



Community
Legal Services

Consumer Issues Amid COVID-19

Presented by:

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And

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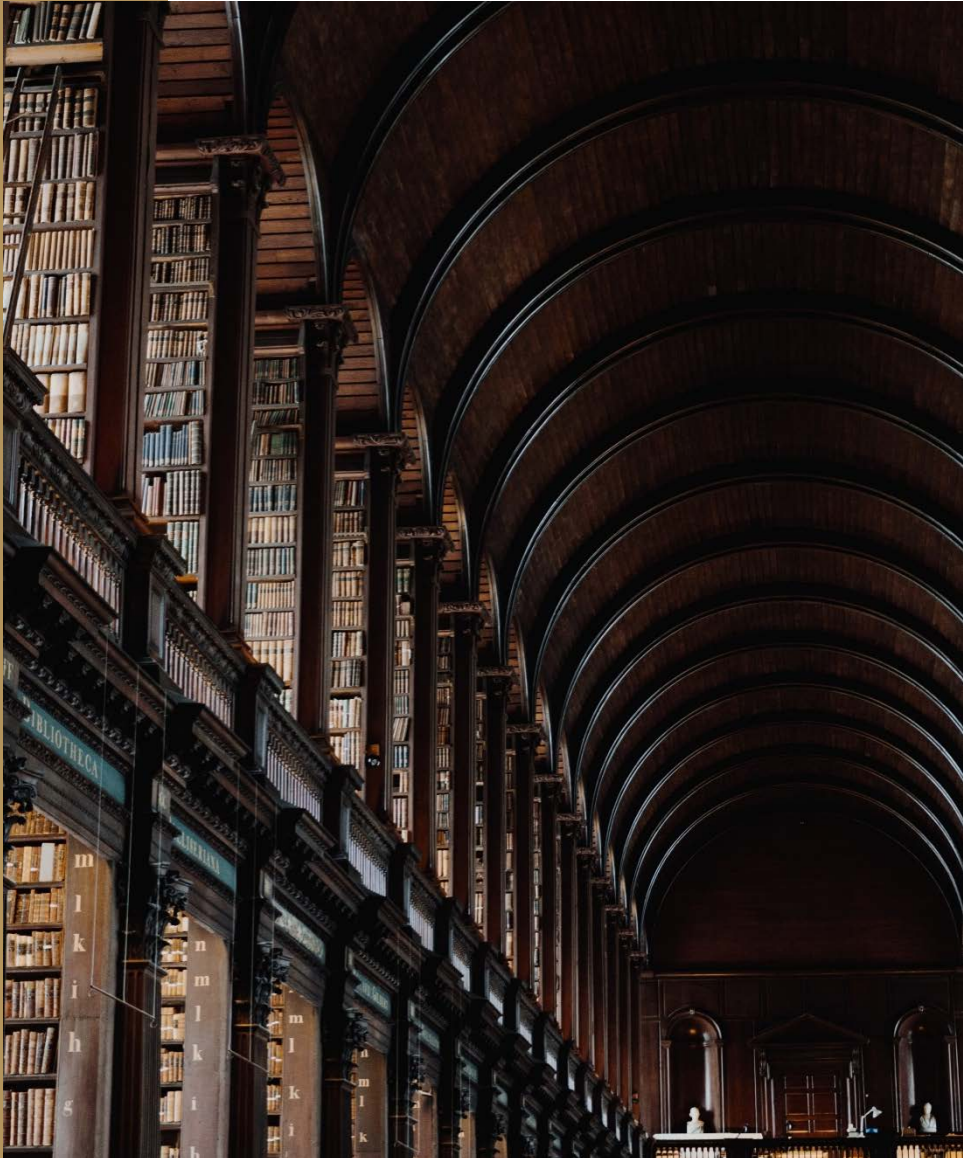
Who We Are



Serving Arizona Since 1952

Community Legal Services is a non-profit Arizona law firm that strives to assure fairness in the justice system no matter how much money you have but provides direct services to individuals falling below 125% of the federal poverty level.

We were incorporated in 1952 as a legal aid program organized to promote "equal access to justice for all."



