulated judgment believing that court personnel assisted, when in fact, it was the opposing landlord attorney. Ms. Bridge believes it is crucial for judges to be on time for court and for judges to sign stipulated judgments only if the tenant is present at the hearing to provide an opportunity for the judge to question the tenant about the stipulations proposed in the judgment.

Second, Ms. Bridge stated that judges would benefit from more training in the area of housing subsidies in order to make informed and accurate decisions in these cases. Ms. Bridge explained that many problems faced by tenants occur when a subsidy agency has contracted with a private landlord to pay directly to the landlord part or all of a tenant’s rent on behalf of the tenant. The contract usually states that the landlord cannot evict the tenant if the agency is late paying rent to the landlord. If the agency is late paying the rent it is a dispute between the landlord and the agency, not between the landlord and tenant. Yet, landlords continue to file eviction actions for the full amount of rent, which results in tenants being evicted. Ms. Bridge has reached out to the Arizona Department of Housing and the Housing and Urban Development (HUD), which have already agreed to collaborate with her organization to assist with judicial training needs.

Third, there are concerns about handling non-payment of rent cases where inhabitation issues may exist. Ms. Bridge stated that self-represented litigants are unable to navigate through the complex area

of injunctions against landlords for inhabitability issues and suggested that the *Rules for Procedure for Eviction Actions* (Rule 13(b)(4)) should be revised to assist tenants through the process.

Ms. Bridge then requested this commission to:

1. Sponsor workgroups to review these specific concerns.
2. Recommend trainings for judges by Continuing Legal Education (CLE), Court Ordered Judicial Education and Training (COJET) or at each respective court's bench meetings.
3. Explore making rule changes regarding stipulated judgments and tenant actions against landlords.

A member commented that Southern Arizona Legal Aid receives these same complaints and suggested that statewide training for judges would be beneficial.

After inquiry from Mr. Byers, Ms. Katz stated she expects a rule petition allowing a change of judge in eviction cases to be proposed again. Mr. Byers added that this rule petition has previously been rejected by the Arizona Supreme Court for a multitude of reasons and asked the commission to examine the issue further.

The chair stated that the issues presented by Ms. Bridge are within the parameters of this commission's charge. He further commented that conducting trainings at the judicial conference and at bench meetings would be beneficial to the judiciary.

Motion: Ms. Cisneros moved to have the commission support a training on these issues at the judicial conference in June of 2016 and have the commission sponsor that presentation. **Seconded:** Mr. Jeanes **Vote:** Unanimous.

V. PRESENTATION ON RULE PETITION R-14-0027

Judge Mark Armstrong (ret.) informed members this rule change petition proposes a revision to Rule 11 of the *Arizona Rules of Procedure for Eviction Actions*. The proposed change envisions telephonic appearance by parties and witnesses in eviction actions.

Judge Armstrong noted the Maricopa County Justices of the Peace submitted a comment opposing this rule petition and proposed a different rule petition. Ellen Katz, on behalf of the William Morris Institute for Justice (WMIJ), filed a proposal opposing both of the proposed rule petition changes.

Accordingly, the Arizona Supreme Court continued this petition at their last rules agenda meeting in August, 2015, to provide an opportunity to develop language agreeable to all stakeholders. Judge Armstrong drafted new language for the petition based on model language in the *Arizona Rules of Protective Orders Procedure* to facilitate discussions during the extended comment period.

A member stated this petition has been vetted through the task force of legal service attorneys who handle eviction cases. The consensus of the vetting was this proposal is better than the previous proposals, but there are still some concerns.

Judge Armstrong noted this rule change petition is an ongoing process and he is open to further suggestions.

VI. PRO BONO SERVICE AND FUNDING WORKGROUP REPORT

A. Report on the Arizona Charitable Tax Credit Campaign Efforts

Judge Winthrop informed members he distributes the Charitable Tax Credit flyer developed by the Arizona Foundation for Legal Services & Education (AZFLSE) when presenting to various bar foundations and organizations around the state. The flyer identifies seven non-profit organizations that qualify for the charitable tax credit. He clarified that the charitable tax credit is separate and apart from the school tax credit, meaning both donations and tax credits will count.

