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Access to Justice Commission: 2004 Report

by Aaron Clay, Daniel M. Taubman, and JoAnn Vogt

Colorado is one of sixteen states with an active Access to Justice Commission.¹ The Colorado Access to Justice Commission's ("Commission") mission is to develop, coordinate, and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system.² It is an independent entity, formed in 2003, with the support of the Colorado Supreme Court, Colorado Bar Association, and Statewide Legal Services Group.³ The Commission is currently comprised of eighteen members.⁴

The need for the Commission's work has increased over recent years. According to an article in *Bar Leader*, several states have recently conducted surveys to determine if legal needs are being met. Many states found that the situation of legal services is similar to or worse than it was a decade ago, when the American Bar Association ("ABA") estimated that only 20 percent of the legal needs of the poor were being met nationwide.⁵ "Every legal aid program is forced to turn away many of the people who seek its assistance," said Bob Echols, director of the Access to Justice Support Project.⁶ "Many of the clients who do receive assistance," he continues, "actually need a higher level of service than the program can provide due to its limited resources."⁷

The experience in Colorado is no different. Colorado Legal Services does its best to serve Colorado's poor persons (388,952 according to the 2000 Census).⁸ In 2002, Colorado Legal Services suffered approximately a 17 percent loss of funding.⁹ The primary sources of the decrease were the loss of \$450,000 in state funding and \$400,000 from Colorado Lawyers Trust Account Foundation ("COLTAF"). As a result, Colorado Legal Services closed its Fort Morgan office and reduced the size of its Pueblo office. There are fourteen Colorado Legal Services staff members currently working less than full time or donating part of their salary in an effort to save money for that program.¹⁰

With such decreases in Colorado Legal Services funding, the Commission is exploring creative ways to increase access to the courts. This includes empowering local communities to examine the legal needs of those in their community and develop initiatives to meet those needs. The Commission's work is divided into four subcommittees: Courthouse, Education, *Pro Bono*, and Resource. In the last year, the Commission and its subcommittees have made significant advances.

CLE Credit for *Pro Bono* Legal Representation

Thanks to the efforts of many individuals and entities, the Colorado Supreme Court adopted new Colorado Rule of Civil Procedure 260.8, which is effective January 1, 2005.¹¹ The Rule allows a lawyer to be awarded a maximum of nine units of general continuing legal education credit, for each three-year compliance period, for providing *pro bono* legal representation to an indigent or near indigent client or clients in a civil legal matter, or for mentoring another lawyer or a law student who is providing such representation.¹²

Local Access to Justice Committees

The Commission's *Pro Bono* Subcommittee was charged this year with establishing local Access to Justice Committees ("ATJ Committees") in each judicial district throughout the state. The Subcommittee contacted key individuals in each area of the

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state and encouraged and supported them in setting up a local committee that reflected the needs of that community.

Of the twenty-two judicial districts, the Subcommittee anticipates eighteen local ATJ Committees with consolidation of some of the less populated judicial districts. Currently, there are ten local ATJ Committees.¹³ Contacts have been made in three more locations. The *Pro Bono* Subcommittee plans to contact the other five locations during 2005 in an attempt to create more participation.

Success Stories from Local ATJ Committees

At this time, the local ATJ Committees have reported many successful projects. Here are a few of the most notable.

First Judicial District (Jefferson)

At the request of several judges, including the presiding judge, Metro Volunteer Lawyers ("MVL") has begun developing a post-decree clinic modeled after the Denver clinic, which has been in place for several years. Attorneys and staff from the Faegre & Benson law firm meet clients once a month at the court to provide either brief advice or representation on motions to modify or enforce current orders, as well as citations for contempt. Attorneys from the Boulder office of Faegre & Benson help staff the Jefferson County clinic.

Second Judicial District (Denver)

Denver continues to operate the Family Law Court and a post-decree clinic monthly at the Denver District Court through MVL. All cases are screened and referred through Colorado Legal Services. In addition, MVL has recently initiated efforts to recruit government attorneys for the program. It also is working on the development of support services for *pro bono* lawyers, including volunteers from the Denver Bar Association Paralegal Committee and Association of Private Investigators.

