
Appendix E

**Access to Justice Hearing
October 25, 2007
Colorado Springs, Colorado**

**Co-Sponsored by
The Colorado Access to Justice Commission and
The Fourth Judicial District Access to Justice Committee**

Appendix E
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Summary of Colorado Springs Access to Justice Hearing

The Colorado Springs Access to Justice Hearing held on October, 25, 2007, featured testimony by eight witnesses, including County Court Judge Jonathan Walker, and Bruce Buell, a well-respected attorney in private practice. A distinguished panel of eight, including Sen. John Morse, Reps. Bob Gardner and Amy Stephens, Colorado Court of Appeals Judge Robert Hawthorne, El Paso County Chief District Judge Kirk Samelson, and Larry Gaddis, the President of the El Paso County Bar Association, listened attentively as the witnesses described the unmet need for civil legal assistance for poor people in El Paso County.

Witnesses detailed the types of problems encountered by the indigent, and the difficulties of proceeding without legal assistance. Steve Flynn described the very limited services that the El Paso County office of CLS was able to offer at its current staffing level of two attorneys. Judge Walker testified about the large number of poor people appearing in his court who are forced to proceed pro se in domestic relations matters, and described how providing legal assistance to poor people at this critical time of their lives would save resources in the long run. Tralita Martin described how hard it is for a pro se litigant to navigate the legal system, particularly when the opposing party is represented by counsel. Sequya Stevens described how some quick action by her CLS attorney allowed her to keep her home when the landlord attempted to wrongfully evict her. Mary Ann Corey described the difficulties in finding legal services for indigent Spanish-speaking clients in Colorado Springs, while Mary Ann Carter described how pro bono legal services can only fill a small part of the overall need.

Larry Gaddis, a Panelist, summed up the hearing by noting that in 1972, the Colorado Springs office of what is now CLS had a total of 11 attorneys. The two attorneys in the CLS office today cannot even come close to meeting the need of today's much greater indigent population.

Colorado Springs Access to Justice Commission Panelists

<u>Name</u>	<u>Affiliation</u>
Fred Baumann	Panel Chair; Vice Chair, Colorado Access to Justice Commission
Larry Gaddis	President, El Paso County Bar Association
Bob Gardner	State Representative (R-Colorado Springs)
Robert Hawthorne	Judge, Colorado Court of Appeals
John Morse	State Senator (D-Colorado Springs)
Kirk Samelson	Chief Judge, District Court, 4th Judicial District
Richard Skorman	U.S. Senator Ken Salazar's Office
Amy Stephens	State Representative (R-Colorado Springs)

Colorado Springs Access to Justice Hearing Witnesses

<u>Name</u>	<u>Affiliation</u>
Jon Asher	Executive Director, Colorado Legal Services
Bruce Buell	Private Attorney; Member, Resource Committee, Colorado Access to Justice Commission
Steve Flynn	Staff Attorney, Colorado Springs Legal Services
Sequya Stevens	Client, Colorado Legal Services
Jonathan Walker	Judge, El Paso County Court
Tralita Martin	Client, TESSA
Mary Ann Carter	Centro de la Familia
Mary Ann Corey	Pro Bono Coordinator

Summary of Witness Statements

Attendance - 28

Jon Asher

Mr. Asher is the Executive Director of Colorado Legal Services (CLS). He presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details are included in Appendix A.

Question from Judge Samuelson: How many attorneys do you have across the state?

Response: 40

Question from Judge Samuelson: What is the total CLS budget?

Response: \$7.5 million. \$500,000 of that is currently funded by the Colorado Legislature.

Bruce Buell

Mr. Buell is a member of the Resource Committee of the Colorado Access to Justice Commission. He described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Buell explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

Jon Asher Comments: The \$9.5 million funding figure from the presentation is larger than what CLS gets because it includes child legal services and other services.

Question from Judge Hawthorne: Is there any way of calculating the value of the pro bono services that are contributed in Colorado?

Response from Mr. Asher: That is very hard to determine, since many attorneys do not report their pro bono hours. We do know that it is millions of dollars in the Denver metro area alone.

Question from Judge Samuelson: Does the majority of your funding go toward paying attorneys' salaries?

Response from Mr. Asher: Yes, our funding is used to finance all costs associated with the practice of law. CLS is experiencing difficulty in recruiting because the starting salary of \$33,500 is so low. The numbers of attorneys and the starting salary both have to be increased.

Question from Rep. Gardner: What is the average caseload for each CLS attorney?

