



Justice for All

Colorado's Strategic Plan for Access to Justice

BY DICK GAST

And justice for all. For some, those four words may harken back to the late 1980s when the heavy metal band Metallica released an album by that name. But most of us recognize those four words as the emphatic ending of our Pledge of Allegiance. It's a powerful statement emphasizing that all of us are equal under the law. Equality under the law requires that we all have access to our justice system—that place where laws are administered, rights are protected, and disputes are resolved.

The Justice for All Project

Here on the home front, we have a long-standing commitment to providing Coloradans with meaningful access to justice, and we have numerous institutions dedicated to that

commitment. But until recently, we had never had the opportunity to take a statewide, strategically coordinated look at access to justice in Colorado. That changed in the fall of 2016, when the National Center for State Courts (NCSC) announced its Justice for All project to fund strategic planning efforts advancing access to justice. A broad group of Colorado stakeholders (including the CBA) submitted a planning grant proposal to the NCSC, as did 24 other states. Colorado was one of only seven states to be awarded a grant and received \$96,650 to pursue a strategic planning effort to expand access to justice across our state.

Grant funding in hand, off we charged down the strategic planning path in 2017. Our leadership team consisted of Supreme Court Justice Will Hood, Access to Justice Commission

Chair Fred Baumann, and yours truly, with the incredible assistance of Legal Aid Foundation Executive Director Diana Poole, CBA Director of Local Bar Relations and Access to Justice Kath Schoen, and longtime access to justice consultant John Tull (John being the glue that bound the whole effort together).

The process began with a detailed inventory and assessment of access to justice resources throughout the state with an eye toward identifying service gaps and considering how to increase coordination and integration of services. That inventory was followed by convening working groups that met during the summer of 2017 to make recommendations across different subject areas for filling the gaps. The efforts of the working groups culminated in a Justice for All Summit last October. Out of that Summit grew our Justice for All Colorado Strategic Action Plan. I will highlight a few key components of the planning process and the plan itself.

Inventory of Access to Justice Resources

The inventory and assessment process found that Colorado has developed a robust range of access to justice resources that can best be grouped into three categories: information, advice, and representation.

Information

Some people are able to tackle a legal issue with information alone. Our legal information resources include:

- Self Help Centers located in courthouses throughout Colorado staffed by very capable Self Represented Litigant Coordinators (Sherlocks) who provide in-person information on court procedures and forms. In 2016, Sherlocks served 148,601 persons around the state.¹
- Family Court Facilitators in each of our 22 judicial districts who provide information in family law cases to the legions of litigants navigating the process pro se.²
- Numerous web-based tools, including the Colorado Legal Services website,³ Ric Morgan's "Checkerboard" site,⁴ the State Judicial Branch's website with court forms,⁵ and the Colorado Supreme Court's new Legal Help Center site⁶ (an interactive website with a branching logic feature to help people identify the information or services they need).

Advice

Some people need more than information. They need advice from a lawyer that doesn't quite rise to the level of actual legal representation. Examples of advice resources include:

- Clinics operated by Colorado Legal Services, local bar association legal aid clinics staffed by volunteer lawyers, and Ask A Lawyer clinics typically operated through the Self Help Centers.
- Ric Morgan's Virtual Pro Se Clinics conducted through public libraries outside the metro area where people are connected remotely with lawyers in Denver who provide legal advice.⁷

Representation

Those navigating a procedurally challenging eviction who may not be proficient in English are going to have the best shot at justice by having a lawyer right there in the trenches with them. Legal representation resources include:

- Colorado Legal Services, which employs 51 lawyers in 13 offices around the state who provide free legal representation,

typically to those at or below 125% of the federal poverty level.

- Local bar association pro bono programs through which volunteer attorneys handle cases for income-eligible persons.
- Practitioners willing to provide discrete components of representation (unbundled legal services), often at a price that's less than the typical market hourly rate. The CBA has been working to strengthen this practice area through the Modern Law Practice Initiative (formerly the Modest Means Program).⁸

At the completion of the inventory process, we realized that Colorado has been remarkably creative and effective in developing a variety of access to justice resources. We are particularly strong in the information and advice resource areas, all geared toward the self-help end of the spectrum. But we fall short in our capacity to provide full representation, due primarily to a lack of funding for civil legal aid. We need to increase resources to provide full representation for those whose legal problems can't be adequately addressed without it. The need for unbundled legal representation also far outstrips what is available. And there is a particularly acute lack of lawyers in rural areas that affects not only access to justice needs but also the overall economic and social health of those communities.

We also found that an abundance of access to justice resources creates the need for better communication and coordination among those resources. In the astute words of John Tull, our system needs a "brain" to manage our resources so they complement, but don't duplicate, each other in an integrated manner.

Justice for All Summit

The working groups took the inventory findings and toiled tirelessly last summer to craft recommendations. Those recommendations were then submitted for consideration by the 115 participants in the Justice for All Summit held at the Ralph Carr Colorado Judicial Center in Denver. The participants represented a broad range of stakeholders from around the state that included (1) court personnel, from judges to Sherlocks and Family Court Facilitators; (2)

Colorado Legal Services and other legal aid programs; (3) the CBA; (4) private attorneys; (5) Colorado law schools; and (6) social service organizations.