Fourth Judicial District (Colorado Springs)

Under the auspices of the local ATJ Committee, a group of interested members met with the El Paso County Bar Association Board of Trustees during 2004 to discuss with the Board the allocation of membership dues money to hire a *pro bono* coordinator. The Board has now voted to fund the position, and Mary Ann Corey is the new *pro bono* coordinator. This was a very successful undertaking by the ATJ Committee, which is now beginning other initiatives to improve access to justice in the Fourth Judicial District.

Sixth Judicial District (Durango)

The local ATJ Committee is very active. It has twelve members, consisting of various court personnel and a significant number of non-profit organizations that have missions similar to the Access to Justice Commission. The Committee also is collaborating with the local Minority Over Representation Project Committee. The initial emphasis of this ATJ Committee is on criminal cases and helping non-English-speaking defendants. However, it now will be broadened to include topics of interest to other indigent litigants.

Its current project is producing a video in both English and Spanish to assist defendants in gaining a better understanding of the criminal court system. The Committee received a grant from the Colorado Bar Foundation and is looking at other

sources of funding. When produced, the video will be distributed to the other ATJ Committees in Colorado. If the video is well received, the next project anticipated is a similar video, again in English and Spanish, to help *pro se* litigants better understand the civil court system. The Committee is hoping eventually to develop several informational videos on a variety of topics and to establish a legal self-help center.

The ATJ Committee also is working to create a fill-in-the-blank contract in Spanish for construction subcontractors to establish legal rights in jobs they undertake. The Committee is hoping to alleviate the problems Spanish-speaking workers have with contractual terms and to provide information on how to access the small claims court system. This Committee also is working in collaboration with the local public access television station to produce a television talk show similar to the call-a-lawyer program in Pueblo (*see below*).

Seventh Judicial District (Montrose)

The ATJ Committee in this district is very active and well supported by the judiciary. The Committee established two new Thursday Night Bar advice-only panels, which serve from six to eight clients per evening. The Committee is now working on a criminal "advice-only" panel to assist defendants in choosing whether or not to take an offered plea.

Tenth Judicial District (Pueblo)

The ATJ Committee, chaired by Judge William (Bill) Alexander, produces a periodic "call-a-lawyer" television show. The Committee also has developed a complete e-mail list of all at-

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torneys, which is used effectively to recruit lawyers for *pro bono* representation. When a *pro bono* case comes in, an e-mail is sent to the 175 attorneys on the list. Generally, the case is placed within hours.

Seventeenth Judicial District (Adams County)

The Adams County ATJ Committee and the Adams/Broomfield Bar Association ("ABBA") are offering *pro se* clinics at the court. The first clinic was held on August 26, 2004, and was taught by Diane Freed, longtime *pro se* instructor from Jefferson County. The clinic included a visit by Judge John Popovich, who talked to *pro se* litigants about disclosures and presentation of evidence. The Committee will continue presenting clinics on either a monthly or bimonthly basis.

Eighteenth Judicial District (Arapahoe County)

The Arapahoe County Bar Association conducts both pre- and post-decree clinics at the Arapahoe County District Court, along with the Family Law Court Program conducted by MVL. In addition, a *pro se* office at the court assists litigants in preparation of pleadings and for trial.

Twentieth Judicial District (Boulder)

The Twentieth Judicial District ATJ Committee is very active, with a total of nine members and three ex-officio members. Three judges and one magistrate sit on the Committee. The focus is not necessarily *pro bono*. The main purpose of this Committee is to undertake other projects to improve access to justice for all citizens in the district. The Committee's first project is to focus on helping persons with limited English-speaking skills. The Committee also is working on programs for diversity training, interpreters, and translation of court-related documents.