Response from Mr. Asher: Most CLS attorneys handle about 50 open and active cases at one time.

Question from the audience: Why does CLS not handle class action lawsuits?

Response from Mr. Asher: Congress does not allow LSC funded programs like CLS to litigate class actions.

Steve Flynn

Mr. Flynn is a staff attorney with Colorado Legal Services (CLS) in the Colorado Springs office, which serves El Paso, Teller, and Lincoln Counties and shares Fremont, Chaffee and Park Counties. In El Paso County alone, 9% of the total population (52,000 people) live below the poverty level. The Colorado Springs CLS office has two attorneys, 3.6 paralegals, and two support staff. Although CLS has plans to hire two additional attorneys, the office continues to be short-staffed.

The Colorado Springs CLS office can only represent clients who are financially eligible, based on income at 125% of federal poverty level. Also, the Colorado Springs CLS office has a grant to serve clients 60 years old and over, but those people still have to be financially unable to hire an attorney. The poverty population, combined with the senior population, makes the number of eligible clients much more than 52,000.

The majority of CLS attorneys' time is spent dealing with family law issues, such as domestic violence protective orders, dissolution or parental rights allocation cases. Most family law cases are also pro se, so much time is dedicated to informing clients regarding courtroom procedure, through paralegals or small classes.

All cases are evaluated for merit. Due to its small staff, the CLS office does not represent a client unless CLS believes there is a reasonable chance that representation will give a better result to the client. For instance, in an eviction case where there is a defense, CLS will try to put an attorney on the case. When there does not appear to be a defense, CLS will instead advise on the process. Some meritorious cases are referred for pro bono representation, particularly in areas outside of CLS's expertise.

Question from Sen. Morse: Are most people denied because they are over income?

Response: Sometimes, and also because the matter concerns criminal issues, in which CLS is not allowed to provide representation. Other people come in to the CLS office with personal injury claims, which are referred out because those cases can be litigated by a private attorney if the case has merit.

Question from Sen. Morse: Would more funds help serve these people?

Response: Yes, we have priorities and sometimes we cannot even meet those priorities. With more funding, CLS can hire more attorneys and better serve the needs of its clients.

Mary Anne Carter

Ms. Carter works for Centro de la Familia, an organization that aims to strengthen families by developing cultural anchors and increasing community resources, resulting in stability and improved quality of life for Spanish-speaking, Native American and recent immigrant parents and children of Hispanic and Latino origin. The 12-year old organization provides vital services to the Colorado Springs community, including counseling for victims of sexual assault and domestic abuse. The organization also teaches classes on parenting and mental health. Ms. Carter feels the resources of the organization are spread too thin. She believes that access to legal counsel is very difficult for the most vulnerable population in Colorado Springs. Ms. Carter encouraged the Panel to consider increased funding, because even one additional attorney who could work with her organization on a weekly basis would dramatically improve the Spanish-speaking community's access to legal services.

Jonathan Walker

Jonathan Walker is an El Paso County Court Judge; before his appointment, Judge Walker served as a public defender for nine years. As a public defender he closed 350 felony cases a year, during the course of which he felt he was representing the person accused of a crime. In his experience, criminal cases often involve other parties not charged with a crime who needed representation just as much as the defendant. In many cases, those individuals go without representation because no legal services are available.

Judge Walker described common problems in domestic violence matters. One situation occurs when the abuser has been told by the court to move out of the family home, and the victim is stuck with the mortgage or household payments and is unable to maintain that lifestyle without child support and maintenance payments. Many victims of domestic violence need legal advice on how to get a temporary restraining order, a permanent restraining order, or a divorce. As it is right now, there is not enough money for these necessary clients to receive services. In Mr. Walker's division alone (which is one of eight in the county), 297 domestic violence cases were opened. In every case there is a victim and those victims usually have children.

Some systems are in place to provide necessary legal counsel, such as the guardian ad litem system to represent the children. But these limited services do not provide help to a mother on how to deal with bill collectors. In most cases, landlords will evict the victims of domestic violence because the landlord does not want such incidents in the building. Furthermore, there is an abundance of spouses who want to be divorced and do not have the ability to retain an attorney. The do-it-yourself divorce packets are extremely difficult for pro se litigants with no legal background to complete on their own.

Judge Walker concluded his remarks by stating that additional appropriations for legal services would provide significant benefit, both because of the direct benefit to the individual represented, and also because it would limit the "ripple effect" of not providing timely civil legal services. This "ripple effect" occurs because people who are unable to secure legal services promptly frequently get deeper and deeper in trouble, and these troubles also cost significant resources.

