

1 ARIZONA ASSOCIATION OF MANUFACTURED HOME AND R. V. OWNERS  
2 PRO PER  
3 2334 S. McCLINTOCK DR.  
4 TEMPE AZ 85282  
5 480-966-9566

6 GERALD B. ADCOCK, PRO PER  
7 10397 MEANDERING TRAIL LANE  
8 GOLD CANYON AZ 85218  
9 480-983-2276

10 **IN THE SUPREME COURT STATE OF ARIZONA**

11 In the Matter of a PETITION TO ) Supreme Court No. R-\_\_\_\_  
12 AMEND SUPREME COURT RULE )  
13 31 (d)(11) ) PETITION TO AMEND SUPREME  
14 ) COURT RULE 31(d)(11)

15 Pursuant to Rule 28 of the Rules of the Supreme Court, the Arizona  
16 Association of Manufactured Home and R. V. Owners (hereinafter referred to as  
17 AAMHO) and Gerald B. Adcock, a potential owner of a manufactured home in a  
18 mobile home park, petition the Supreme Court to amend Rule 31 (d)(11) of the  
19 Rules of the Supreme Court, as set forth in Appendix A, attached hereto.  
20 Petitioners AAMHO and Adcock are filing pro per.

21 The Petitioners are also submitting a request to consider this rule change on  
22 an expedited basis because the rule processing cycle will delay needed help to  
23 many tenants.

1                   **I.        OVERVIEW AND SUMMARY OF PROPOSED CHANGE**

2           Mobile home park tenants who are unable to resolve serious issues with their  
3 landlord can pursue a resolution by filing a complaint with the Department of Fire,  
4 Building and Life Safety for a Hearing with the Office of Administrative Hearings.  
5 However, the petitioner cannot have a non-paid unlicensed person represent them  
6 as the landlord can. The petitioner’s only recourse is to hire an attorney if the  
7 petitioner cannot represent themselves. Nearly all petitioners follow the self-  
8 representation route and they predominately fail. If represented by a  
9 knowledgeable non-paid unlicensed person they would have a significantly  
10 greater chance of prevailing.

11           In FY 06-07 33 cases were heard according to the Arizona Department of  
12 Fire, Building and Life Safety. This Department processes the Petition initially and  
13 schedules the case for a Hearing if the Petition is accepted. FY 07-08 will likely  
14 see 33 – 36 cases and 21 have been filed to date.

15           Although the Hearing is less formal than a court proceeding, the Hearing is  
16 overwhelming and very intimidating to petitioners who are most likely to be older  
17 than 70 years of age and in poor health. The U. S. Census Bureau states that in  
18 2006, 69,000 Arizonans over 65 years old lived at 125% of the poverty level or  
19 below.

20           Nearly half of all Americans live past the age of 65 and 45% of this population  
21 segment have a high school education or less and are without savings.(*Arizona*  
22 *State University Research Magazine In Sociology; The Numbers Crunch*, John  
23 Matthews and Leonard J. Storaide, 1996) The U. S. Census Bureau statistics bear  
24 this out ten years later.

1 The Arizona mobile home park population is representative of this demographic  
2 segment.

3 Equal justice is an implausible aspiration for these people because they  
4 must represent themselves, having no ability to retain an attorney. Aged and  
5 disabled petitioners attempting to represent themselves face the fact that the  
6 landlord can hire an attorney, but the landlord is also permitted by Rule 31(d)(11)  
7 to be represented by an employee who is not an attorney.

8 Unfortunately, the rhetoric of licensed advocacy has obscured the real issues  
9 highlighted by the need for non-paid unlicensed advocates. Market forces are  
10 producing with increased regularity new challenges to the assurance of equal  
11 access to justice. This challenge can be met easily, however, in the matter of  
12 mobile home park tenant petitions.

13 Petitioner Adcock examined 20 cases that were heard over the past three  
14 years and which were decided in favor of the landlord. In all but two cases the  
15 defeat of the tenant's case did not turn on the merits but rather on the lack of  
16 presentation skills and often on the apparent physical and mental state of the  
17 tenant. Inadequate preparation for the Hearing seemed to be the prevalent obstacle  
18 resulting in the landlord prevailing in a high number of cases.

19 The undersigned petitioners observed a Hearing in February, 2008 wherein  
20 the Petitioner represented herself. Her husband was too ill to travel and participated  
21 by telephonic hookup. The Petitioner's Doctor wrote the following statement about  
22 her condition which is quoted here with her permission:

1 “My patient has chronic neck and arm pain with loss of  
2 strength. Due to the cerebrovascular accident, my patient  
3 is also unable to do any standing, lifting or reaching for  
4 any considerable period of time without experiencing severe  
5 pain in her back. She has had a stroke which has affected her  
6 energy level and her left side. She requires some aid in  
7 dressing and performing housework. She needs assistance  
8 preparing meals and grocery shopping.”

9 To expect this person and other seniors like her to prepare a case and present  
10 it is to ignore the reality of life for these souls who are tortured by their need to  
11 prevail and at the same time by their knowledge that they likely cannot.

12 Rule 31 (d)(11), (1), (4), (8), (12), and (13) permit unlicensed persons to  
13 represent persons and entities in Hearings wherein other State agencies are  
14 involved. We submit that a landlord/tenant Hearing is less problematic than any  
15 Hearing wherein unlicensed persons can act currently.

16 It is noteworthy that the Arizona Legislature has provided us with a  
17 historical perspective of legislative interest in unlicensed persons when the 1986  
18 Arizona UPL statute expired and the Legislature declined to reenact it. In 1962,  
19 voters adopted the 26<sup>th</sup> amendment to the Arizona Constitution by a vote of 4 to 1  
20 authorizing real estate brokers and salesman to prepare any and all documents  
21 pertinent to the sale of real property. Subsequent Court of Appeals decisions have  
22 upheld the amendment. These two considerations supporting unlicensed persons to  
23 assist in certain legal matters may be dated but the conditions that prompted these  
24 actions are more prevalent today.

1           When a class of litigants cannot retain an attorney in such vital matters as a  
2 potential eviction because the Mobile Home Park Management does not like the  
3 tenants' choice of a caregiver it seems vital to ask this Court to dispel the  
4 criticism that nonlawyers who engage in assisting these cases are posing a danger.

5           Moreover, legal problems in these cases are seldom purely legal problems. It  
6 is more appropriate to have help from people who understand the mobile home  
7 park culture and the tradition of certain landlord/ tenant problems.

8  
9 DATED this 17<sup>th</sup> day of March, 2008

10  
11 \_\_\_\_\_  
12 Gerald B. Adcock  
13 Petitioner pro per  
14 Email: adcockg@earthlink.net

15 \_\_\_\_\_  
16 Ron Feinstein  
17 President  
18 Arizona Association of Manufactured Home and R. V. Owners  
19 Email: PresidentAAMHO@gmail.com

20 \_\_\_\_\_  
21 Arthur Chick  
22 1<sup>st</sup> Vice-President  
23 Arizona Association of Manufactured Home and R. V. Owners  
24 Email: chick1stvpaamho@gmail