

**Colorado Access to Justice Commission
Minutes
March 8, 2019**

Commissioners Present: Jon Asher, Fred Baumann (Chair), Miko Brown (by phone), Judge Adam Espinosa, Dick Gast, Justice Melissa Hart, Richard Murray, Diana Poole, Molly Ryan, Lauren Schmidt, Judge Tim Schutz (by phone), Penny Wagner, Sam Walker, and John Zakhem

Guests Present: Emy Lopez (JFA Access Pilot Project Coordinator), Jackie Marro (SCAO ATJ Coordinator), Andy Rottman (Counsel to the Chief Justice), John Tull (consultant), Annie Kurtz (Justice Márquez's law clerk)

Colorado/Denver Bar Association Staff Present: 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 January 11, 2019 Commission meeting were approved.

Committee structure and assignments: Fred Baumann announced that the Service/Access to Justice Working Group of the Chief Justice's Commission on the Legal Profession, which is chaired by ATJ Commissioner Dave Stark, will become one of the ATJC's permanent standing committees. For the time being, it will be called the Pro Bono Committee. Fred thanked Dave and the Chief Justice, through Andy Rottman, for making this happen.

The Commissioner Expectations, which were included in the meeting packet, were reviewed and adopted.

There was discussion about filling the five current vacancies on the ATJC – the Governor's appointment, one Supreme Court appointment, and three CBA appointments. Among the considerations discussed were the following:

- The potential value of having someone on the Commission who is close to the new governor. Former Denver City Attorney Scott Martinez was mentioned as a possibility. Lauren Schmidt suggested reaching out to Jacki Cooper Melmed, the Governor's Chief Legal Counsel.
- The need for more law firm participation, particularly by those responsible for overseeing *pro bono*. Denver lawyer Hubert Farbes, who chairs Brownstein's Pro Bono Committee, was mentioned as a possibility. Fred thought Dave Stark might be able to help with some additional suggestions.
- The need for more ethnic and geographic diversity.
- The value of participation from the business community, either through organizations (Colorado Concern, B:Civic and the Denver Chamber were mentioned) and/or through connecting with individual corporate CEOs and/or Corporate Social Responsibility Officers. Justice Hart said that there were a number of people through Leadership Denver who might be appropriate. She mentioned María Sepúlveda specifically, although noted that María is no longer with Wells Fargo.
- The value of participation from the Foundation community. Lauren mentioned Gretchen Lenamond or Patrick Sablich, both at Rose Community Foundation. Judge Schutz mentioned Kyle Hybl, who was just named to succeed his father as CEO of the El Pomar Foundation.

Fred identified four lawyers who have expressed interest in the ATJC – Michael Blasie, Patrick Pugh, and Carlos Romo from Denver, and Wes Hassler from Pueblo . He said the Governance Committee would

meet to consider these and other possibilities for appointment and/or service on one of the ATJC's standing committees. He also added that those who were interested in being involved were being asked to submit a letter of interest. John Tull spoke about the value of having an orientation for newcomers and being explicit as to what they were expected to bring to the Commission. Lauren queried whether the Director of Metro Volunteer Lawyers (now Toni-Anne Dasent) and the Director of Colorado's Federal Pro Se Clinic (now Leslie Kelly) should be added as additional *ex officio* Commissioners. Fred reported that he was in conversation with Ed Butler, the federal district court's legal officer, about involving someone from the federal bench, possibly Magistrate Judge Kristen Mix.

Funding for Civil Legal Aid: Jon Asher reported that the budget that was ultimately approved in February for FFY19 included \$415 million for the Legal Services Corporation (LSC), a \$5 million increase over the FFY18 budget and each of the earlier Continuing Resolutions. He noted that a full \$4.5 million of the increase will go to basic field grants to local programs. Jon further reported that the FFY20 budget process is just now getting underway. He added that although there is no information yet about OMB's budget, there is no reason to believe that it won't again include the recommended elimination of LSC.

Diana Poole reported that the Legal Aid Foundation's annual Associates Campaign is now underway, a campaign led entirely by young lawyers to increase individual support for civil legal aid. She further reported that the Associates Campaign began this year with a CLE program, where Justice Hart, Jon Asher and Attorney General Weiser all spoke, followed by a happy hour.

Fred reported that funding for the Family Violence Justice Fund (FVJF) appears to be on track again this year. There was discussion about the need to again open a dialogue with members of the Joint Budget Committee, notwithstanding the fact that there is no request for an increased FVJF appropriation. Dick Gast suggested that the JFA needs be worked into that dialogue to the extent possible. At John Zakhem's request, Kath and Emy agreed to get him a summary of the JFA project and budget that he could share with state legislators. There was discussion of again floating the idea of a dedicated fee increase.

