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# **Appendix F**

**Access to Justice Hearing  
October 9, 2007  
Delta, Colorado**

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

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## **Summary of Delta Access to Justice Hearing**

Thirty-four people, including panelists, Judge Dan Taubman of the Colorado Court of Appeals; Judge Charles Greenacre of the Delta District Court; Representative Steven King; Representative Raymond Rose; and Steve Schultz, President of the Delta County Bar Association, attended the first of ten Access to Justice hearings on October 9, 2007. The eight panelists, who also included Connie Talmage, Chair of the Colorado Access to Justice Commission, heard testimony from eleven witnesses, including a district court judge, three private attorneys, and three clients, regarding the need for increased civil legal assistance for low income people in the Seventh Judicial District.

Jon Asher, Executive Director of Colorado Legal Services, testified about the limited resources available to Colorado Legal Services and the tremendous need for increased resources. David Butler, a member of the Resource Committee of the Colorado Access to Justice Commission, testified that Colorado ranks fortieth among the states in the provision of state funding for civil legal services for the poor. He noted that Colorado would need to increase state funding by more than \$1.8 million just to bring Colorado up to the level of the average among the states.

Local pro bono attorneys Aaron Clay, Brad Kolman, Timoteo Gallegos, and Mike Hockersmith testified about the participation of virtually all private attorneys within the Seventh Judicial District in providing pro bono services. Clay noted that despite this outstanding level of participation, the number of private attorney in the judicial district has remained relatively constant, while the number of low income individuals in need of legal assistance has increased substantially over the years. According to Hockersmith, Uncompahgre Volunteer Legal Services operated on the assumption that all those in need of legal assistance would be able to get the services of a pro bono attorney when necessary, but that is no longer the case.

Clay also testified regarding the accomplishments of the local access to justice committee, which has involved a salutary coordination among the judiciary, local private attorneys, and members of community organizations. Its activities include the operation of a local Thursday Night Bar pro bono program in Gunnison, Montrose, and Delta.

## **Delta Access to Justice Hearing Panelists**

<u>Name</u>	<u>Affiliation</u>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Sonya Blackburn	Secretary, 7th Judicial District Access to Justice Committee
Charles Greenacre	Judge, Delta District Court
Steve King	State Representative (R-Delta)
Amy Ondos	Member, 7th Judicial District Bar Association
Raymond Rose	State Representative (R-Delta)
Steve Schultz	President, Delta County Bar Association
Dan Taubman	Judge, Colorado Court of Appeals

## **Delta Access to Justice Hearing Witnesses**

<u>Name</u>	<u>Affiliation</u>
Jon Asher	Executive Director, Colorado Legal Services
Carol Viner	Attorney, Colorado Legal Services
Susan Hildebrand	Client, Colorado Legal Services
Aaron Clay	Member, 7th Judicial District Access to Justice Committee
Becky Ela	Director, Hilltop Community Resources
Brad Kolman	Board Member, Delta-Montrose Free Legal Services
Marlene Standlee	Client, Delta-Montrose Free Legal Services
Timoteo Gallegos	Private Attorney, Delta
Mike Hockersmith	Board Member, Uncompahgre Legal Services
Ann Adams	Client, Uncompahgre Legal Services
Jeff Herron	Judge, Montrose District Court
David Butler	Secretary, Colorado Access to Justice Commission

## Summary of Witness Statements

### Attendance - 34

#### 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 Rep. Ray Rose:** How much does the federal government allocate towards the total budget of CLS?

**Response:** Last year, the federal allocation amounted to 3.3 million dollars, which was 40% of CLS' total funding.

#### Carol Viner

Ms. Viner is an attorney for CLS in the Seventh Judicial District, which includes Delta, Montrose, and Garfield Counties. CLS is spread very thin on the Western Slope due to lack of funding and resources, and in short, most services and efforts in the area involve a collaboration with pro bono programs in Montrose and Delta.