Sequya Stevens

Ms. Sequya Stevens is a CLS client. She was in a car accident and became very vulnerable because she was not able to work and not able to pay bills. Ms. Stevens' grandmother agreed to pay the housing bills, but when she tried to pay her outstanding balance, she was told it was too late. Ms. Stevens was told she would be evicted from her apartment, although she never received a 3 day notice of eviction, and her grandmother's payment was tendered to the landlord in the time permitted by law. Ms. Stevens did not know what to do, but she was given a list of services that could help her and she contacted CLS. After contacting CLS, she received immediate help to solve her housing problem. CLS managed to convince the landlord's attorney that the landlord lied about rent not being offered and the eviction case was dismissed as a result. Ms. Stevens said that without CLS's help, she would have had no idea what to do and she probably would have been evicted.

Tralita Martin

Ms. Martin is a single parent of three small children, who was living in poverty and was a victim of domestic violence. She moved to Colorado Springs with her children, ages 8, 6 and 4, to escape from her husband. However, her husband was represented by counsel, while she was unable to secure an attorney and proceeded pro se. She described how, over just a year-and-a-half, she attended more than twelve court appearances in front of five different judges and magistrates, all without the benefit of an attorney.

Ms. Martin could not afford to fight her husband through these various proceedings. She approached CLS, which could not take a post-decree matter, even though she felt her children were in danger. The Department of Social Services said they could not help her, despite the fact that if she did not win the court case, they would take the children away from her. TESSA, El Paso County's advocates for domestic violence, offered counseling, but could not offer legal help. CASA, the court appointed special advocates for children, was too full to take her family.

Ms. Martin stated that she was unable to find help for herself and her family. She was told it would cost \$10,000 in legal fees to hire a private attorney in an attempt to secure supervised visitation. She already had filed bankruptcy and could not afford to fight her husband and his lawyer. Ms. Martin concluded her remarks by noting that it is easy to say, "That is not my job." The legislature says it is up to the judiciary, and vice versa; it turns out that it is not anyone's job. She asked the Panel to do what it could to help secure powerful legal advocates for families facing situations like hers.

Mary Anne Corey

Ms. Corey is the pro bono coordinator for the Colorado Springs area. She works in cooperation with CLS to find pro bono attorneys for clients for whom CLS is unable to provide services. She encourages attorneys in private practice to participate in seminars, clinics, and to provide unbundled legal services to the indigent. Currently, 50 attorneys out of the 875 in Colorado Springs are active pro bono participants. She believes that the reason for this lack of participation is because many of the Colorado Spring private practice attorneys are unable to handle additional work on top of their private practices. Attorneys who do pro bono work will often take cases that appear to require a small amount of time, but end up with a larger commitment. Pro bono attorneys also help by providing clinics, or other group services, such as sitting down with divorce litigants for 30 minutes at a time to answer questions or help with the divorce forms. CLS does not handle post decree matters, and as a result there is a lack of services to help divorcees ensure payment of child support payment or maintenance. Ms. Corey is currently working on setting up a clinic for pro se litigants on post decree issues.

Ms. Corey collaborates with other agencies such as TESSA to help provide legal services to the indigent. For example, working in cooperation with CLS attorney Theresa Kilgore, she has started webcasts in both English and Spanish of the topics of how to take on a divorce case, contempt issues and consumer law issues.

Ms. Corey believes that Colorado Springs definitely needs funding for more services, especially for post decree matters. Ms. Corey stressed the importance of protecting children by providing legal assistance to the parents to ensure children have food, a roof over their heads and adequate parental supervision.

Question from Rep. Gardner: What is the average retainer for divorce in El Paso County?

Response: The lowest I know of is \$2,500. The hourly rate for attorneys who work in our clinic is \$200 and up.

Question from Rep. Gardner: What is the percent of pro se divorces litigated in Colorado Springs?

Response: I think approximately 2,000 of the 4,000 total divorces filed last year had at least one party proceeding pro se.

Question from Judge Hawthorne: The idea of using webcast for mass communication sounds great, but do the poor have computers?

