



Colorado Access to Justice Commission

Meeting Minutes

July 19, 2018

Present: Jon Asher, Fred Baumann, Miko Brown (phone), Hon. Adam Espinosa, Claire Levy, Molly Ryan, Lauren Schmidt, Hon. Tim Schutz, Dave Stark, Hon. Dan Taubman, Penny Wagner, Sam Walker, John Zakhem (phone)

Guests: Joanne Crebassa, Toni-Anne Dasent, Lindsay O'Brien, Amy Redfern, Andrew Rottman, Hope Summerow, John Tull

Minutes of May 4, 2018 Commission meeting were approved.

Update - Justice For All (JFA) Implementation Grant: Fred Baumann reported that the JFA Implementation Grant terms have been approved, and \$150,000 in funds is anticipated to be received shortly. The Grant year begins June 20, 2018, and the JFA Pilot Project will be implemented in the 4th Judicial District (El Paso County) and the 12th Judicial District (Alamosa and Saguache Counties). A condition of the Grant is the incorporation of user design and business process analysis, and Joyce Rainey has been hired as a consultant to help fulfill that requirement.

A JFA Project Coordinator will also be hired by the CBA for the Grant year. Kath Schoen reported that the Coordinator position has been posted on the CBA's website, and there are four candidates who have applied so far.

Judge Taubman suggested reaching out to candidates for the state's ATJ Coordinator position to determine if any of them would also like to apply for the JFA Project Coordinator job. Andrew Rottman reported that 58 applications for the ATJ Coordinator position were received. Any additional candidates for the JFA Project Coordinator position are invited to contact Kath Schoen directly.

Update – Funding and Related Issues: Fred Baumann reported that the Legal Aid Foundation's 2017-18 fundraising drive raised just over \$2 million. He further reported that Interest rates on some COLTAF accounts have increased slightly, but he added that it will take years of higher rates for COLTAF to recover its former funding position for civil legal aid.

Jon Asher reported that Congress ultimately appropriated \$410 million for the Legal Services Corporation (LSC) for FFY2018, which is an increase from the \$385 million for FFY2017. He reported that this would mean an additional \$300,000 for Colorado Legal Services (CLS) this year. He cautioned, however, that this appropriation is only in place through September of this year. News regarding specific grants is anticipated in the next 2 weeks.

Report – Fourth J.D. Civil Pro Bono Project: Judge Schutz reported that the Fourth J.D.'s Civil Pro Bono Project, a program for Court-appointed pro bono representation in civil matters, is intended to enlist the ATJ Commission minutes: 07192018

judiciary to be involved in filling the ATJ gap through the recruitment of volunteer attorneys. Participating attorneys decide what types of cases they are willing to take, and they are added to a referral list from which judges can request their appointment to represent indigent parties. The Project uses Appointment Procedures and Forms, copies of which were provided by Judge Schutz.

Judge Schutz stated the Project was the result of efforts by members of this ATJC. It began in three divisions on January 1, 2018, and attorneys have been appointed in approximately 75 cases so far. The Project is scheduled to expand to all civil divisions by September 2018, and Judge Schutz hopes that other Judicial Districts will implement similar projects.

Discussion – Issues Relating to Tenant Representation in Eviction Cases: Claire Levy distributed a memo from the Colorado Coalition for the Homeless, outlining a proposal to increase court filing fees to fund legal representation in eviction actions. Highlights from the memo include the following facts: (1) In 80 – 95% of cases, tenants are unrepresented while nearly all landlords have an attorney; (2) Studies show that when tenants are able to access an attorney, their chance of remaining in their homes significantly increases; (3) Tenants have very little time to present their defenses; and (4) Colorado filing fees are below the national average, and thus there is room to raise them by \$20 per case.

Claire Levy recommended the ATJC and the CBA consider advocating for an increase in filing fees to fund legal services for tenants. Jon Asher noted that in Colorado, tenants only have 3 days to “cure” non-payment of rent – unlike most states where tenants may cure up until the date of the hearing/ruling – which raises concerns as to how much funding legal services would benefit tenants in Colorado eviction cases. Additional concerns include how much resistance there would be from landlords and their lawyers to a proposed increase in filing fees, and how the money raised by such an increase would be most effectively used.

Judge Taubman reported that a New York City ordinance provides for the right to counsel in eviction cases, and he noted three Colorado programs that are currently addressing this issue – the Denver Eviction Project, the Adams County Navigator Program (for cases where both parties are pro se), and PALS (Providers of Alternative Legal Services) whereby non-lawyers assist tenants. Fred Baumann suggested that the issue be referred to the Resource Committee for further consideration.

Update – Survey re: ATJC Structure and Operation: John Tull distributed a memo summarizing efforts to examine in what ways the ATJC might be more effective and impactful. Discussion followed around four broad areas in which the surveys and interviews suggested changes were needed:

- (a) Need for a greater diversity of interests on the Commission – Gender, ethnic, and geographic, particularly rural, and more participation, either on the Commission or within its Committees, of those who have “boots on the ground” experience.
- (b) Need for improved communication about the Commission and its accomplishments, and also about access to justice issues generally.
- (c) More clarity regarding the Commission’s role and objectives.
- (d) More opportunities for engagement, including more robust use of Committees and clearer expectations around specific projects.

Both John Tull and Judge Taubman emphasized the fact that the JFA Strategic Action Plan contains 60 recommendations, which should give the ATJC a framework for determining its priorities and projects. Fred Baumann reported on an e-mail he received from Justice Hart suggesting that the Commission increase its communication between meetings and choose issues to prioritize. Sam Walker recommended first defining the Commission's role, deciding how to increase the Commission's diversity of participation, and revisiting and prioritizing the 60 recommendations contained in the Strategic Action Plan. Fred Baumann suggested that the Governance Committee work to clarify the role of the ATJC and review the Commission's by-laws to determine how best to engage additional diverse participants.

Update – Free Legal Answers: Lauren Schmidt recapped the presentation by Buck Lewis on the ABA's Free Legal Answers program and opened a discussion on whether the ATJC wants to support it. It was concluded that the next step will be to contact the Coordinators in each state where the program has been tried to determine strengths and weaknesses.

Committee Reports

Local Support Committee: Judge Taubman reported that Colorado is the only state with a Local ATJ Support Committee with representatives from all but one of the 22 Judicial Districts. There is currently no Local Support Committee participation in the 15th J.D. (Baca, Cheyenne, Kiowa and Prowers Counties), and Judge Taubman reported he will be meeting with Chief Judge Stanley Brinkley there on August 3, 2018.

Resource Committee: Claire Levy reported that the Colorado Center on Law and Policy will be hosting its annual breakfast on *2018 Pathways from Poverty*, focusing on economic and racial justice, on September 28, 2018, at 8:00 a.m., downtown Embassy Suites. Invitations were provided, and anyone interested in attending should contact the Center at: bbarnum@cclponline.org or (303) 573-5669, ext. 312.

Other Business –

Next meeting: The next meeting will be held on **Friday, September 14, 2018**, in the Court of Appeals Conference Room on the 3rd Floor.