

**Colorado Access to Justice Commission
Minutes
November 2, 2018 Meeting**

Commissioners Present: Fred Baumann (Chair), Justice Melissa Hart (by phone), Richard Murray, Diana Poole, Molly Ryan (by phone), Judge Tim Schutz (by phone), Dave Stark, Judge Dan Taubman, Penny Wagner, Sam Walker, John Zakhem

Guests Present: Toni-Anne Dasent, Emy Lopez (JFA Access Pilot Project Coordinator), Jackie Marro (ATJ Coordinator at SCAO), Andy Rottman, John Tull

Colorado/Denver Bar Association Staff Present: Lindsey O'Brien, Anthony Pereira, Kath Schoen

Approval of Minutes:

Minutes of the September 14, 2018 Commission meeting were approved.

JFA Access Pilot Project:

Using a PowerPoint presentation, Kath Schoen, Emy Lopez and Anthony Pereira provided an update on the Justice For All (JFA) Implementation Project. First, Kath clarified the scope of the project, which includes a web-based triage pilot, a communication plan, and implementation of the Colorado Strategic Action Plan (CSAP). She identified the various teams that are working on the project, described their composition, and explained their roles.

Emy reported in more detail on the activities to date with respect to the triage component, including the all-day kick-off meeting on October 18th, attended by project participants from both the 4th and the 12th JD, as well as members of the ATJC, and the decision to focus on end-of-life legal issues such as wills, probate, powers of attorney, guardianships, and conservatorships. Prompted by Fred Baumann, Emy explained the reasons for choosing end-of-life issues as a focus, rather than something like landlord/tenant or family law. She reiterated that the pilot project is intended to develop and test a system or tech solution that, if proven effective, could be applied to other areas of the law. Judge Taubman urged attention to several ethical issues that can arise when providing legal help in this area, where clients may be more likely to suffer from diminished capacity and the involvement of other family members may confuse the attorney/client relationship. Emy also briefly touched on the External Communication component, which is essentially on hold until the project focus is finalized.

Anthony reported in more detail about the Internal Communication component. He explained plans to create an online JFA community through the CBA's new Higher Logic platform, where those involved in the JFA project could communicate and interact with one another. In response to a question from Judge Taubman, Anthony confirmed that the JFA community would be "gated", but he added that there were also plans to create a broader online ATJ community that would be open to anyone working on or interested in ATJ issues. Judge Taubman suggested that the Local ATJ Committees might find it helpful to have a monthly listing of ATJ activities around the state, and Kath said she thought something like that probably could be incorporated into the ATJ site. In response to a question from Fred, Anthony said he thought the JFA site probably would be up and running by late November, and agreed to provide a live demonstration of the site at one of the ATJC's upcoming meetings.

Revised ATJC Bylaws:

Fred summarized the proposed changes to the Bylaws, which are intended to open up spots on the Commission (by enforcing existing term limits) while also protecting institutional knowledge and stability (by providing for ex officio and emeritus members), and also to provide more flexibility around creating

new committees. He noted that in addition to the ex officio members currently proposed (the executive directors of Colorado Legal Services and the Legal Aid Foundation), he would also suggest that the Supreme Court's liaison justice be an ex officio member. Richard Murray added that the revisions also provide for an Executive Committee, comprised of the ATJC Chair, Vice Chair, Secretary and two other Commissioners, and occasional meetings of all Committee Chairs, called at the discretion of the ATJC Chair. Judge Taubman asked whether the Bylaws should include (1) a transition plan for those Commissioners who have already served nine years or more, (2) a transition plan for officers who have already served six years or more, and (3) a listing of the Commission's standing committees. Fred explained that it was thought the transition plan for term-limited Commissioners was better left to the Governance Committee; the transition for officers was built into Section 4.02; and it was as yet undetermined, and perhaps premature to determine, which committees should be identified as standing committees. Justice Hart asked that the current draft be further amended to include the justice liaison as an ex officio member. Following additional discussion, the amended and restated Bylaws, as further amended per Justice Hart's request, were approved.

During the course of discussion about revisions to the Bylaws, Fred announced that, due to personal time constraints, Loren Brown has resigned from the Commission.

Committee Structure and Assignments:

John Tull briefly reviewed the document entitled "Proposed Committee Assignments and Comments", which assigns particular strategies identified in the CSAP to existing committees, and also suggests some new committees that might be appropriate. He and Fred explained that the thought was to have the Governance Committee consider the various committees before the Commission's January meeting and begin to populate them with appropriate people. There was discussion as to whether the new committees that are suggested make sense, and whether there are too many of them, particularly in light of the fact that the Commission has no staff of its own. There was discussion again about the potential overlap between an ATJC Pro Bono Committee and the Service/Access to Justice Working Group of the Chief Justice's Commission on Professional Development, and whether those two groups should be merged. Dave Stark and Andy Rottman indicated that more conversation with the Chief Justice was necessary on that issue. Judge Schutz questioned whether there might be overlap between the Local ATJ Support Committee and a new Rural Legal Development Committee, and added that, even if a new Rural Committee were established initially, there might be some benefit in consolidating those down the road. John Tull explained that many of the strategies that fall under Rural Legal Development were suggested by the Dean of DU Law School during the planning process, adding that he was hopeful the law schools, rather than the local ATJ Committees, might take the initiative on those. Judge Taubman suggested that every Commissioner should serve on at least one committee, and that a first step might be to see poll all Commissioners to see where they are willing to take an active role. In light of the work to be accomplished before the January meeting, Fred suggested moving the January meeting from the 4th to the 11th, and there was no objection.

Funding and related issues:

Fred reported that the Legal Services Corporation (LSC) is currently funded at last year's level by way of a Continuing Resolution through December 7th. After that, it's anybody's guess. He referenced the Law 360 article that was included in the meeting materials, noting the continuing existential threat to LSC and federal funding under the Trump Administration. He also reported that it's possible there may be an opportunity this year to ask for additional state funding for civil legal aid.

Committee Reports:

- **Governance Committee:** See above.
- **Communications Committee:** No report.
- **Resource Committee:** See above.
- **Courts Committee:** Penny Wagner reported that SCAO is in the process of putting together a Plain Language Forms Committee, and also gearing up for e-filing by pro se litigants beginning January 1st. She further reported that the Courts Committee would be meeting soon to focus on some of the other strategies and initiatives identified in the CSAP that fall within the Committee's purview.
- **Local ATJ Support Committee:** Judge Taubman reported that Jackie Marro and Emy Lopez attended the last Local ATJ Support Committee conference call, to introduce themselves. He further reported that on that call, local ATJ Committee members shared experiences from the Legal Resource Days held in late October during Pro Bono Week. Judge Taubman also reported that Alamosa has a new courthouse, with a dedicated room for the Sherlocks. Penny reported that 16 courts participated in the October Legal Resource Days, up from 14 last year, but noted that she didn't yet have information as to how many people attended. Jackie reported that 122 people received assistance in Fort Collins, which is about 15 more than last year, and Toni-Anne Dasent said over 200 people received assistance in the 1st JD.

Other Business: None.

Adjourned.

2019 ATJC Meeting Dates:

Friday, Jan. 11, 2019, 12:00-1:30 (2nd Friday)

Friday, Mar. 1, 2019, 12:00-1:30

Friday, May 3, 2019, 12:00-1:30

Friday, July 12, 2019, 12:00-1:30 (2nd Friday)

Friday, Sept. 6, 2019, 12:00-1:30

Friday, Nov. 1, 2019, 12:00-1:30