B. Report on Intel’s Outreach Efforts to Other Corporate Counsel

Scott Uthe, Intel Corporation, reported that contact has been made with the *pro bono* coordinators and Mr. Uthe informed the commission of the following:

- Avnet does not have a *pro bono* coordinator and their corporate counsel have discretion on where and to whom *pro bono* work is provided.
- Discussions with U-Haul are ongoing as to what *pro bono* services will be provided.
- AZ Public Service has reinstated, along with Volunteer Lawyers Programs (VLP), a collaborative program that supports “attorney-for-the-day” counseling.
- Salt River Project will start clinics in January, 2016, to draft wills for underserved clients.

C. Report on the Ongoing Efforts of the *Pro Bono* Service Workgroup and Outreach Efforts

Judge Joe Kreamer and Dr. Kevin Ruegg reported that funds are needed to support the *pro bono* legal service organizations in Arizona. Interest on Lawyers’ Trust Accounts (IOLTA), which funds legal service organizations, has been decreasing steadily over the past few years. This workgroup is working on meeting those challenges for funding.

Legal service organizations are making it as seamless as possible to present corporate counsel and attorneys with volunteer opportunities. Between the Volunteer Lawyers Programs (VLPS) in Maricopa County and from Southern Arizona Legal Aid, there have been almost 4,000 requests for services. The VLPs make the connection between those seeking service and volunteers willing to provide service. There were an additional 120 volunteer lawyers added in the last ten months and additional outreach efforts are ongoing to recruit more volunteers.

Finally, it was shared that recently a steering committee that is comprised of legal service organization directors, the William E. Morris Institute for Justice, and the AZFLSE, examined frontline access to justice issues. This group identified a need for a one-stop portal that attorneys can access to find ways to volunteer. The result of their examination was development of a portal called Online Arizona Justice (probono.azbf.org). Dr. Ruegg will keep commission members posted on implementation of the portal.

VII. REPORT ON NON-LAWYER REPRESENTATION ISSUES

Judge Kreamer reports a significant gap between people that cannot afford attorneys and people who do not qualify for free legal aid. This “modest means gap” needs to be addressed and non-lawyer representation is a possible solution.

Judge Kreamer then shared information regarding the Washington State Limited Liability Legal Technician (LLLT) program. He noted the following:

- Among other things, LLLTs obtain relevant facts for clients; inform clients of possible implications of the law; prepare clients for court, perform legal research and draft legal documents. LLLTs are only assisting with family law matters at this time.
- Qualifications for LLLTs include: an Associate’s degree or higher; complete 45 hours of the core curriculum through the ABA legal program; complete 3,000 hours of paralegal

- experience under the supervision of a lawyer; pass the legal technician exam and ethics exam.
- The LLLT board in Washington State oversees and creates standards for the LLLT program.

Judge Kreamer further noted the challenge with the Washington program is there are not enough people willing to qualify and complete the program due to the costs and time involved. It was noted that Oregon is in the process of creating a system similar to Washington's LLLT program; however, Oregon is considering requiring even more hours of training than the Washington program requires.

It is Judge Kreamer's assessment that when looking at legal services and non-legal representation, navigator programs (such as Maricopa County, New York, and in part Arizona's legal document preparer program), have far more success for one-time help situations. Accordingly, he recommended to continue monitoring other states' programs to identify what is and is not working.

VIII. REPORT ON THE TOWN HALL DISCUSSION

Judge Patricia Norris, Court of Appeals Division 1, and Chris Groninger reported on the recent Town Hall held on August 28, 2015:

This Town Hall focused on the Domestic Violence Legal Assistance Project. Attorneys for legal service groups and lay legal advocates from various constituent groups were invited to the Town Hall to discuss certain emerging issues, to make specific recommendations, and to develop metrics on the domestic violence program.

A member inquired as to whether the town hall addressed the issues of domestic violence for undocumented persons. The member's concern was that a number of agencies funded by LSC have restrictions, as LSC does not allow services for undocumented persons. Ms. Groninger indicated the issue was discussed and expects the pilot project to include the presence of an advocate in those areas of the state that have an increase of undocumented victims.

