

**Colorado Access to Justice Commission
Minutes
September 14, 2018 Meeting**

Commissioners Present: Jon Asher, Fred Baumann (Chair), Judge Adam Espinoza, Justice Melissa Hart, Claire Levy, Richard Murray, Diana Poole, Molly Ryan, Lauren Schmidt, Judge Tim Schutz, Dave Stark, Judge Dan Taubman, Sam Walker, John Zakhem

Guests Present: Emy Lopez (JFA Access Pilot Project Coordinator), Jackie Marro (ATJ Coordinator at SCAO), Andy Rottman, Joseph Schieffer (Florida Justice Technology Center), John Tull, Steve Vasconcellos

Colorado/Denver Bar Association Staff Present: Lindsey O'Brien, Anthony Pereira, Robin Van Atta

Special Announcement:

Fred Baumann announced that Jon Asher will be receiving two well-deserved awards this fall: the 2018 Dennison Ray Award from the National Legal Aid and Defender Association and the Champion of Economic Justice Award from the Colorado Center on Law & Policy. The latter will be presented at a breakfast ceremony on Friday, September 28th at 8:30 am at the Embassy Suites in downtown Denver, 1420 Stout Street. Those interested in attending may RSVP online at cclponline.org.

Approval of Minutes:

Minutes from the July 19, 2018 Commission meeting were approved with the following corrections:

1. Page 2, first full paragraph: The Civil Pro Bono Project in the Fourth J.D. has the capacity to place 75 cases; twelve cases have been placed to date.
2. Page 2, fourth full paragraph: The PALS Committee (Providers of Alternative Legal Services) is still considering how non-lawyers might assist tenants in eviction cases.
3. Page 3, first full paragraph: In evaluating the ABA's Free Legal Answers program, the next step will be to contact the coordinators in a few states where the program has been tried.

Introduction of new Access to Justice Coordinator:

Justice Hart introduced Jackie Marro, SCAO's new Access to Justice Coordinator. Jackie was the first and a very well-regarded Sherlock in the 8th J.D. (Fort Collins). Justice Hart also introduced Steven Vasconcellos, SCAO's Director of Court Services. Steven explained Jackie's role as ATJ Coordinator, and reported that the Colorado Legal Help Center would be migrating from the Supreme Court Library over to Court Services.

Introduction of new Justice For All (JFA) Access Pilot Project Coordinator:

Diana Poole introduced Emy Lopez, the new JFA Access Pilot Project Coordinator at the Colorado Bar Association, which is the fiscal agent for the grant.

JFA Access Pilot Project:

Emy Lopez introduced Joseph Schieffer from the Florida Justice Technology Center (FJTC), and explained the FJTC's role in assisting with technology issues and incorporating business process analysis as part of the Project. Emy also provided an update on the Project. The first objective is to get the Project Teams together in each of the selected pilot districts. There are pre-meetings scheduled with the local ATJ Committees – on October 9th in the 12th and on October 12th in the 4th – to gather information about local needs and to begin the process of selecting an area of focus. Emy emphasized the need to focus narrowly so that systems could be designed and evaluated within the one year time frame of the grant. She also emphasized the need to select the same area of focus in each of the districts, hopefully

something that would have an impact throughout each district. There will be a full-day meeting on October 18th in the 4th, where the Project Teams will learn about business process analysis and begin to develop the action plan that will detail the scale and scope of the Project. Commissioners are invited to attend the October 18th meeting. There was discussion about the need for better internal communication as the Project progresses, and Emy explained that the hope is to create an online community platform through the CBA's new Higher Logic software where ideas and information can be shared and discussed. Concerns were expressed about the fact that the current grant funding is for only one year, and there was discussion about the need to explore additional funding sources to sustain the systems developed through the Project and to replicate them in other judicial districts.

Structure and Operation of ATJ Commission:

Fred Baumann and John Tull briefly summarized the work that has been done to date to consider how the Commission could be more effective and better serve as the "hub of the wheel" of other various components of Colorado's access to justice system, as envisioned by the JFA Strategic Action Plan (SAP). Following discussion, there was general agreement that an effective and appropriate role for the Commission at this time, and one that is entirely consistent with serving as the "hub", was to ensure that the SAP is implemented.

In order to accomplish this, it was proposed that the responsibility to see that particular strategies in the SAP are implemented be assigned to existing committees as appropriate, but also that the Commission consider creating some new committees in light of some of the strategies included in the SAP. There was some discussion about the appropriate composition of existing committees. It was suggested, for example, that the Communication Committee should include so-called "digital natives", and might consider someone from a public relations firm. There was also discussion about new committees that might be appropriate, including committees on Technology, Rural Development, Pro Bono and Law Schools & Legal Education. An Executive Committee was also suggested, as was a Delivery Committee, which could assume responsibility for strategies related to both pro bono and unbundling for persons of modest means. There was some discussion about overlap with the Service/Access to Justice Working Group of the Chief Justice's Commission on Professional Development, which has been focusing on pro bono issues. Dave Stark reported that the Working Group is currently looking at a fellows program for retired lawyers, similar to one in Massachusetts.

There was also discussion as to what changes to the Commission's Bylaws might be appropriate to expand the interests represented on the Commission and to improve diversity of all kinds (including age, practice area, geographic, etc.). It was suggested that space for new Commissioners could be freed up without losing needed history or expertise by enforcing the existing term limits (three three-year terms) and disallowing the practice of moving to a new appointing entity every nine years, paired with the addition of emeritus positions. There was some discussion as to whether the emeritus designation would be automatic or by invitation only. It was also suggested that the Commission could create certain *ex officio* positions for Colorado Legal Services and perhaps others, freeing up positions for appointment.

In terms of improving overall diversity, suggestions were made to have a nominating committee, which could actively propose candidates to the appointing entities; to provide more direction to the appointing entities as to what is needed, or specific instructions as to, for example, geographic diversity; or to give the Commission several of its own appointments. There was some discussion as to whether the initial appointment structure continues to make sense, and/or whether there are other entities, like CLE, for example, that should be given an appointment.

Judge Schutz made two general suggestions: (1) that the failure to attend ATJC meeting for 12 consecutive months as a trigger for possible expulsion, as is currently set forth in the Bylaws, be changed to six consecutive months, and (2) that at least one ATJC meeting a year be held outside the Denver metro area.

Fred Baumann said that the Governance Committee would put together a proposal to be considered at the November meeting. There was some discussion as to the timing of any changes to the Bylaws and the need for some sort of a transition plan. Fred encouraged everyone to read the just-released ABA report on increasing the effectiveness of ATJ Commissions through adequate staffing and funding. Judge Taubman highlighted that fact that Colorado's Local ATJ Support Committee is featured on page 18-19 of the report.

Update and discussion: Tenant representation in eviction cases – Deferred.

Update and discussion: Funding and related issues – Deferred.

Committee Reports:

- **Communications Committee:** Justice Hart reported that a conference call is scheduled with Voices for Civil Justice (Elizabeth Arledge) on Wednesday, September 19th. She, Diana, Emy and Kath Schoen will all participate. Justice Hart also reported that she has invited Rob McCallum, SCAO's Public Information Officer, to join the Communications Committee.
- **Resource Committee:** Claire Levy reported that there is talk that there may be some support for increasing the general fund appropriation for civil legal aid.
- **Local ATJ Support Committee:** Judge Taubman reported that ATJ Committees across the state are holding local Legal Resource Day events on October 26th, which is during ABA Pro Bono Week.

Next Meeting: November 2nd, 2018 12:00-1:30pm