

Colorado Access to Justice Commission
Minutes
January 11, 2019

Commissioners Present: Jon Asher, Fred Baumann (Chair), Miko Brown (by phone), Judge Adam Espinosa (by phone), Justice Melissa Hart, Liz Krupa, Claire Levy, Richard Murray (by phone), Diana Poole, Molly Ryan (by phone), Lauren Schmidt, Judge Tim Schutz, Dave Stark, Judge Dan Taubman, Penny Wagner, Sam Walker, and John Zakhem (by phone)

Guests Present: Shelly Dill (Co-Chair, Denver ATJ Committee), Emy Lopez (JFA Access Pilot Project Coordinator), Jackie Marro (SCAO ATJ Coordinator), April McMurrey (OARC Deputy Regulation Counsel), Noah Patterson (Denver ATJ Committee), Andy Rottman (Counsel to the Chief Justice), Steve Vasconcellos (SCAO Director of Court Services)

Colorado/Denver Bar Association Staff Present: Toni-Anne Dasent (Director, Metro Volunteer Lawyers), Sabra Janko (Project Attorney for the Colorado Federal Pro Se Assistance Project), Lindsey O'Brien (CBA Program Coordinator), Anthony Pereira (CBA Program Coordinator), Kath Schoen (Director, CBA Local Bar Relations & Access to Justice)

Approval of Minutes:

Minutes of the November 2, 2018 Commission meeting were approved.

Funding and related issues:

Jon Asher reported that the Legal Services Corporation (LSC) is among the agencies affected by the current government shutdown. LSC had enough money to make its January and February grant payments at the 2018 funding level, but will be unable to make March grant payments. Jon further reported that Colorado Legal Services (CLS) currently has four to five months of operating reserves. He spoke about the difficulty posed by the ongoing uncertainty about LSC funding, particularly in light of several grants that require CLS to do some additional hiring,

Diana Poole reported that the Legal Aid Foundation's 2018-19 private bar campaign had a strong calendar-year-end finish, but added that the next six months will determine the ultimate success of this year's campaign. She also reported that, although there's still a long way to go to fully recover its former funding position, COLTAF's monthly trust account revenue has increased because of rising interest rates.

Claire Levy reported on the Colorado Center on Law & Policy's (CCLP's) efforts to secure additional funding for eviction defense, focused now on securing a \$1 million general fund appropriation for that purpose. The funds would support a grant program for nonprofit legal assistance organizations, which would be administered by the State Court Administrator's Office, similar to the Family Violence Justice Fund. The Senate sponsor is JBC Chair Dominick Moreno. There is no confirmed House sponsor, but Rep. Mike Weissman is a possibility. There was discussion about the data that might be used to justify the requested amount, and also to demonstrate the efficacy of eviction defense. The data available is mostly from Denver and Adams, but Jon Asher said there might be some additional data available from Durango, where a small American Bar Association grant was used to train pro bono lawyers to do eviction defense. Judge Taubman added that CCLP might also get some useful information from Sarah Lipka, CLS Managing Attorney and Chair of the local ATJ Committee in the 4th JD, who recently trained 25 lawyers in eviction defense in return for their agreement to take two cases each, and OARC's PALS Committee (Providers of Alternative Legal Services), which is close to recommending a program to

provide non-lawyer helpers in eviction cases. Questions were raised about the limited number of defenses afforded by Colorado's existing landlord/tenant law, and also about whether any consideration had been given to pursuing a right to counsel in eviction cases. Jon Asher mentioned a tenants' rights group in Boulder that is at least making the case for counsel in all eviction actions.

Kath Schoen queried whether some of the proceeds from the recently-approved Wells Fargo settlement might be available for debtor defense. The opioid litigation was also mentioned as a possible future source of settlement funds, given the strong relationship between opioid addiction and both civil and criminal legal problems. Jon Asher expressed his intention to set up a meeting with the new people in the Colorado Attorney General's office to discuss generally the allocation of settlement funds. John Zakhem suggested that it might be good to involve Brownstein attorney Sarah Mercer in those discussions.