AREAS OF PRACTICE

- Health and Economic Stability
- Employment Law
- Housing
- Family Law
- Consumer

SERVICE AREA

- Maricopa County
- Yavapai County
- Mohave County
- La Paz County
- Yuma County



Consumer Law

Typical Consumer Law Issues

A consumer is a person who buys or leases a product or services for their personal use or the use of the consumer's family. A person may have a consumer claim if they have been damaged by a service or product.

Consumer claims are very broad ranging under state and federal law and include cases where physical injury results from a product or service which was damaged, faulty or dangerous. Community Legal Services does not handle physical injury claims because private attorneys will represent consumers on a contingent fee basis, i.e., the consumer does not pay legal fees unless their claim is successful.

Community Legal Services does provide assistance in a number of consumer law areas including:

- Automobile Purchases
- Wage and Account Garnishments
- Student Loans
- Debt Collection
- Homeowners Association Assessments
- Title Loans / Predatory Lending
- Bankruptcy

Consumer Issues Covered Today

1. Collection Cases and Filing An Answer
2. Fee Waiver and Deferral Requests
3. Changes to the filing procedure during COVID-19
4. Garnishment and hearing requests
5. Stimulus payment protections
6. Federal Student Loans

Collection Cases and the Courts

I'VE BEEN SUED FOR A DEBT, NOW WHAT?

Factors to consider:

- Do I owe the money?
- Has a judgment been entered against me?
- Does the lawsuit seek anything besides money? Such as foreclosing my home?
- Am I uncollectible or might I be in the future?
- Do I have other judgments entered against me?

Seek the advice of an attorney to determine whether defending the lawsuit is in your best interest



Collection Cases and the Courts

Has a judgment been entered against me?

Check online case docket (if
available) or call the court where
the case was filed

Contact information will be
located on the court papers

Locate Your Court Here:

<https://azcourthelp.org/home/find-my-court>

Case filed in Maricopa County Superior Court:

<https://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseSearch.asp>

Case filed in Maricopa County Justice Court:

<http://justicecourts.maricopa.gov/FindACase/index.aspx>



Yes, I owe the money...

Filing an answer to the lawsuit increases the attorney fees and judgment amount entered against you

Generally, not recommended to file an answer if you owe the money

Also consider:

- Am I uncollectible?
- Income protections or non-exempt assets?

Speak to an attorney to determine whether defending the lawsuit is in your best interest

No, I do not owe the money

If you cannot speak with an attorney and believe you do not owe all or part of a claim, file a simple answer with the court that states:

1. I do not owe the debt
2. Demand proof at trial

REMEMBER: A copy must be sent to the party who sued you, or its attorney

Seek the advice of an attorney as soon as possible even if you have filed an answer to the complaint



CIVIL ANSWER

Download from AZ Law Help website or your local Court's website if available):

<https://azcourthelp.org/finder/published/lawsuits-under-10-000/547-07-answer/file>

Download from Maricopa Justice Court:

<http://justicecourts.maricopa.gov/Forms/index.aspx#f>



Maricopa County Justice Courts, Arizona

Please select court from the drop down list -----

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone _____

Attorney for Plaintiff(s) Name / Address / Email / Phone _____

Defendant(s) Name / Address / Email / Phone _____

Attorney for Defendant(s) Name / Address / Email / Phone _____

ANSWER

Civil JCRCP Rule 116a (1)

Small Claims

I am answering on behalf of: Myself Marital Community (Civil cases require signature of both husband and wife)
 Partnership Other: _____

The Defendant should admit an allegation, deny it, or state that you do not have enough information either to admit or deny.

1. I admit the following portion(s) of the Plaintiff's complaint:

2. I deny the following portion(s) of the Plaintiff's complaint:

3. Additional information:

I state under penalty of perjury that the foregoing is true and correct.

Date: _____ Defendant _____ Defendant

Please inform court staff if interpreter services are required.
 Yes, I need interpreter services.
Language: _____

I CERTIFY that a copy of this document has been or will be mailed on _____ to:
 Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney
Date: _____ By _____
Signature

You are required to keep the court advised of your current address and contact phone number.
The clerk can provide you with a Notice of Change of Address form.