Judge Winthrop suggested following-up by discussing perspectives and recommendations for the program with the judicial community and to report findings back to the commission. The commission members can then discuss and determine if a formal rule or administrative regulation would benefit the lay legal advocate program.

VIII. OTHER BUSINESS

A. Good of the Order/Call to the Public

There was no response to a call to the public.

B. Adjournment

Meeting adjourned at 1:48 p.m.

C. Next Commission Meeting Date

February 17, 2016

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

State Courts Building, Conference Room 119A/B

1501 W. Washington

Phoenix, Arizona 85007

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-represented Litigants in Family Court Workgroup (SRL-FC)
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From: SRL-FC Workgroup Chair

Presenter: Maricopa County Superior Court Judge Dean Fink

Discussion:

1. Judge Dean Fink will discuss the current status of the Maricopa County AmeriCorps project.
2. Judge Fink will provide a report from the Family Court Instructions sub-workgroup.
3. Janet Fisher will describe the efforts of the Law4AZ training programs across the state.
4. Theresa Barrett will provide information regarding the AZCourtHelp project in Coconino County.
5. Kathy Sekardi will update members about the *Q&R Handbook* status.

Recommended Action or Request (if any): None at this time.

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-represented Litigants in Limited Jurisdiction Court Workgroup (SRL-LJC)
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From: SRL-FC Workgroup AOC Staff

Presenter: Nickolas Olm

Discussion: First, Nick will present on the work that is being done to edit the landlord and tenant instruction packets and forms to a fifth grade reading level. Second, Nick will briefly discuss the current status of the landlord and tenant informational videos. Lastly, Nick will present on the status of having computers donated to the courts for SRLs to use.

Recommended Action or Request (if any): None at this time.

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-represented Litigants in Limited Jurisdiction Court Workgroup (SRL-LJC)
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From: Maricopa County Justice Courts

Presenter: Jeff Fine, MCJC Court Administrator

Discussion: Mr. Fine will discuss a new collaborative program to assist self-represented litigants in eviction actions and report on judicial training efforts.

Recommended Action or Request (if any): None at this time.

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Non-Lawyer Representation Workgroup
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From: Non-Lawyer Representation Workgroup

Presenters: Judge Joseph Kreamer

Discussion: Judge Kreamer will discuss the latest developments in non-lawyer representation initiatives, including the recent report from Utah's Supreme Court Task Force to Examine Limited Legal Licensing.

Recommended motion:
None at this time.

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Discussion of Expanded Role of Lay Legal Advocates in Domestic Violence Cases
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From: Director of Strategic Initiatives, Arizona Foundation for Legal Services & Education

Presenter: Ms. Chris Groninger

Discussion: Chris Groninger will provide a brief update on the proposed project to expand the role of lay legal advocates working with victims of domestic violence.

Recommended Action or Request (if any): None at this time.

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Pro Bono Service & Funding Workgroup
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From: Pro Bono Service & Funding Workgroup

Presenters: Judge Joseph Kreamer and Dr. Kevin Ruegg

Discussion:

1. Judge Kreamer will report on the Workgroup's focus and goals going forward.
2. Lara Slifko will discuss the Charitable Tax Report and the effect recent efforts have had on amounts received.
3. Dr. Ruegg will report on outreach efforts, including articles in April's upcoming Arizona Attorney Magazine focusing on pro bono and recognition of volunteers.
4. We will celebrate Dan Christensen's well-deserved recognition from the Arizona Chapter of the Association of Corporate Counsel as In-House Counsel of the Year.

Recommended motion: None at this time.

Arizona Commission on Access to Justice

Meeting Date: February 17, 2016	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Review of ACAJ progress on mandate in A.O. No. 2014-83
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From: Judge Lawrence Winthrop

Presenters: Judge Winthrop

Discussion: Judge Winthrop will lead the discussion regarding the ACAJ's progress and efforts to implement directives outlined in A.O. No. 2014-83.

Recommended motion:
None at this time.



The Arizona Commission on Access to Justice Promoting Access to Justice – Goal 1

Chart of Recommendations – Initial Work (A.O. 2014-83) (April, 2014 – January, 2016)

A. Assist self-represented litigants and revise court rules and practices to facilitate access and the efficient processing of family court and eviction cases.

