

Colorado Access to Justice Commission
Minutes
July 12, 2019

Commissioners Present: Fred Baumann (Chair), Wes Hassler, Dick Gast, Judge Daniel Taubman, Jon Asher, Judge Tim Schutz, Judge Adam Espinoza, Brittany Kauffman, Penny Wagner, Molly Ryan (phone), Miko Brown (phone)

Guests Present: Emy Lopez (JFA Access Pilot Project Coordinator), Annie Kurtz (Justice Márquez's law clerk), Andy Rottman (Counsel to the Chief Justice), Jackie Marro (ATJ Coordinator at SCAO), Steve Vasconcellos (SCAO Director of Court Services), Ryann Peyton (CAMP), Erika Holmes (ELHolmes Legal Solutions)

Colorado/Denver Bar Association Staff Present: Lindsey O'Brien (CBA Program Coordinator), Kath Schoen (Director, CBA Local Bar Relations & Access to Justice)

Approval of Minutes:

Minutes of the May 17, 2019 Commission meeting were approved.

Update and discussion: JFA Access Pilot Project

Kath Schoen distributed the program's working definition of Justice, which was taken from Alaska's Access to Justice Committee. Emy Lopez provided a walkthrough of the current website, noting that its content (including its name) will continue to grow/change in the coming days. She demonstrated how someone might navigate the site, which is written in plain language and will be available in a mobile format. She emphasized that the site is not an end in itself, but a key to the larger project of facilitating collaboration among and connecting individuals to existing community resources. The website will connect users to community services, legal help services, and do-it-yourself services. Emy noted that through the pilots in the 4th and 12th districts, we have learned a lot about existing local collaborations that are being added to the website. The site should be up and running by the soft launch date of August 1st (when the commission will be able to access it), and full-swing outreach to community providers will follow. Public outreach, promotion, and evaluation are expected to begin mid-September. Also in September, the project will be presented at the 2019 Court Technology Conference in New Orleans, where there will be an exciting opportunity to meet with the PEW charitable trust. There was discussion about the need to consider the project's sustainability moving forward, especially as it expands beyond the pilot districts.

Updated and discussion: Succession to Service Program

Erika Holmes gave a brief background on the origins of the proposal, which aims to catalyze Colorado's senior lawyers and judges to provide service to nonprofit organizations, courts, and other public service entities. Initially, the proposal was based on Massachusetts' Access to Justice Fellows program, which each year matches a 20-person cohort of attorneys and senior judges with different nonprofits. Each participant commits to 10-20 hours of pro bono service each week, and the cohort engages in social events on a regular basis to network and exchange ideas. An initial focus group of senior lawyers liked the idea of connecting attorneys and judges with nonprofits, but disliked the focus on providing a social opportunity to a smaller group of

lawyers, preferring instead a model that was more open. After incorporating this feedback and revamping the program, the organizers held a second focus group, this time with nonprofit legal organizations. The participants liked the overall concept, but each had different format preferences (e.g., some preferred one-off commitments while others preferred long-term commitments, some advocated a general application while some preferred organization-specific applications). Erika reported that the envisioned website should be able to accommodate these varying preferences.

Ryann explained that the website will be a match.com where lawyers seeking opportunities for pro bono engagement can connect with organizations looking for assistance and vice versa. The goal is to cut out the inefficient research process that currently dissuades both constituencies from finding matches. The initial focus will be on senior lawyers, but ultimately the hope is to expand the platform to reach all Colorado lawyers looking for pro bono opportunities. Turning to next steps and implementation, Ryann sought the commission's acknowledgment and authorization to move forward; expressed interest in recruiting those with tech/ web design/ community education experience to implement the project; and noted that while CAMP would help get the program off the ground, it would eventually need to be self-sustaining.

During questions and feedback, Dick Gast asked about the size of the senior lawyer population, and Ryann responded that it depends on the definition of "senior"—should it be a question of age or active status? There was discussion about the hopes and challenges of eventually expanding this model to enable direct matches between providers and those seeking pro bono legal help. There was also discussion about whether this website would be duplicative of any other resources; Erika Holmes indicated that this service would complement the more static DBA listing, and Jon Asher expressed doubt about the usefulness of having two websites but supported a pilot program.

Fred Baumann indicated that he would entertain a motion that the commission recognize, acknowledge, and authorize the pro bono committee to move forward with implementation plan and to keep commission advised on progress. Judge Espinoza so moved; Judge Taubman seconded the motion; and a quorum voted to approve the motion with no nay votes.