File with your answer a request to have filing fees waived (you don't pay the fees at all) OR deferred (you pay later in the case)

If fees deferred you'll receive a bill or payment plan later in the case, you then file a "Supplemental Application for Further Deferral or Waiver" to request more time or waive payment


Download from AZ Law Help website

<https://azcourthelp.org/finder/published/fee-deferrals-waivers/fwd-english/205-application-for-deferral-or/file>


OR Download directly from your courts website (if available online) visit here to find out:

<https://azcourthelp.org/forms/fwd-forms/fwd-county>

Contact CLS, if eligible we'll provide a fee deferral letter and advice on whether you should file an answer



Fee Waiver and Deferral Forms



Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Daytime Phone / Alternate Phone: () - () - _____
Email Address: _____
Representing: Self Attorney for Petitioner Respondent
State Bar No. (if applicable): _____



Maricopa County Justice Courts, Arizona

_____ CASE NUMBER: _____
Name of Petitioner/Plaintiff

Name of Respondent/Defendant

APPLICATION FOR DEFERRAL OR WAIVER OF COURT FEES OR COSTS AND CONSENT TO ENTRY OF JUDGMENT

Notice: A Fee Deferral is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income. A Fee Waiver is usually permanent unless your financial circumstances change during the pendency of this court action.

I am requesting a deferral or waiver of all fees including: filing a case, issuance of a summons or subpoena, the cost of attendance at an educational program required by A.R.S. §25-352, one certified copy of the court's final order, preparation of the record on appeal, court reporter's fees of reporters or transcribers, service of process costs and/or service by publication costs. (I have completed the separate Supplemental Information form if I am asking for service of process costs, or service by publication costs.) I understand that if I request deferral or waiver because I am a participant in a government assistance program, I am required to provide proof at the time of filing. The document(s) submitted must show my name as the recipient of the benefit and the name of the agency awarding the benefit. **Note: All other applicants must complete the financial questionnaire beginning at section 3. If you are a participant in one of the programs in section 1 or 2 (below), you do not need to complete the financial questionnaire, and can proceed to the signature page.**

1. **DEFERRAL:** I receive government assistance from the state or federal program marked below or am represented by a not for profit legal aid program:
 Temporary Assistance to Needy Families (TANF)
 Food Stamps
 Legal Aid Services

2. **WAIVER:**
 I receive government assistance from the federal Supplemental Security Income (SSI) program.

3. **FINANCIAL QUESTIONNAIRE SUPPORT RESPONSIBILITIES.** List all persons you support (including those you pay child support and/or spousal maintenance/support for):

Name	Relationship
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

Employer name: _____
Employer phone number: () - _____
 I am unemployed (explain): _____

My prior year's gross income \$ _____
MONTHLY INCOME
My total monthly gross income \$ _____
My spouse's monthly gross income (if available to me) \$ _____
Other current monthly income, including spousal maintenance/support, retirement, rental, interest, pensions, and lottery winnings \$ _____
TOTAL MONTHLY INCOME \$ _____

MONTHLY EXPENSES AND DEBTS: My monthly expenses and debts are:	PAYMENT AMOUNT	LOAN BALANCE
Rent/Mortgage payment	\$ _____	\$ _____
Car payment	\$ _____	\$ _____
Credit card payments	\$ _____	\$ _____
Explain: Other payments & debts	\$ _____	\$ _____
Household	\$ _____	
Utilities/Telephone/Cable	\$ _____	
Medical/Dental/Drugs	\$ _____	
Health insurance	\$ _____	
Nursing care	\$ _____	
Tuition	\$ _____	
Child support	\$ _____	
Child care	\$ _____	
Spousal maintenance	\$ _____	
Car insurance	\$ _____	
Transportation	\$ _____	
Other expenses (explain)	\$ _____	
TOTAL MONTHLY EXPENSES	\$ _____	\$ _____

STATEMENT OF ASSETS: List only those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE
Cash and bank accounts	\$ _____
Credit union accounts	\$ _____
Other liquid assets	\$ _____
TOTAL ASSETS	\$ _____

The basis for the request is:

4. **DEFERRAL:**
 A. My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Note: Gross monthly income includes your share of community property income if available to you.)
OR B. I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. Explain: _____
OR C. My income is greater than 150% of the poverty level, but have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level.