**Question from Judge Dan Taubman:** What percentage of low income people in Delta and Montrose were you able to serve last year?

**Response:** CLS was able to serve 30 people in those areas in 2006, while another 23 were turned away. In 2007, CLS served 35 clients while only 16 were turned away. The number of those who were turned away is low, however, because Delta and Montrose have pro bono programs with intake statistics. The local agencies, Delta-Montrose Free Legal Services and Uncompahgre Volunteer Legal Aid, receive the bulk of the applications for assistance.

**Question from Rep. Steve King:** What is the possibility of technological advances that will allow us to teleconference rather than having to travel long distances to provide services?

**Response:** CLS currently teleconferences quarterly meetings of the local access to justice committee. However, teleconferencing for client services is virtually impossible because attorneys must be present for trials and court hearings.

**Question from Rep. Steve King:** Are you able to conduct court proceedings by teleconference also?

**Response from Jon Asher:** They are beginning to pilot that, but at this point only in urban areas like Denver.

**Susan Hildebrand**

Ms. Hildebrand is a CLS client who moved to Montrose in 2005 and was in an abusive relationship with a Vietnam veteran suffering from post-traumatic stress disorder. Her son is severely handicapped, which prompted her desire to move to Grand Junction where better care is available. Her boyfriend became verbally abusive and threatened to kill her, and due to the rural area in which she lived, she feared for her life. She sought help from Tri-County Legal Resources, now Hilltop Community Resources, and it helped her fill out forms to obtain a protection order and attended court proceedings with her. She was completely ignorant of the legal process and was very grateful for the services provided.

She moved to Grand Junction and was forced to live in the Latimer House (a homeless shelter) while her son was placed in a nursing home. While she was attempting to obtain housing and employment, her abuser appealed the protection order and she began once again to fear for her family's safety because she could not afford legal representation for the appeal, but her abuser could. The Latimer House referred her to CLS, and the legal representation CLS provided saved her life. Her abuser lost on appeal, and the protective order continues to be enforced. The abuser is now in jail.

**Aaron Clay**

Mr. Clay has been a private attorney in Delta since 1980, and was the pro bono coordinator for the Delta County Bar Association for eight years in the 1990s.

In 2002, the statewide Access to Justice Commission established a goal of starting a local access to justice committee in each of the 23 judicial districts in the state. The Committee for the Seventh Judicial District was established by a charter in early 2003. The charter is an agreement between the two bar associations and the chief judge, committing them to keeping the committee active and meaningful in promoting access to justice in this judicial district. He was chair of the committee for three years; Sandy Miller, Delta County Court Judge, is now the chair.

The local committee is composed of two judges, a representative from each bar association, and representative from the Uncompahgre Volunteer Legal Aid, Delta-Montrose Free Legal Services, CLS, and Hilltop. The committee meets quarterly to discuss how to provide better access to justice to poor people in the area. It has no budget or staff, just volunteers interested in working on this issue.

Committee members discovered that one benefit was to bring together those people working on the same problems, so they could share ideas. For example, several pro bono attorneys had expressed frustration with their lack of skill in dealing with Social Security appeals. When this frustration was shared with committee members, the CLS representative immediately said that CLS had a specialist in these appeals, and that it could handle them quickly and efficiently. Pro bono attorneys could simply refer those cases to CLS and concentrate on issues more suited to their knowledge and practice areas.

As a small rural area, the Seventh Judicial District is blessed and cursed. It is blessed because most attorneys practicing here understand the need for pro bono representation and are willing to carry their share of the load. The Delta County Bar Association historically has had 100% participation in its pro bono program. It is cursed, however, because much of its population is poor, unable to pay for legal services, and a few attorneys must share the pro bono load. Delta County, with a high population of poor people, has only 13 attorneys who could take a contested divorce case. With CLS being short-staffed and with its nearest office in Grand Junction, the burden of providing these services falls on these few attorneys. As a result, the attorneys are burned out, and the clients suffer. The problem is exacerbated when pro se litigants appear in court without knowledge of court procedures or substantive law.