1. Support Maricopa County Superior Court's grant application to AmeriCorps to create a "court navigator" program for self-represented litigants in family court proceedings.
 - Continue to support efforts of Law Library Resource Center (LLRC) program.
 - Continue to request quarterly reports of program status
 - Request report of "best practices" that outline methods and procedures used to develop and administer an effective volunteer service program to assist self-represented litigants for other counties to duplicate

2. Create standardized forms and simplified instructions for self-represented litigants in family court and for litigants in landlord/tenant court.
 - FAMILY COURT: Sub-workgroup is continuing to explore the use of Pima County's Simpla Phi Lex project forms and instructions.
 - LANDLORD/TENANT: The SRL-LJC "Forms" workgroup completed work and transferred forms to AOC to continue to resolve remaining issues. See recommendation 9.
 - Explore options for mandatory use of forms, such as drafting a rule change petition for Rules of Procedure for Eviction Actions to direct the use of landlord notice forms.

3. Create a web-based virtual self-help service center.
 - Applied and received AmeriCorps VISTA grant, which commenced November, 2015.
 - Coconino County will pilot the AZCourtHelp Virtual Access & Resource Center at the Coconino County Law Library space.

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- Task Force established to plan project scope.
 - On-going: VISTA grant member continues efforts on several fronts:
 1. Website development for azcourthelp.org – collaborative effort with the Arizona Foundation for Legal Services & Education
 2. Development of “legal talks” (workshops, classes, webinars) using volunteer presenters to provide information on specific topics
 3. Outreach and promotion of the Arizona State Charitable Tax Credit and IV-D funding program services.

 - Resource center officially named “AZCourtHelp – Arizona’s Virtual Access & Resource Center”
 - Phase I funding agreement has been approved and grant monies have been disbursed to Coconino County Superior Court.
 - Design and re-configuration of physical space will include installation of a modular training room/classroom and working spaces.
 - Explore technology equipment options and working with court partners for remote accessing
 - Kick-off first legal talk – late summer 2016
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4. Community library legal information pilot project: Under the auspices of the State library system, a pilot project has been designed to create resource centers in the library setting for self-represented litigants.

- Coconino, Gila, Graham, Greenlee, Maricopa, and Yuma counties have participated in training for public library staff. Training consists of three sessions. Each session includes a lecture portion, group exercises to facilitate discussion, handouts, and practice exercises for library staff.
 - The remaining nine counties training has been scheduled for the first two months in 2016.
 - The ACAJ was called upon to assist with recruitment of attorneys willing to participate in the library training sessions.
 - Include public training schedule on the ACAJ webpage and request social media promotion by the AOC Media Relations Director.
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5. Update the 2007 Supreme Court handbook (FAQs) to educate court staff and provide consistent responses regarding “legal advice v. legal information.”

- Establish workgroup to review and revise the original Supreme Court handbook. Comments and feedback were requested from ACAJ members, clerks’ of court, Arizona State Bar, William E. Morris Institute for Justice, subject matter experts, and other court stakeholders.
 - Q&R Handbook final product completed.
 - Document in process of being converted to Adobe on-line version.
 - Document translated into Spanish.
 - Statewide memo to announce updated “Q&R Handbook.”
 - Q&R Handbook will be made available Self-service center webpages on the Arizona Judicial Branch and AJINWeb pages.
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6. Referral to the Committee on the Impact of Domestic Violence and the Courts (CIDVC): explore how to make available to rural hospitals and courthouses the best-practice currently being used in several metropolitan areas where victims of domestic violence who are receiving treatment at a hospital can seek an Order of Protection remotely while at a hospital.

Referred to the Committee on the Impact of Domestic Violence and the Courts (COSC).

Judge Wyatt Palmer, Justice of the Peace in Graham County and COSC member, and John Lucas, IT Director for Graham County, presented Graham County's videoconferencing technology used to issue protective orders between a local safe house and the court.

Graham County has shared the "Video Conference Instructions for D.V. Applications" for any county to use as protocol procedures between a court and safe house.

