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IN THE SUPREME COURT  
STATE OF ARIZONA

**PETITION TO AMEND APPENDIX  
A, ARIZONA RULES OF  
PROCEDURE FOR EVICTION  
ACTIONS**

Supreme Court No. R-24-0023  
**REPLY IN SUPPORT OF  
PETITION**

1 Pursuant to Rule 28 of the Rules of the Supreme Court, Community Legal  
2 Services (“CLS”), DNA People’s Legal Services (“DNA”), Southern Arizona  
3 Legal Aid (“SALA”), and the William E. Morris Institute for Justice (“MIJ”)  
4 respectfully file this Reply in support of their Petition to Amend the Rules of  
5 Procedure for Eviction Actions (“RPEA”), Appendix A, by revising the Arizona  
6 Residential Eviction Information Sheet (“REIS”) so that it is easier to read and  
7 understand.  
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10 Petitioners reply to the comments to the Petition, noting the overwhelming  
11 support from organizations and individuals across Arizona: the Arizona Attorney  
12 General, State Bar of Arizona, Arizona Commission on Access to Justice,  
13 Southwest Fair Housing Council (“SWFHC”), Wildfire: Igniting Community  
14 Action to End Poverty in Arizona (“Wildfire”), Unemployed Workers United, a  
15 project of Working Families Power, (“UWU”), and Arizona State Representative  
16 Charles Lucking.  
17  
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20 Examples of Comments in support of the amendment to Appendix A  
21 include:  
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- 23 • “[T]he rule change supports access to justice goals by providing more  
24 information to litigants and simplifying the information provided.”<sup>1</sup>
- 25 • “The Civil Rights Division of the AGO is tasked with enforcing the  
26 Arizona’s Fair Housing Act and, as a result, receives inquiries and  
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<sup>1</sup> Comment from the Arizona Commission on Access to Justice at 2.

1 complaints from individuals who are facing eviction, or have already  
2 been evicted, from their housing. . . . Many individuals undoubtedly  
3 have benefitted from the information provided in the REIS and those  
4 individuals would benefit further from the clarifying information  
5 regarding the eviction process and the edits contained in the Petition.  
6 Petitioners’ modifications to the REIS improves the resource and  
7 makes it more easily understood by individuals who are attempting to  
8 navigate the eviction process. The modifications do so by defining  
9 legal terms as well as simplifying and clarifying language so as to  
10 make the REIS more accessible.”<sup>2</sup>

- 11 • “If a court form is unintelligible to many of its lay users, that is  
12 problematic even if it is intelligible to an attorney. The State Bar  
13 applauds petitioners’ efforts to improve accuracy, completeness, and  
14 plain language in the REIS.”<sup>3</sup>

15 Comments by Representative Charles Lucking, SWFHC, Wildfire, and  
16 UWU all highlight that the vast majority of tenants facing eviction are  
17 unrepresented. They note that litigants should have accurate and clear information  
18 on the REIS regarding the rules and resources, as suggested by the Petition.  
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27 <sup>2</sup> Comment from the Office of the Attorney General at 2-3.

28 <sup>3</sup> Comment from the State Bar of Arizona at 2.

1           Zona Law Group P.C., on behalf of the Manufactured Housing Communities  
2 of Arizona (“MHCA”), and the law firm Hull, Holliday & Holliday, P.L.C., filed  
3 comments in opposition to the proposed rule change. The comments listed certain  
4 concerns which we will address below.  
5

6           **I.    Petitioners’ Proposed Rule Change Will Provide Accurate**  
7           **Information about Evictions in Plain Language.**  
8

9           MHCA suggests that the Petition 1) does not articulate a justification for the  
10 changes, and 2) does not clearly articulate the harm the Petition seeks to remedy.<sup>4</sup>  
11

12           MCHA asserts that Petitioners base the Petition on value judgments about  
13 the education levels and comprehension capabilities of tenants without more.  
14 MCHA’s unwarranted assertion belies Petitioners’ articulated reasons for the need  
15 to make the changes, and which are based on daily interaction with tenants and the  
16 courts.<sup>5</sup> Moreover, governmental entities - especially courts - should use direct  
17 and plain language for communications aimed at the public.<sup>6</sup> Wildfire cites to this  
18 principle as well:  
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21           Court forms are critical for bridging the access to justice gap that  
22 occurs for self-represented litigants. A well-designed, plain-language  
23 court document helps people resolve their justice problems, protect

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24 <sup>4</sup> Comment from the Manufactured Housing Communities of Arizona at 2.

25 <sup>5</sup> *Id.*

26 <sup>6</sup> Access to Justice, National Center for State Courts (last visited May 28,  
27 2024), [https://www.ncsc.org/consulting-and-research/areas-of-expertise/access-to-justice/plain-  
28 language#:~:text=What%20is%20plain%20language%3F,and%20confidence%20in%20the%20judiciary.](https://www.ncsc.org/consulting-and-research/areas-of-expertise/access-to-justice/plain-language#:~:text=What%20is%20plain%20language%3F,and%20confidence%20in%20the%20judiciary.)