DESCRIPTION OF EXPENSES	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL EXTRAORDINARY EXPENSES \$ _____

5. **WAIVER:** I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and are unlikely to change in the foreseeable future.

IMPORTANT
This "Application for Deferral or Waiver of Court Fees or Costs" includes a "Consent to Entry of Judgment." By signing this Consent, you agree a judgment may be entered against you for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a Notice of Court Fees and Costs Due indicating how much is owed and what steps you must take to avoid a judgment against you if you are still participating in a qualifying program. You may be ordered to repay any amounts that were waived if the court finds you were not eligible for the fee deferral or waiver. If your case is dismissed for any reason, the fees and costs are still due.

CONSENT TO ENTRY OF JUDGMENT. By signing this Application, I agree that a judgment may be entered against me for all fees or costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment.

OATH OR AFFIRMATION

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____ Signature _____ Printed Name _____
Date: _____ My Commission Expires/Seal: _____
Judicial Officer, Deputy Clerk or Notary Public



Court Procedures During COVID-19

- Yes, you can still be sued for unpaid debts during COVID-19
- Yes, you should still respond to the lawsuit if you have a defense or do not owe the debt
- Contact CLS or seek the advice of an attorney before filing an answer
- Courthouse and filing counters are STILL open and new cases can be filed although civil court appearances are held telephonically
- Contact the court where your case was filed for specific questions



How do I file my Answer?

- Contact the Court where your case was filed for specific instruction
- Maricopa County Superior and Justice Court allows in person filing with social distancing guidelines implemented
- <https://azcourthelp.org/home/find-my-court>
- Ex: Maricopa County Justice Courts CAN file in person, but recommend filing by mail or email (civil traffic cases)
- Maricopa County Superior Courts accepts filing by mail or drop box
- Call clerk to confirm receipt of documents
 - Mail: 3-4 days
 - Email: 1 hour
 - Drop box: following day





How do I file my Fee Waiver or Deferral

- Contact the Court where your case was filed for specific instruction
- File it with your answer in person or by drop box, or standard mail
- All requests reviewed by Clerk and SHOULD be granted
- If denied, clerk will contact to pay filing fee
- If your request is denied at filing stage, file a request for a hearing
- All hearings are handled telephonically
- The Request for hearing can be downloaded here:
 - Statewide Form:
<https://azcourthelp.org/finder/published/fee-deferrals-waivers/fwd-english/249-request-and-order-for-hearing/file>
 - Visit your Court's website and download form:
<https://azcourthelp.org/forms/fwd-forms/fwd-county>

All deferral and waiver requests SHOULD be granted until June 1, 2020 and re-reviewed by the Court a “later date”

The form is usually notarized in person by the Clerk at the time of filing, however that requirement may vary to avoid in person filing

Example Maricopa County Justice Court:


- If filing by mail, form DOES NOT need to be notarized, but filled out completely and signed

Example Maricopa County Superior Court:


- If filing by mail or drop box, the form NEEDS to be notarized
- If filed in person, clerk will verify identity and notarization not required

Contact the Clerk where your case is pending for specific instructions

Unfortunately you may be advised by the clerk to file the request in person



Fee Waiver and Deferral Forms During COVID-19



Garnishment Hearing Requests

My wages are being garnished, what do I do?

- File a request for hearing with the Court where the case was filed to either:
 1. Object to garnishment OR
 2. Request a reduction from 25% to 15% (lowest amount allowed on claim for financial hardship)
- Hearings are held telephonically
- Until June 1, 2020, contact the Court where the case was filed for filing instructions

My account is being garnished, what do I do?