In conclusion, the local ATJ committee will continue to try to assist CLS and the other programs, and to coordinate ATJ issues. More attorneys and funds would be a tremendous help.

**Question from Judge Charles Greenacre:** How are websites helping indigent people in need of legal services?

**Response:** Low income people do not have adequate access to computers, and when they do, most do not know how to use them properly.

**Response from Jon Asher:** The CLS web coordinator has been teaching local librarians how to show people to use self-help forms, but this effort has not been very helpful because most low income people are not comfortable with computers.

**Question from Judge Charles Greenacre:** When taking both pro bono and CLS services into account, how many of the needs of poor people in Delta County are being met?

**Response:** It is very difficult to tell. The judges refer poor litigants to the different legal aid services available. If I had to guess, the two services serve six to ten English-speaking clients a week.

**Question from Sonya Blackburn:** There are problems with people getting out of jail and not being able to find jobs and housing. How can this be addressed in the future?

**Response:** There is no real solution to that problem currently in this area, because there are no halfway houses here. This is a very big problem.

#### **Becky Ela**

Ms. Ela is the director of Hilltop Resources Center, a domestic violence program that has safe houses in Delta and Montrose for victims of domestic violence. Her organization provides volunteer support groups in English and Spanish. Ninety-five percent of the program's clients need legal help beyond what her organization can provide, typically in areas of custody, child support, and property issues. There is a significant problem of domestic violence victims returning to abusive relationships, sometimes because of the lack of available legal representation. During the past three years, she has noticed an increasing need for legal services in the domestic relations area. Clients in her program who do not have lawyers find the legal system and legal jargon intimidating and overwhelming. Also there are substantial unmet legal needs among undocumented clients, who often have no resources and are unable to obtain legal services.

#### **Brad Kolman**

Mr. Kolman is a Board member of Delta-Montrose Free Legal Services (DMFLS). DMFLS is totally self-funded, which means that it solicits donations from local attorneys and businesses. Years ago a local attorney proposed the formation of the Delta County Bar Association, which was formed in part to better serve low income people who suffer from lack of representation in large part due to the lack of public transportation in the region.

Tom Nelson, a local attorney and pro bono coordinator, and Patty Bennett, director of the Uncompahgre Volunteer Legal Aid (UVLA), have been instrumental in serving low income clients in the area for years. Mr. Nelson holds clinics several times a week for those who qualify under the CLS financial eligibility standard. Those that they are unable to help are referred to CLS. In 2006, Mr. Nelson served 236 low income clients in Montrose and 292 in Delta.

While the personal efforts of local attorneys are helping, conflicts of interest and attorney retirement limit the number of clients who can be served. Free legal services in the area are funded in two ways. First, local bar association dues have been raised by \$275 a year to support the local pro bono programs. While these dues are high, local lawyers are committed to providing more services to low income people, and the majority has no problem with the increased expense. Other sources of funding are private donations, grants, and fundraising. Clerks from the Delta and Montrose courts have also shown their support for legal aid by encouraging support from the community.

Additional funds for legal aid would be beneficial in many ways. Few low income people have legal representation in court. Attorneys are able to give free legal advice, but are often unable to represent poor clients in court when they are most needed. Additional funding would provide for more attorneys to meet the legal needs of low income people. Furthermore, more funds would allow more low income individuals to obtain representation for emergency proceedings such as restraining orders. Increased resources would also provide for better and more efficient administration that will reduce the amount of time it takes to obtain legal representation. Individuals like Tom Nelson and Patty Bennett need more assistance in their efforts through additional funding.