Committee Structure and Assignments:

Fred Baumann reported that pursuant to the amended bylaws, which were approved in November, the ATJC now has three *ex officio* members – Jon Asher, Justice Hart and Diana Poole – which opens up some additional appointments. These are in addition to several already-existing open appointments. All the open appointments belong to either the CBA or the Supreme Court. Fred noted that efforts are underway to have the new President of the Senate reappoint Richard Murray. With respect to a revised Committee structure, which was discussed at some length at the November 2, 2018 Commission meeting, Fred reported that there would be a Governance Committee meeting in February to finalize the structure and consider Committee assignments.

JFA Access Pilot Project:

Emy Lopez provided an update on the JFA Access Pilot Project. She reported that the last month and a half have been spent developing a project roadmap for the online pilot triage system and identifying the system requirements. She explained that the pilot triage, which will initially span and support only the two selected judicial districts (the 4th and the 12th), will provide a tech solution with respect to legal issues that arise for elderly and other vulnerable adults. The purpose of the pilot is proof of concept, which will ultimately inform the development of a statewide, online triage system, covering all areas of law. Emy reported that discussions are ongoing with SCAO and an outside software developer as to development options that will result in the desired functionality. Emy also reported on a meeting she had recently with the new JFA "point person" at NCSC, Danielle Hirsch, which brought to the fore for her the depth of support and enthusiasm at NCSC for the way Colorado's project is developing. Emphasized at the meeting was the holistic approach being taken (i.e., not just focused on connecting people with legal resources) to assist a very sympathetic population, which could "transform the way people think about triage". Emy also touched briefly on the status of the communication and sustainability work required under the grant. Finally, Emy passed out and briefly reviewed a document that identifies the various roles and responsibilities under Colorado's Strategic Action Plan for the ATJC, the CBA, SCAO's Access to Justice Coordinator, and the law schools.

Demonstration of Higher Logic online JFA Community:

Anthony Pereira provided a live demonstration of the new online "Access to Justice Community" at <https://community.cobar.org>. There was discussion as to how best to use this new resource to improve internal communication among members of the ATJC and the broader ATJ community. Justice Hart indicated her intention to convene a Communications Committee meeting to consider the issue further.

Committee Reports:

- **Resource Committee:** John Zakhem emphasized the importance of reaching out to the JBC to meet its new member. Fred suggested coordinating with Claire.
- **Courts Committee:** Penny Wagner reported that the Courts Committee would be meeting on January 24th to discuss, among other things, plain language forms and the Colorado Legal Help Center.
- **Local ATJ Support Committee:** Judge Taubman provided minutes of the Local ATJ Support Committee's December meeting, which included representatives of a record 15 judicial districts participating. He noted there were three new members, including Barbara McDaniel from the 15th JD (Lamar). Each of the local committees reported on their recent activities, and Judge Taubman expressed again how impressed he is with the breadth of activities going on statewide.

Other Business:

Fred invited any Commissioner who is interested in attending the ABA's Equal Justice Conference in Louisville, Kentucky, May 9-10, to let him or Diana know. Kath mentioned that the deadline for less-expensive, early bird registration is February 1st.

Fred suggested changing the March and May meeting dates from March 1 and May 3 to March 8 and May 17 respectively. There was no objection.

Showing of video – "Justice for All: Pro Bono Legal Clinics and Ethical Considerations":

Shelly Dill, Co-Chair of the Denver Access to Justice Committee, reviewed the genesis of the video, which was a collaboration between the Denver Committee (represented by Shelly and Noah Patterson), the ATJC (represented by former Commissioner Gale Miller, not in attendance), the OARC (represented by April McMurrey), and the DBA and Colorado Bar Foundation, both of which provided funding for the video. She also gave a shout out to Velvet Johnson, who was also involved; Justice Hart, who is featured in the video; John Tweedy, the videographer; and MVL. Shelley reported that the video, intended to encourage the provision of legal advice rather than simply legal information, would be housed on OARC's website, along with FAQs. She further reported that the video would be shown at OARC's mandatory professionalism course, but added that they were also looking for other appropriate opportunities. April added that although the video is a done deal, any suggestions with respect to the website itself and/or the FAQs that will accompany the video would be most welcome.

The video was shown, although simply on a laptop because of technical difficulties. It was suggested that the link be sent out so people could view it again on their own.

Adjourned.