Creation of an Eviction Legal Defense Fund: There was discussion as to whether and to what extent the ATJC should take formal positions on pending legislation and, in particular, whether the ATJC should take a formal position on Senate Bill 19-180, which would create an Eviction Legal Defense Fund (similar to the Family Violence Justice Fund) with an initial appropriation of \$750,000. Among the concerns expressed generally were the need for heightened sensitivity in this area because of the judges on the Commission and, if the Commission is to take positions on proposed legislation, the need to be selective to avoid being overwhelmed, given policy activity at both state and local levels, as well as to avoid possible dilution of the Commission's influence on matters deemed most impactful.

With respect to SB 19-180 specifically, there was discussion about the validity of the presumption embedded in the bill that enough data exists now with respect to evictions to later evaluate the post-implementation impact of the Fund. Also discussed were the limited number of rights that tenants currently enjoy, and pending legislation that would give tenants additional rights (specifically bills to extend a tenant's notice to cure period and to strengthen the warranty of habitability), thus making legal help potentially more useful. A question was raised as to what the ATJC was being asked to do if it supported the bill, other than presumably to have its name added to the list of supporters. There was ultimately a consensus that the ATJC should continue to take positions on legislation directly relating to access, and thus a decision was made to support SB 19-180, which, if passed, would help with a

significant and well-documented gap in the availability of legal assistance in an area of critical need. The issue of the extent to which the ATJC should take formal positions on bills that enlarge substantive rights was tabled.

Finally, there was discussion about the role the ATJC might play vis a vis the CBA's Legislative Policy Committee (LPC) in ensuring that ATJ implications are recognized and considered in determining the CBA's position with respect to particular legislation. There was uncertainty about the best way to accomplish this, but there was a consensus that a more structured and consistent method of providing input to the LPC is important and should be pursued.

JFA Access Pilot Project: Emy Lopez reported that the project is now entering the software development stage, the decision having been made to build rather than buy existing software. She spoke briefly about the build-out, and how it would be done so it could be extended later to other judicial districts and other areas of law. She added that good progress was being made and storyboards would likely be available by the time of the next meeting. Emy also reported that an application has been submitted to the national State Justice Institute for a \$40,000 grant, to supplement the \$45,000 already in hand for software development. Finally, Emy shared information about JustFix.nyc, an organization that offers online products and services to help tenants and promote housing justice. Kath reminded the Commission that the JFA implementation grant provides funding for Emy only through July. John Zakhem reiterated his request for a budget to complete the pilot. There was a brief discussion of the long-term funding plan required under the implementation grant, which is also due to the National Center for State Courts by April 15th. Emy mentioned that an extension would be sought for submission of the evaluation plan, also due by April 15th.

2019 Pro Bono Recognition Ceremony and Reception: Jackie Marro reported that the 2019 Pro Bono Recognition Ceremony and Reception would be held on Thursday, April 18th, 5-7pm, in the Atrium at the Ralph Carr building. She further reported that so far, 107 firms have confirmed that they completed the required hours, and only four firms have reported they did not. Justice Hart added that the program may include remarks from both a volunteer lawyer and a client, possibly from one of MVL's Power of Attorney clinics, and/or the new clinic video, spearheaded by the Denver ATJ Committee.

Committee Reports:

- **Communication Committee:** Justice Hart reported that the Communications Committee met just prior to the Commission meeting to flesh out what needs to be done pursuant to the JFA implementation grant prior to April 15th. She further reported that the Committee is using the communication planning process recommended by Voices for Civil Justice. She mentioned the intention to include communication about the new incubator, Legal Entrepreneurs for Justice, which will be launched this June. She added that the application process for the first class will be open in April.
- **Courts Committee:** Penny Wagner reported that the Courts Committee would be meeting on Monday to look at membership and potential projects. She also reported on the status of the e-filing roll-out and the plain language form initiative.

Other Business:

Kath Schoen reported that the next round of VOCA grant awards have been made totaling \$10 million. She further reported that some of the grants were made to organizations providing legal services, including some that are paying lawyers to represent crime victims.

Kath also reported that, without any publicity, the CBA's find-a-lawyer feature, "Licensed Lawyer", received over 10,000 hits in February. Anthony reported that he is working on a brochure to advertise the online service to the public and to the practicing bar.

Jon Asher reported that CLS has been invited by LSC to submit an application for another Pro Bono Innovation Grant, to expand its virtual clinics serving rural clients with Denver metro area lawyers to include legal advice in addition to legal information. Jon also reported that CLS has submitted two letters of intent for Technology Initiative Grants (TIG), one to add a learning style inventory to the CLS website so that people can access information in a way that is most useful to them, and the other to provide a virtual reality tour of both a courthouse and courtrooms to help litigants feel more comfortable about what to expect when they go to court without a lawyer.

Sam Walker reported that he and Jon are exploring the possibility of replicating the federal Legal Aid Interagency Roundtable (LAIR) on the state level.

Adjourned.