



Colorado Access to Justice Commission

September 5, 2008 Meeting

Minutes

Present: Constance Talmage, Diana Poole, James Peters, Hon. Daniel Taubman, Bernadette Gonzales, Frederick Baumann, Hon. Gregory Hobbs, Charlie Garcia, Hon. JoAnn Vogt, Simon Mole, Ilene Bloom, Jonathan Asher, Karen DuWaldt (by phone), William Alexander (by phone), Angela Arkin (by phone), and Mary Ann Corey (by phone).

Guests: Liz Giordano, David Butler, Jason Malinski, Greg Martin, Cheryl Law, and Kathleen Schoen

- 1. Minutes of July 11, 2008 meeting** — approved by the Commission
- 2. Spanish Language Lawyering:** Liz Giordano, Chair, CBA Special Committee on Spanish Language Lawyering, explained that the mission of the Committee is to provide Spanish-speaking individuals with fair and equitable access to the legal system. She further explained that one focus of the Committee is to assist Spanish-speaking attorneys by providing Spanish legal resources and materials that will allow them to more effectively represent their Spanish-speaking clients. Liz expressed the Committee's interest in collaborating with the courts, bar associations, and legal service organizations providing services to Spanish-speaking clients. She reported that the Committee will be working with the ATJ Courts Committee, and it was also suggested that a connection be made between the Spanish Language Lawyering Committee and the local Access To Justice Committees. Liz also announced that on October 25, 2008, the Committee will host a legal fair for Spanish-speaking individuals at Centro San Juan Diego.
- 3. Chief Justice Directive 98-01:** It was noted that CJD 98-01 has been amended to provide for the waiver of E-filing fees for indigent litigants. Justice Hobbs will confirm with the State Court Administrator's Office that the waiver is available to private lawyers handling pro bono cases through one of the pro bono providers, as well as to Colorado Legal Services attorneys.
- 4. Resignation of Commission Member Inga Causey** — ATJC Chair Connie Talmage announced that Commissioner Inga Causey has resigned. Inga was appointed by the Colorado Bar Association as a representative from outside the Denver metro area. Connie asked commissioners to send her their suggestions for a replacement appointment, and said that the Executive Committee would consider the suggestions and make a recommendation to the CBA president concerning the appointment.

The Commission unanimously approved a resolution thanking Inga Causey for her service on the Commission and her commitment to access to justice and the provision of legal services for low-income and otherwise vulnerable Coloradans.

5. **Judicial Conference Presentations on ATJ** — JoAnn and Dan reported that they are facilitating a session at the Colorado Judicial Conference in September concerning access to justice and, in particular, the handling of cases involving pro se litigants. Chief Justice Broderick, New Hampshire Supreme Court, will participate in the session.
6. **Dinner with Chief Justice Broderick at the Judicial Conference** — Connie announced that she, Greg Hobbs, Dan, JoAnn, and Simon will be having dinner with Chief Justice Broderick on the evening of September 22 in Breckenridge. Connie invited any and all other Commissioners to attend as well.
7. **Proposed changes to the Colorado Code of Judicial Conduct.---** Dan reported on his review of materials, developed by the Self-Help Support Network, related to a judge's ethical duties in self-represented litigation cases. He focused in particular on a Bench Guide, based on principles of neutral engagement, which discusses the provisions of the ABA Model Code of Judicial Conduct relevant to the steps that judges can take to assist pro se litigants without compromising their duty to be fair and impartial. Dan noted that the Bench Guide includes, as an addendum, proposed amendments to the Model Code suggested, on her own behalf, by Chief Justice Karla Gray of the Montana Supreme Court. Dan further reported that, based on his review of these materials, he sent a letter to Justice Michael Bender, Chairman of the Supreme Court's Colorado Code of Judicial Conduct Revision Committee, supporting the adoption of Comment 4 to Rule 2.2 and urging the Committee to consider the additional amendments proposed by Chief Justice Gray. Connie will distribute Dan's letter to all ATJ Commissioners for their review and asked that they review the letter and notify Connie whether they support the Commission sending a letter in support of Dan's position.
8. **Conference on Pro Se Litigants** — Connie announced that Simon and Ilene will attend the National Center for State Courts' conference on pro se litigants being held in Baltimore, September 8 -10. They were asked to report at the next meeting
9. **Judicial Branch Website** — Simon reviewed the Colorado Court's newly-revised website, noting areas where it is not as friendly to self-represented litigants as would be desirable. There was an extended discussion concerning various suggestions for possible improvement, and the means by which additional ideas and suggestions could be generated, perhaps through a process which would include court clerks and facilitators and the public generally. Simon will draft and Connie will submit a letter to the State Court Administrator's Office offering assistance and suggestions as to how the website could be further revised to enhance access for self-represented litigants to appropriate legal forms, information, resources, and sources of legal assistance.

10. ABA National Pro Bono Celebration, October 25-31, 2009 — This item will be discussed at the next meeting.

11. Committee Reports

- a. Local ATJ Support – Dan reported that the committee met on August 20 and discussed the Colorado Courts website, presentations by ATJ Public Information Committee, and the Foreclosure Project being developed by Colorado Legal Services.
- b. Resource Development – Connie reported that she, Fred, Jon Asher, and John Zakhem are planning to talk to Representative Bernie Buescher and State Court Administrator Jerry Marroney about seeking additional funding for legal services for Colorado’s low-income and otherwise vulnerable populations.
- c. Public Information – Charlie reported that the Committee is focusing on developing relationships with the law schools at the University of Denver and the University of Colorado. Justice Hobbs, Justice Bender, and Simon Mole are attending events at both law schools.
- d. Courthouse – Simon reported that once the Colorado Courts website is revised to address issues of access by pro se litigants, he hopes to reach out to public librarians on using the Court’s website. Justice Hobbs suggested working with the Colorado Supreme Court librarians to establish a resource center for pro se litigants.
- e. Supreme Court Pro Bono Initiative Committee – Justice Hobbs had nothing to report at this time.
- f. Second Season of Service – JoAnn reported that the Job Fair for retired and inactive lawyers was a great success. She estimated that 40 lawyers attended. She noted that *The Docket* published an article about the event written by Raj Chohan, intern for the Colorado Lawyers Committee.

Next Meeting: November 7, 2008 at the Colorado Supreme Court