The Summit was a wonderful gathering of access to justice players who don't often have the opportunity to meet face to face on that grand a scale. The result was energetic, enthusiastic, and collaborative problem solving. The participants reviewed and prioritized more than 60 recommendations provided by the working groups. Their efforts paved the way to drafting the plan. And the synergy of that Summit bodes well for possibly establishing an annual event going forward.

The Strategic Plan

The strategic plan builds on the recommendations from the working groups and the Summit, and presents a broad range of initiatives. Here's a sampling of the plan recommendations:

- Have a full-time access to justice coordinator dedicated to implementing and supporting agreed-upon initiatives.
- Create a Coordinating Committee under the auspices of the Access to Justice Commission to serve as the "hub of the wheel" and oversee implementation of initiatives, facilitate interactive communication among components of the access to justice system, avoid duplication of effort, and identify new and emerging issues.
- Develop a framework for effectively communicating to the public the vital role of the civil justice system and rigorous advocacy for public funding of legal aid.
- Support the Colorado Legal Help Center in becoming the central component of online services so there is one primary site housing as much self-help information as possible, with coordinated links to other sites.
- Encourage implementation of virtual proceedings in rural courts.
- Provide a multi-door, multidirectional triage system for referrals to appropriate help sources.
- Train court personnel and judicial officers in how to most effectively interact with unrepresented litigants.

- Develop and implement court document assembly capability, online or in kiosks, that is uniform across all judicial districts.
- Prepare all court forms, process descriptions, and written procedures in plain language (a 5th to 7th grade reading level), and in prevalent languages other than English.
- Create a Rural Legal Development Project to place lawyers and law students in rural areas, provide support for rural lawyers, market the benefits of rural practice, and engage with rural economic development.
- Expand the use of videoconferencing for remote or virtual law clinics and mediations.
- Expand law school clinics to provide law students more opportunities to provide legal assistance to low-income and legally underserved persons.
- Continue the development and support of law practice business models to provide legal representation that is affordable to a broad range of clients and profitable to lawyers.
- Simplify and standardize court procedures and processes, including simplified and expedited procedures for high-volume substantive areas with a large percentage of unrepresented litigants, such as family law.
- Expand navigator programs to offer hands-on assistance to litigants in the courtroom.⁹

What's Next?

A strategic plan is only as good as its implementation efforts. On the Justice for All front, those efforts are already underway and include an exciting pilot project aptly dubbed the Access Pilot Project. The Project has received a positive reception from the NCSC, and as I write this article, discussions are underway about possible grant funding for the Project. As envisioned, the Project will focus on several strategies and initiatives in two judicial districts, one urban and one rural. The project components include:

- developing an online multi-door, multi-directional triage and referral system to connect people with appropriate

services, thus providing a “warm handoff” of individuals with a legal problem to the appropriate source of meaningful assistance without “bouncing” those in need from agency to agency;

- expanding services that provide self-help and legal representation, such as (1) limited scope and other low cost representation, (2) legal advice clinics, (3) navigators delivering in-court, non-lawyer assistance, (4) pro bono representation, and (5) law school initiatives to engage law students and recent law graduates;
- increasing coordination and integration of services; and
- communicating with potential users and the general public about the availability of services for those with a legal problem.

Conclusion

Colorado is on the leading edge of access to justice efforts. That's a reflection of the commitment and dedication of the hard-working souls who drive the access to justice programs and

initiatives around the state, and who also drove the Justice for All strategic planning process. My heartfelt thanks go out to all of them. CL

NOTES

1. A statewide list of Sherlocks can be found at www.courts.state.co.us/Self_Help/information.cfm.
2. Contact information for Family Court Facilitators is available at www.courts.state.co.us/Administration/Program.cfm?Program=42.
3. <http://coloradolegalservices.org>.
4. www.checkerboard.co.
5. www.courts.state.co.us/Forms/Index.cfm.
6. www.coloradolegalhelpcenter.us.
7. Morgan, “The Virtual Pro Se Clinic Concept,” 43 *Colorado Lawyer* 77 (May 2014).
8. For more information, visit www.cobar.org/For-Members/Modern-Law-Practice-Initiative.
9. The full strategic plan is available at www.coloradojustice.org/Portals/16/Repository/JFAColoradoStrategicPlan.pdf?ver=2018-02-05-133440-540.

COLORADO NUGGETS

You may not think of our beloved Colorado Revised Statutes as a resource for trivial Colorado tidbits. But buried in Part 9 of Article 80 under Title 24 of our Colorado Revised Statutes is a veritable trove of Colorado trivia. Sure, it contains the more mundane items like designation of our state seal and state flag, but did you know:

1 It's a misdemeanor to tear up our state flower (the Columbine) by its roots or pick more than 25 flowers (without pulling up the roots) in one day on any public land. Upon conviction the fine is not less than \$5 nor more than \$50. That fine amount hasn't changed since 1925.

2 The state reptile is the western painted turtle, while the state amphibian is the western tiger salamander.

3 The state pets are those dogs and cats adopted from Colorado animal shelters and rescues.

4 The state rock is yule marble. Colorado yule marble quarried in the Yule Creek area near the town of Marble was used to build both the Lincoln Memorial in Washington and the Tomb of the Unknown Soldier in Arlington National Cemetery.

Who knew our statutes could provide such entertaining reading?