7. Assist those counties who are currently eligible to apply for and receive federal Title IV-D funding. One goal being to assist those counties who are not currently eligible to receive such funding, to develop outreach programs that would, in turn make them eligible.

AOC has met several times to discuss Title IV-D funding with DES/DCSS. (Point of contact, paperwork?)

Staff coordinated presentation of DCSS leadership to AASCA to share information on IV-D funding.

Compile a list of specific questions to DES/DCSS regarding eligible IV-D funding activities to provide guidance to counties that may want to participate.

8. Explore and discuss the merits and disadvantages of training and licensing lay advocate representation in a family court context, such as the LLLT program in Washington State.

A small workgroup was established (Judge Joseph Kreamer and Todd Lang) to examine the issue of non-lawyer representation. Initial recommendation is to track the newly established and controversial LLLT program in Washington state and to monitor what other states are doing in this regard.

ACAJ member, Judge Peter Cahill (Ret.), initiated discussion of increasing the effectiveness of "lay legal advocates" employed by domestic violence shelters by suggesting that the ACAJ consider revisiting court rules and practices to facilitate access and the efficient processing of family court cases, based on Administrative Order No. 2014-83.

SRL-LJC Workgroup member, Chris Groninger, facilitated and participated in a "Lay Legal Advocate & Attorney Town Hall Meeting" on August 28, 2015. Participants used the Arizona Town Hall process to

create a consensus report of the discussions and recommendations for action.

9. Revise and make all eviction forms easier to read and understand: the forms should include a short summary of likely options.

- Workgroup was formed to review several eviction forms and instructions.
- Workgroup completed initial drafts and transferred product and additional form recommendations to AOC.
- AOC to finalize workgroup's efforts.
- 5 Day Notice to Vacate (failure to pay rent)
- 5 Day notice to Vacate (health and safety violations)
- 10 Day Notice to Move (material breach)
- 10 Day Notice to Move (repeat material or health and safety breach)
- Immediate Notice to Move (material and irreparable breach)
- Complaint and Summons
- Judgment
- General Information About Landlord and Tenant Rights and Options Before You Come to Court (AOC to add hyperlinks, plain language review, and Spanish translation)
- General Information for Tenants Who Have Been Served with Eviction Court Pleadings (AOC to add hyperlinks, plain language review, and Spanish translation)

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10. Make fee deferral/waiver forms more accessible, both online and at the courthouse.

- ACAJ members identified issues with current fee deferral/waiver forms and updated the application form and order to specifically include the Parent Education program, effective June 1, 2015.
- AOC staff continues to monitor and collaborate with jurisdictions to ensure information and fee deferral/waiver forms are readily accessible and viewable online, and is user-friendly for litigants.
- ("...and at the courthouse.") (training, posters, monitor banners, code section changes [MAS], blurb in videos) Ideas?

-
11. Training: Encourage and mandate specific training for judges and for court staff, particularly concerning the role of the judge in dealing with the self-represented litigant.

- In conjunction with Education Services, training curriculum and resources for ensuring access to justice for self-represented litigants will be developed to present to statewide jurisdictions. Approved in concept at the December, 2015 AJC meeting.

12. Computer access in courthouse: Encourage the placement of computers in court reception or lobby areas to give self-represented litigants the ability to use intelligent forms that the litigant can access, understand and complete on site. Explore potential technology grants from the State Justice Institute, the National Center for State Courts and the ABA to facilitate purchase and installation of such technology.

Explore obtaining Wi-Fi within court buildings so that low-income litigants can access smartphone technology to connect with court webpages (?)

Ongoing - AOC exploring AZSTRUT for eligibility to receive free computers.

13. Housing law clinics: Explore the creation and expansion of law school-based clinical programs as well as Volunteer Lawyer Program clinics in the landlord-tenant area. These clinics could be held on-site at the courthouse, or in a community-based location, such as the public library.

Ideas?

14. Gather and create informational videos about the court process that can be accessed at the courthouse and on law-related websites, such as AZLawHelp.org.

The VISTA grant member will commence an extensive search for court process video links in furtherance of the AZCourtHelp website, which is collaborating with the AZLawHelp organization.

Continue to research video-editing technologies.