Join the Effort

The Access to Justice Commission continues to explore new ways to enhance the quantity and quality of justice in civil legal matters involving Coloradans who encounter barriers. Lawyers and other professionals with energy and new ideas may participate in the following ways:

- 1) join one of the Commission's subcommittees: Courthouse, Education, *Pro Bono*, or Resources;

- 2) join an existing or developing local ATJ Committee (*see box for local committees*); and
- 3) volunteer to handle a *pro bono* case (*see box for pro bono programs*)

Contact Michelle Miller (mmiller@cobar.org) or Kathleen Schoen (kschoen@cobar.org) at the Colorado Bar Association for additional information about how to become involved in Access to Justice programs and activities around the state.

NOTES

1. "Access to Justice Partnerships: State by State," *Access to Justice Support Project* (April 2004) at 1, available at <http://www.ATJsupport.org>; click on State by State Report.

2. Colorado Access to Justice Commission, Bylaws, Article I, available at <http://www.cobar.org/group/index.cfm?EntityID=dpwaj>.

3. *Id.*

4. *Id.* at Article II. These members are appointed by the Colorado Bar Association, Colorado Supreme Court, Colorado Legal Services, Colorado Lawyer Trust Account Foundation, Legal Aid Foundation of Colorado, Governor of Colorado, President of the Colorado Senate, and Speaker of the Colorado House of Representatives.

5. Derocher, "Limited Funds, Limited Access? Closing the Gap in Civil Legal Services," 29 *Bar Leader* (Nov.-Dec. 2004) at 12.

6. *Id.* See Joint Project of the ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defenders Association, available at <http://www.atjsupport.org>.

7. Derocher, "Tough Times, Creative Solutions: New Sources of Funding for the Poor," 29 *Bar Leader* (Nov.-Dec. 2004) at 13-15.

8. *Private Attorney Involvement Plan* (Colorado Legal Services, 2004), available by sending a request to Colorado Legal Services, 1905 Sherman St., 4th Fl., Denver, CO 80203.

9. Manuel Ramos, Interim Director Colorado Legal Services. Conversation by phone (Nov. 29, 2004).

10. *Id.*

11. C.R.C.P. 260.8, "(New) Direct Representation and Mentoring in Pro Bono Civil Legal Matters," effective January 1, 2005, adopted *en banc* November 10, 2004. See "Court Business," in this issue, at page 137, or access the rule on the Supreme Court's website at <http://www.coloradosupremecourt.org>. Watch for more information about rule in a future issue of *The Colorado Lawyer*.

12. *Id.*

13. Judicial Districts include: First (Jefferson County), Second (Denver), Fourth (Colorado Springs), Sixth (Durango), Seventh (Montrose), Tenth (Pueblo), Seventeenth (Adams), Eighteenth (Arapahoe County), and Twentieth (Boulder). ■

See list next page.

ABA Legal Opportunity Scholarship Fund Seeks Applicants for 2004–2005 Academic Year

The American Bar Association ("ABA") Legal Opportunity Scholarship Fund is accepting applications for financial assistance for the 2004–2005 academic year. The Scholarship Fund encourages racial and ethnic minority students to apply to law school and provide financial assistance to these students.

The Scholarship Fund will award \$5,000 in financial assistance each year to every scholarship recipient attending an ABA-accredited law school. Entering first-year students who receive an award may renew the scholarship for two years, making the total amount of potential assistance \$15,000. All ABA-accredited law schools may benefit from the scholarship, as recipients are selected by their qualifications, not by the school they plan to attend.

Applications may be accessed and downloaded at <http://www.abanet.org/fje>. Contact Cie B. Armstead at (312) 988-6086 with questions.

Pro Bono Coordinators

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Reba Nance Appointed to Boards of Two Law-Related Magazines

CBA Director of Law Practice and Risk Management Reba Nance was recently appointed to the Boards of two law-related magazines. *Law Practice* (formerly *Law Practice Management*) is published eight times per year by the American Bar Association Law Practice Management Section. It has been the flagship publication of the Law Practice Management Section for thirty years. *Law Practice* can be found online at <http://www.lawpractice.org/magazine>. Look for an article by Nance entitled "Clients, Technology and You: Practical Steps to Rev Up the Relationship."

The second publication, *Small Firm Business*, focuses on ideas and innovations for law firm management. It is published by American Lawyer Media and can be found online at <http://www.smallfirmbusiness.com>.