- Request a hearing
- <\$300 (\$600 married) is protected, along with government benefits, retirement, workers compensation, veteran's benefits

Request for Hearing Form

- Wage Garnishment (Earnings):
<https://azcourthelp.org/browse-by-topic/garnishment/garnishment-earnings>
 Click Form 08
- Account Garnishment (Non-Earnings):
<https://www.azcourthelp.org/browse-by-topic/garnishment/garnishment-non-earnings>
 Click Form 7
- Contact the Court where the case was filed for filing instructions
- Seek the advice of an attorney as soon as possible
- DON'T FORGET Request for Fee Deferral

Person Filing: _____
 Mailing Address: _____
 City, State, Zip: _____
 Phone: () - _____
 Representing: Self Attorney Other State Bar No. _____



Maricopa County Justice Courts, Arizona

Please select court from the drop down list -----

_____ _____ _____ _____ _____ Judgment Creditor Name / Address / Email / Phone _____ _____ _____ _____ Judgment Debtor Name / Address / Email / Phone	CASE NUMBER: _____ REQUEST FOR HEARING (EARNINGS) _____ _____ _____ _____ Garnishee Name / Address / Email / Phone
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- I am the: *Check one*
 Judgment creditor or authorized representative
 Judgment debtor or authorized representative
 Garnishee or authorized representative
- The reason I am requesting a hearing is because: *Attach additional sheets if necessary*

Copy provided to judgment debtor on: Date: _____ By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery	Copy provided to garnishee on: Date: _____ By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery
Copy provided to judgment creditor on: Date: _____ By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery	

The Court can call me at _____ between 8 a.m. and 5 p.m. regarding the hearing, if necessary.

Date _____
 Signature _____

WARNING: Your hearing request may be subject to a filing deadline.

Stimulus Payments

When I get a stimulus check from the federal government due to the COVID-19 virus, can a creditor take it if I owe a judgment for consumer debts?

- YES
- A creditor with a judgment against you could take those funds if deposited into an ordinary bank account. You may want to cash those funds as one way to avoid garnishment. Another possible safeguard is to deposit them to your social security direct deposit account. That account will be automatically protected up to twice your monthly benefit amount under social security
- Other debts or garnishments, call CLS or speak with an attorney





Federal Student Loans

The CARES Act outlined protections for student borrowers

- Some examples are suspension of involuntary collections and monthly payments, 0% interest rate for certain types of federal loans

Should I stop making my student loan payments?

- NO. It is generally our advice not to change anything. Continue making payments if financially able
- Qualifying loans have been placed in administrative forbearance until September 30, 2020
- If unable, consult an attorney knowledgeable about federal student loan obligations or your loan servicer

Resources:

- Contact your loan servicer or CLS with specific questions
- <https://studentaid.gov/announcements-events/coronavirus>
- <https://www.studentloanborrowerassistance.org>

Legal Resources



Contact CLS
602-258-3434 or www.clsaz.org

Visit <https://www.azlawhelp.org>

Contact Maricopa County Lawyer Referral
service at 602-257-4434 or
<https://maricopabar.org/index.cfm?pg=LRSHome>

NOTE: Maricopa County Law Library available
ONLY for assistance with protective order and
injunctions against harassment
<https://superiorcourt.maricopa.gov/civil/>

Any Questions?

Email:
zoominar@clsaz.org



JUSTICE COURT LOCATIONS

Justice Courts business hours: Monday - Friday, 8:00 a.m. - 5:00 p.m.

Agua Fria

Court Address:

10420 W. Van Buren St.
Avondale, AZ 85323

Judge: Joe Guzman

Phone: (602) 372-8001

Fax: (602) 372-8201



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Arcadia Biltmore

Court Address:

620 W Jackson St
Phoenix, AZ 85003

Judge: Leonore Driggs

Phone: (602) 372-6300

Fax: (602) 372-6412



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Arrowhead

Court Address:

14264 W. Tierra Buena Lane
Surprise, AZ 85374

Judge: Craig Wismer

Phone: (602) 372-2000

Fax: (602) 372-2620



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Country Meadows

Court Address:

10420 W. Van Buren St.
Avondale, AZ 85323

Judge: Anna Huberman

Phone: (602) 372-8000

Fax: (602) 372-8024

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Desert Ridge

Court Address:

18380 N. 40th Street
Phoenix, AZ 85032

Judge: Cathy Riggs

Phone: (602) 372-7100

Fax: (602) 372-7912

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Downtown

Court Address:

620 W. Jackson
Phoenix, AZ 85003

Judge: Enrique Medina Ochoa

Phone: (602) 372-6300

Fax: (602) 372-6406

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Dreamy Draw

Court Address:

18380 N. 40th Street
Phoenix, AZ 85032

Judge: Frank Conti Jr

Phone: (602) 372-7000

Fax: (602) 372-7911

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East Mesa

Court Address:

4811 E. Julep
Mesa, AZ 85205

Judge: Keith Russell

Phone: (480) 985-0188

Fax: None

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Encanto

Court Address:

620 W. Jackson
Phoenix, AZ 85003

Judge: Ken Chevront

Phone: (602) 372-6300

Fax: (602) 372-6414

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Hassayampa

Court Address:

14264 W. Tierra Buena Lane
Surprise, AZ 85374

Judge: Miles Keegan

Phone: (602) 372-2000

Fax: (602) 372-2523

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Highland

Court Address:

55 E. Civic Center Dr. Ste 55
Gilbert, AZ 85296

Judge: Steven Urie

Phone: (602) 372-8300

Fax: (602) 372-8301

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Ironwood

Court Address:

209 E. Pima St
Gila Bend, AZ 85337

Judge: Joe Getzwiller

Phone: (928) 683-2651

Fax: (928) 683-6412

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Kyrene

Court Address:

201 E. Chicago Street
Chandler, AZ 85225

Judge: Sharron Sauls

Phone: (602) 372-3400

Fax: (602) 372-3494

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Manistee

Court Address:

14264 W. Tierra Buena Lane
Surprise, AZ 85374

Judge: Donald Watts

Phone: (602) 372-2000

Fax: (602) 372-2068

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Maryvale

Court Address:

10420 W. Van Buren St.
Avondale, AZ 85323

Judge: Andrew Gastelum

Phone: (602) 372-8002

Fax: (602) 372-8203

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McDowell Mountain

Court Address:
18380 N. 40th Street
Phoenix, AZ 85032

Judge: Michele Reagan
Phone: (602) 372-7000
Fax: (602) 372-7910

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Moon Valley

Court Address:
18380 N. 40th Street
Phoenix, AZ 85032

Judge: Andrew Hettinger
Phone: (602) 372-7000
Fax: (602) 372-8025

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North Mesa

Court Address:
1837 S. Mesa Drive
Mesa, AZ 85210

Judge: Kyle Jones
Phone: (480) 926-9731
Fax: (480) 926-7763

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North Valley

Court Address:
14264 W. Tierra Buena Lane
Surprise, AZ 85374

Judge: Gerald Williams
Phone: (602) 372-2000
Fax: (602) 372-2066

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San Marcos

Court Address:
201 E. Chicago Street
Chandler, AZ 85225

Judge: Jay Tibshraeny
Phone: (602) 372-3400
Fax: (602) 372-3468

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San Tan

Court Address:
201 E. Chicago Street
Chandler, AZ 85225

Judge: Samuel Goodman
Phone: (602) 372-3400
Fax: (602) 372-3441

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South Mountain

Court Address:

620 W. Jackson St
Phoenix, AZ 85003

Judge: Cody Williams

Phone: (602) 372-6300

Fax: (602) 372-6410



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University Lakes

Court Address:

201 E. Chicago Street
Chandler, AZ 85225

Judge: Tyler Kissell

Phone: (602) 372-3400

Fax: (602) 372-3414



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West McDowell

Court Address:

620 W. Jackson
Phoenix, AZ 85003

Judge: Teresa Lopez

Phone: (602) 372-6300

Fax: None



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West Mesa

Court Address:

2050 W. University Drive
Mesa, AZ 85201

Judge: Elaissia Sears

Phone: (480) 964-2958

Fax: (480) 969-1098



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White Tank

Court Address:

10420 W. Van Buren St.
Avondale, AZ 85323

Judge: Pending Appointment

Phone: (602) 372-8003

Fax: (602) 372-8205



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Community

Legal Services

Advocate. Litigate. Educate.

Thank You.