Leverage equipment funding and technology expertise by collaborating between the Arizona Foundation for Legal Services & Education, AZLawHelp, and the AZCourtHelp Virtual Access & Resource Center.

B. Encourage lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who cannot afford counsel.

15. Explore the recognition of those judges who are role models in dealing with pro per litigants and how to not only recognize their skills but also how to share their expertise and recommendations with others.

Pro bono workgroup efforts?

16. Law firm pro bono network: Create a statewide network of law firm representatives to link resources and coordinate delivery of private pro bono services.

Develop a law firm pro bono network.

Promotion of network?

17. Pro bono volunteer web portal: Support development of a “one stop” pro bono web portal, created by the Arizona Legal Service Steering Committee and the Arizona Bar Foundation, which will identify volunteer programs across the state and specific opportunities for lawyers to volunteer their services.

Support the creation of a “one stop” pro bono web portal for Arizona attorneys to find volunteer opportunities in Arizona.

AOC links pro bono web portal to Judicial Branch Volunteer Opportunities webpage.

18. Business pro bono network: Create a state-wide network of corporate and business representatives who understand the need for and benefit to the business community of providing legal services to our working poor population, including outreach to and engaging of corporate and in-house counsel.

Pro bono workgroup to set goals to reach out to other companies. Dan Christensen/Scott Uthe speaking to other corporate counsel...result?

19. Encourage and expand public lawyer involvement, including agency adoption of model pro bono policy for government lawyers and to
-

create and publicize opportunities for pro bono service that fit within the ethical and legal restrictions placed on public lawyers providing volunteer service.

? (rule petition/SBA policy change, any clarification on this?)

20. Create a network of retired judges and lawyers to provide training and pro bono services.

Explore ways to connect with retired judges and out-of-state attorneys to perform legal work as volunteers. (i.e. Boston) (Create mailbox?)

21. Develop a plan for media coverage opportunities and dissemination of legal information via print, television and Internet.

Workgroup developed a framework for a comprehensive media plan to spread the word of the ACAJ's initiatives, such as the benefits of pro bono work and the campaign to promote the State Charitable Tax Credit.

Create a quarterly newsletter to provide information on the work of the ACAJ.

Produce a video to introduce the ACAJ's initiatives to corporations and lawyers that would help the general public and key stakeholders better understand the work being done by the ACAJ and its workgroups.

Arizona Attorney magazine is scheduled to run an issue and cover about pro bono work and the ACAJ initiatives during Access to Justice month in April, 2016.

Develop compelling stories and testimonials of how legal services attorneys are assisting low- to modest-income people with real-life scenarios.

Other ?

22. Develop a plan and find creative ways to celebrate and honor volunteers and enhance recognition of pro bono service.

? Pro bono workgroup?

C. Develop an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

23. Arizona State Tax Credit: Expand promotion of the Arizona Tax Credit for Qualifying Charitable organizations. Media coverage and public awareness of the credit, and the social return to the community on such investment needs to be increased.

The Supreme Court to host a Tax Credit Action event on October 9, 2015, to kick-off promotion and information regarding the benefits of donating tax credits for legal services to low- and modest-income people.

The Arizona Foundation for Legal Services & Education will develop an informational flyer to use to present to various bar foundations and organizations around the state.

Develop outline for presenters to follow when speaking with groups.

Ongoing: Request ACAJ members identify two groups that they would talk to regarding the work of the ACAJ and the need for funding legal services agencies by way of using the charitable tax credit.

Ongoing: Continue to speak to a variety of community groups, organizations, law firms, public law agencies, private foundations, and the business community to promote the work of the commission, the needs of the self-represented litigants, and the Arizona Charitable Tax Credit.

2015 tax credit results – increase of \$77,473

New efforts?

24. Develop new or supplemental funding model: Consider long term funding options for the access to and delivery of pro bono services. Collaborate with other organizations as appropriate.

?

IT IS ORDERED establishing the Arizona Commission on Access to Justice (Commission), as follows:

1. **Purpose.** The Commission shall study and make recommendations on innovative ways of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. The Commission shall evaluate best practices within Arizona and in other states, identify possible changes in court rules or practices to reduce barriers to access, identify and encourage the adoption of best practices among legal service providers, and consider potential long-term funding options.