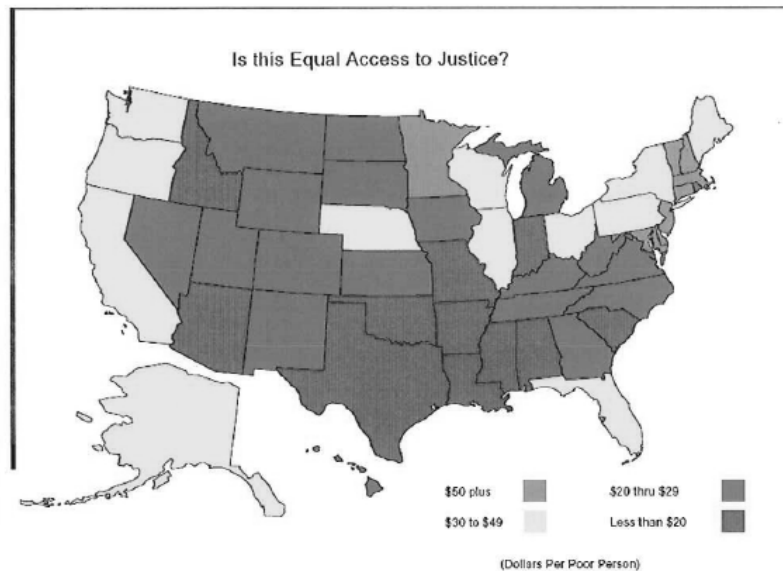
Response: I feel that there is adequate access for the poor to computer terminals. TESSA has a computer, as does CLS. Furthermore, Magistrate Hughes is currently working on a resource center in the courthouse that will have a computer. Finally, the public library has computers that the indigent can use.

Comment by Larry Gaddis: CLS in the past litigated divorces but since there have been cutbacks in funding, those services have been eliminated. As noted earlier, CLS currently has two attorneys in Colorado Springs and is hoping to add two more in the near future. In 1972, CLS had eleven attorneys! This shows that there currently is a tremendous need for additional funding for civil legal services in our community.

Colorado Springs Access to Justice Hearing Invitation

Colorado Access to Justice Commission and
Access to Justice Committee, 4th Judicial District

Public Hearing



You're
invited

October 25, 2007
5—7 p.m.

Jury Room, W113

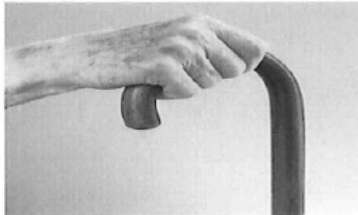
El Paso Combined Courts

270 S. Tejon Street

Colorado Springs, CO

80903

A public hearing will be held to present information and discuss the civil legal needs of low-income people in Colorado. As the map above shows, Colorado spends less than \$29 per person for the legal needs of poor people in the state. Come listen and talk with local politicians, judges, lawyers, service providers, and others about eliminating barriers in the legal system for low-income individuals.



The mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. Additional information about the Commission is available at www.ColoradoJustice.org.

Colorado Springs Access to Justice Media Coverage

Help for low-income to get court access

THE GAZETTE

October 24, 2007 - 12:14AM

A meeting to help low-income people get better access to Colorado's civil court system is scheduled for 5 to 7 p.m. Thursday.

The public meeting at the Terry R. Harris Judicial Complex, 270 S. Tejon St., is being held by the Access to Justice Commission. It is part of a series of statewide meetings to determine the gaps in legal services for low-income people and communities that might need more assistance.

"Colorado is substantially below the national average in funding for legal services for poor people," said Fred Baumann, Access to Justice resource committee chairman. "We would need another \$2.5 million just to bring our state up to average. That's a serious problem."

The panel will be made up of judges, senators and congressmen. The witnesses will be people who work in organizations helping the poor and people who have suffered due to the lack of services available.

For more information, call Mary Ann Corey, pro-bono coordinator for the El Paso County Bar Association, at 719-473-9700.

Fourth Judicial District Access to Justice Committee Members

<u>Name</u>	<u>Affiliation</u>
Steve Flynn	Attorney, Colorado Legal Services
Bruce Buell	Private Attorney
Edward Colt	Judge, 4th Judicial District Court
Chris Acker	Judge, El Paso County Court
Barbara Hughes	Magistrate
Ann Rotolo	Magistrate
Mary Ann Corey	Pro Bono Coordinator
Nicolle Rugh	Family Court Facilitator
Theresa Kilgore	Attorney, Colorado Legal Services
Mittie Prdraza	CASA of the Pikes Peak Region

Fourth Judicial District Access to Justice Committee Recent Accomplishments

- Set up “Justice Corps” program where college students work at the courthouse to provide advice to pro se litigants
- Set up English and Spanish language webcasts for pro se litigants on topics including divorce, contempt issues, and consumer issues