Update: SCAO and ATJ Coordinator's Activities

Jackie Marro distributed a document providing updates on her involvement in several projects, including (1) Self-Represented Litigant E-Filing; (2) Plain Language Forms Committee; (3) Pro Bono Recognition Program and Ceremony; (4) Colorado Legal Help Center; (5) Visiting Local ATJ Committees; (6) Delivering Opportunities & Opening Resources (DOOR) – collaboration with Criminal Justice Coordinating Council; (7) "You be the Judge"; (8) Planning and Presenting at the DR/PR Institute; (9) Rural Modern Law Practice Initiative Committee; (10) Courts Committee; (11) Office of Language Access Outreach Committee; and (12) Online Dispute Resolution Working Group. Several commissioners discussed the importance of attracting lawyers to rural Colorado. Jon Asher noted that a pro bono innovation fund grant is being used to virtually provide legal advice to 24 counties around the state, and that CLS is increasing salaries in rural

areas to help recruit attorneys. Jon Asher also reported that the current CBA president is very interested in incentivizing recent law grads to consider practice in “Greater” Colorado. Judge Taubman pointed out that the larger commission’s strategic plan has many recommendations regarding the shortage of lawyers in underserved rural communities and that the commission should focus more on their implementation. Jackie said she would bring the discussion on rural access back to the committee.

Update: Nonlawyer Navigators – PALS and Justice Lab reports

Judge Taubman distributed a summary of a national report, “Nonlawyer Navigators in State Courts: An Emerging Consensus,” by the Justice Lab at Georgetown, which he said leaves the reader with the impression that there is a missing link in the legal system (filled by, e.g., physicians’ assistants in the medical system), that nonlawyer navigators could fill. He reported that PALS approved the recommendation for a pilot program to create nonlawyer navigators to help tenants in landlord-tenant cases in one urban and one rural judicial district. That recommendation will be presented to the advisory committee and, if approved, will be forwarded to the justices of the supreme court. There was discussion of a limited but successful program in Adams County where nonlawyers help mediate cases where both tenants and landlords are pro se. Judge Espinoza noted the need for assistance for both respondents and plaintiffs.

Update: State Legal Aid Interagency Roundtable (LAIR)

Jon Asher reported that Sam Walker has begun the process of engaging Governor Polis on elder law and access to justice for the elderly. He also suggested that someone from the commission join AG Weiser’s task force on financial stability for the elderly. Turning to LAIR, he explained that when Eric Holder was attorney general, he created an access to justice office headed by Laurence Tribe to bring together heads of executive departments and agencies and discuss legal aid as essential to the objectives of those departments. As a result, agencies began to allow grants to legal aid to achieve agency missions. AG Sessions dismantled the office, but one of its staffers is now trying to facilitate the same model at the state level. Jon and Sam met with Jacki Melmed to discuss how to initiate similar effort in Colorado.

Update: Conversation with Will Hornsby (John Asher and Diana Poole)

Jon Asher reported on a group conversation with Will Hornsby, who was in Denver to present to the Legal Entrepreneurs for Justice about niche practices and how to get modest means practices up and running. During the conversation, Will focused on how the rules of professional conduct are designed to regulate one-on-one legal representation, not the wills-off-websites and other legal products that people are seeking now. Warning that the legal profession can’t maintain a monopoly on services it doesn’t provide, Jon urged more thought on how to regulate not just the practice of law but also legal product to meet evolving legal issues and legal needs.

Update: ABA’s Free Legal Answers:

Judge Taubman reported that the Colorado Lawyers Committee approved a recommendation to reach out to law firms that might be interested in administering the program, which is

administered nationally by the ABA and enables lawyers to answer legal questions submitted online.

Committee Reports:

- **Governance Committee:** The committee will be meeting next week to discuss recruiting. The issue of rural access to justice will be added to the committee's agenda.
- **Resource Committee:** The committee will meet mid-August. The committee is planning its approach to the next legislative session and will continue dialogue with the attorney general to find money for access to justice initiatives.
- **Pro Bono Committee:** Judge Taubman reports he has been invited to contribute an article to the Denver Law Review on whether it's time to modify Rule 6.1. He will be analyzing statistics on pro bono participation in Colorado, will analyze ambiguities in the rule, and make recommendations for revision.
- **Courts Committee:** The committee has adopted a strategic action plan, expanded membership, and chosen two issues to pursue: studying virtual proceedings in civil cases, and documenting innovations in county courts.
- **Local Support Committee:** Minutes of last committee meeting were distributed. The committee reports new participation from local committees that have not previously been active.

Other Business:

- Commission engagement session schedule was distributed.
- The next Access to Justice Commission meeting will take place September 6, 2019 from 12:00 – 1:30 PM.

Adjourned.