The Commission's work and priorities will be set by the Chief Justice in consultation with the Chair of the Commission.

The initial work of the Commission shall be to examine and make recommendations on the following:

- a) Assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases
- b) Encouraging lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who cannot afford counsel.
- c) Developing an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

2. **Membership and Terms.** The Commission will consist of standing and ad hoc members. Standing members will serve an initial staggered term of one to three years, and may be eligible for re-appointment. Ad hoc members shall be appointed for terms of sufficient length to accomplish the task assigned. The Chief Justice may appoint additional members as necessary.

a) **Standing members.**

- 1) One appellate court judge, who will also serve as Chair and may designate another member to serve as Vice-Chair;
- 2) One clerk of the superior court;
- 3) One court administrator from the superior court;
- 4) Two superior court judges;
- 5) Two limited jurisdiction court judges;
- 6) Two Arizona lawyers in active law practice;
- 7) One Arizona Judicial Council member;
- 8) The Administrative Director of the Courts or designee;
- 9) The Executive Director of the Arizona Foundation for Legal Services & Education, or designee;

- 10) The Executive Director of the State Bar of Arizona, or designee;
- 11) Two legal services representatives; and
- 12) Two public members.

b) Ad hoc members. In addition to the standing members of the Commission, the Chief Justice may appoint ad hoc members whose particular business, legal, judicial, or community experience is needed to undertake the work of the Commission.

c) Work Groups. The Commission Chair may establish or dissolve Work Groups which may be, but are not required to be, partially comprised of persons not members of the Commission.

3. Meetings. Commission meetings shall be scheduled at the discretion of the Chair. Pursuant to ACJA § 1-202, all meetings shall comply with the public meeting policy of the Arizona Judicial Branch.

4. Staffing. The Administrative Office of the Courts shall staff the Commission.

5. Commission Reports. The Commission shall submit its reports and recommendations, no less than annually, to the Arizona Judicial Council (AJC). The first report shall be submitted to the AJC for its March 2015 meeting.

IT IS FURTHER ORDERED that the individuals listed in Appendix A are appointed as members of the Access to Justice Commission for terms beginning upon signature of this order and ending on the dates shown by their respective names.

Dated this 20th day of August, 2014.

SCOTT BALES
Chief Justice

Attachment: Appendix A

Appendix A
ARIZONA COMMISSION ON ACCESS TO JUSTICE

Chair

Hon. Lawrence F. Winthrop
Arizona Court of Appeals, Division One
Term Expires: December 31, 2017

Members

Hon. Michael Jeanes
Superior Court Clerk
Term Expires: December 31, 2017

Mike Baumstark
Administrative Director of the Courts
or designee
Term Expires: December 31, 2017

Kip Anderson
Court Administrator
Term Expires: December 31, 2017

Kevin Ruegg
Executive Director, Arizona Foundation for
Legal Services & Education
Term Expires: December 31, 2017

Hon. Maria Elena Cruz
Superior Court Judge
Term Expires: December 31, 2016

John Phelps
Executive Director, State Bar of Arizona or
designee
Term Expires: December 31, 2017

Hon. Janet Barton
Superior Court Judge
Term Expires: December 31, 2015

Ellen Katz
Legal Aid Services, Maricopa
Term Expires: December 31, 2015

Hon. James Marner
Superior Court Judge
Term Expires: December 31, 2015

Anthony Young
Legal Aid Services, Southern Arizona
Term Expires: December 31, 2015

Hon. Thomas Berning
Limited Jurisdiction Court Judge
Term Expires: December 31, 2016

Steve Seleznow
Public Member
Term Expires: December 31, 2016

Hon. Rachel Torres Carrillo
Limited Jurisdiction Court Judge
Term Expires: December 31, 2016

Lisa Urias
Public Member
Term Expires: December 31, 2016

Barb Dawson

Attorney

Term Expires: December 31, 2015

Millie Cisneros

Attorney

Term Expires: December 31, 2016

Janet Regner

Arizona Judicial Council Liaison

Term Expires: December 31, 2015