1 their rights, and face their justice issues with dignity and  
2 empowerment.<sup>7</sup>

3 There is great need for a revised REIS. SWFHC’s comment recognizes the  
4 need for clear and accurate information about the eviction process.  
5

6 [A] common theme that [SWFHC sees] is how little people know and  
7 understand their housing rights and responsibilities or how to navigate  
8 the legal system to assert and defend their rights.<sup>8</sup>

9 The current REIS on its face presents misleading and undefined information.  
10 For example, the inclusion of only Community Legal Services (“CLS”) as the legal  
11 services resource for the state misleads the public in areas outside of CLS’s service  
12 area. The current REIS also uses legal terms like “Answer” and “Summons,”  
13 which are undefined and uncommon terms not widely understood outside of the  
14 law.  
15

16  
17 The Petition seeks to clarify the meaning of such terms, while also making  
18 the document more readable for unrepresented parties. For example, in the revised  
19 REIS, Petitioners propose including revised language that goes over counterclaims  
20 in the section labeled “Answer”: “The tenant may file a counterclaim if the tenant  
21 believes the landlord violated the lease agreement or a federal or state law in some  
22 way.” MHCA commented that the proposed language regarding counterclaims  
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27 <sup>7</sup> Comment from Wildfire at 2.

28 <sup>8</sup> Comment from Southwest Fair Housing Council.

1 misstates the law, arguing, “The general rule is that counterclaims...are not  
2 available either as a defense or for affirmative relief in eviction actions.”<sup>9</sup>

3  
4 The language in the proposed amendment is not a misstatement of the law  
5 simply because it is available in some but not all cases. Of course, each case has  
6 varying fact patterns to which different legal options may apply. The REIS and the  
7 amendments proposed in the Petition do not detail all the legal claims,  
8 counterclaims, defenses, and other options available to each defendant. Rather, the  
9 REIS offers information for each party to explore their legal options when faced  
10 with a new legal action.  
11

12  
13 MCHA further commented that, in the section discussing the appeals  
14 process, the proposed revised REIS is incorrect where it states, “If the tenant wins,  
15 the court will dismiss the case.”<sup>10</sup> Petitioners acknowledge that the current  
16 wording of this sentence is unclear and propose the following revision: “If the  
17 tenant wins, the court will provide further instruction as to the next steps in the  
18 process, which may include a new hearing, dismissal, or judgment in the tenant’s  
19 favor.” The REIS is intended to provide unrepresented parties with basic  
20 information about each step of the eviction process and Petitioners did not intend  
21 to include an incomplete statement.  
22

23 MCHA states that adding accurate contact information for all three legal  
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27 <sup>9</sup> Comment from the Manufactured Housing Communities of Arizona at 5.

28 <sup>10</sup> *Id.*

1 services providers is problematic because the contact information may change “or  
2 if the listed agencies become unfunded.”<sup>11</sup> Descriptions of vague and highly  
3 improbable outcomes for Arizona’s three federally funded legal services providers  
4 are not valid arguments against fixing a clear error that presently exists in the  
5 REIS. The Court has already decided to include legal services on the REIS sheet.  
6  
7 Adding complete and accurate contact information for the three legal services  
8 organizations on a form available to eviction parties statewide only makes sense.  
9

10  
11 MHCA filed its own proposed amended REIS form, different from the one  
12 suggested by the Petitioners. If MHCA wishes to propose an amended REIS form,  
13 the proper rulemaking procedure is for MHCA to file its own Petition.  
14

15  
16 Commenter Hull, Holliday & Holliday, P.L.C., asserts that because there is  
17 no new information provided, the amendments are not needed in the “Notice,”  
18 “Rent Cases,” and “Sources of Additional Information” sections.<sup>12</sup> The new  
19 proposed language is offered to clarify and simplify the wording, not only add  
20 “new” language.  
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22  
23 Hull, Holliday & Holliday, P.L.C. also comments that there are omissions of  
24 law or fact for each of the sections “Before Court,”<sup>13</sup> “At Court,”<sup>14</sup>  
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26 <sup>11</sup> *Id.* at 9.

27 <sup>12</sup> Comment from Hull, Holliday & Holliday at 2-3, 5.

28 <sup>13</sup> *Id.* at 3.

<sup>14</sup> *Id.* at 4.

1 “Continuances,”<sup>15</sup> and “After A Judgment.”<sup>16</sup> As observed by UWU, tenants often  
2 do not understand what happens during a hearing because of “legalese,” language  
3 and terms familiar to the lawyers and Justices of the Peace but largely unknown to  
4 the general public.<sup>17</sup> The proposed amendments are not intended to address each  
5 factual scenario presented by eviction matters - rather, they give helpful, clear  
6 language regarding the eviction process.  
7  
8

9 **II. Conclusion**

10 We request that the Court approve this Petition, as submitted by Petitioners,  
11 and implement the Petition’s request to revise the Arizona Residential Eviction  
12 Information Sheet, found at Appendix A of the Rules of Procedure for Eviction  
13 Actions. The present and longstanding reality is that self-represented Arizonans  
14 are frequently confused by a legal eviction process and system that operates in  
15 favor of attorneys and others familiar familiar with it. Additional clarity by  
16 defining terms, using plain language, and expanding information so that it is  
17 accurate and useful for Arizonans throughout the state is important and necessary.  
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21 For the above-stated reasons, Petitioners respectfully request that the Court  
22 approve this Petition to amend Appendix A of the Rules of Procedure for Eviction  
23 Actions.  
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26 <sup>15</sup> *Id.* at 5.

27 <sup>16</sup> *Id.* at 5.

28 <sup>17</sup> Comment from Unemployed Workers United at 5.

1 Respectfully submitted this 3rd day of June 2024.

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22 Original electronically filed with the  
23 Clerk of the Supreme Court of Arizona  
24 this 3rd day of June 2024.

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