**Question from Steve Schultz:** What types of legal services are the majority of low income people looking for?

**Response:** The majority of cases are domestic relations, domestic violence, and landlord-tenant issues.

### **Marlene Standlee**

Ms. Standlee is a single mother, with a sixteen-year-old mentally disabled son. DMFLS has provided legal services twice for her. Her ex-husband mentally abused her and her son, and without the assistance of DMFLS she would not have been able to file for divorce. Following the successful completion of the divorce, her ex-husband filed an action against her dealing with Social Security benefits for her son. The attorney working on her case filed an appeal and advised her to contact her state senator. The loss of the benefits, had she lost the appeal, would have forced her and her son onto the streets. When others ask for advice on legal matters, she refers them to legal aid. People in her situation often just need help with paperwork and filing. Tom Nelson was instrumental in her success story, and she owes her gratitude to DMFLS.

### **Timoteo Gallegos**

Mr. Gallegos is a private attorney in Delta. The need for access to justice for Spanish speakers in the region is significant. The “justice gap” is much broader and more severe for Spanish speakers than for other poor people. Spanish speakers in the Delta-Montrose region are much poorer on average than the rest of the population, although most of them are hard working. However, they typically have less access to what the rest of the poor population gets. This “justice gap” is broad for cultural and other reasons.

First, Spanish speakers are typically very conservative and avoid using government services and programs if possible. They are family oriented and prefer to solve economic and social problems internally. For example, the poor and rich alike are entitled to the benefits of bankruptcy, but few Spanish speakers take advantage of it. Bridging the “justice gap” will require education, and education is the key to advancing the plight of Spanish speakers in the area.

The services provided by legal aid to low-income individuals such as self-guided divorce forms and legal clinics are virtually of no use to Spanish-speaking people. They can not understand what is being said or written, so the need for funding to help with translation is growing. Court personnel in the area do an excellent job of helping Spanish speakers in any way they can, but additional funding and technology would greatly help bridge the “justice gap.” Technology can help, but there is no substitute for people. More court clerks and assistants who speak Spanish are needed, as well as attorneys that can serve their needs. Society often thinks about undocumented illegal aliens when contemplating Spanish speakers, but in the area the number of Spanish speakers who are documented and legal is rapidly growing, and we need to take their special needs into consideration.

**Question from Rep. Steve King:** How can we reach the most people in the Spanish speaking segment of the population?

**Response:** Divorce clinics and other legal help are good for English speakers, but unless those programs are presented in Spanish, we are missing that segment of the population. For example, Home Depot has “do-it-yourself” kiosks that teach people in both English and Spanish how to lay tile. This type of technology breaks the barrier, and makes Spanish speakers more comfortable and knowledgeable. Things such as this in the legal community would help.

**Question from Amy Ondos:** What are the disparities in Spanish-speaking legal aid staff compared to English speaking?

**Response:** I am the only Spanish-speaking attorney in the region, so we need more for sure. The local bar association in Delta is very good and tries to help low-income Spanish speakers, so locally there are some good pro bono services for Spanish speakers, but very few speak Spanish.

**Question from Sonya Blackburn:** Are Spanish speakers not confident about how to proceed in legal matters because they do not know about available resources, or because they just do not know how to get started?

**Response:** Spanish speakers mistrust the government and the judicial system, and this is why they attempt to resolve issues themselves many times. They lack the comfort and belief that they can succeed in the legal system. Education is the key for these people so that they know how the legal system works. These sources of education need to be in addition to attorneys.

### **Mike Hockersmith**

Mr. Hockersmith is a Board member of Uncompahgre Volunteer Legal Aid (UVLA) which exists to help the local low-income population with its legal needs. UVLA has attempted to provide seminars and clinics to help local groups that are in need. The attendance has not always been very high, in large part due to lack of public transportation in the area. Many of these clinics teach individuals how to take care of their own legal needs, such as filling out forms, and the correct way to comport oneself in a court proceeding.

As a testament to the dedication of local attorneys, 90-95% of the lawyers in the area are involved in pro bono work, an incredibly high number. Last year alone, private attorneys in Montrose worked on the cases of over 70 clients, 160 clients were given “do-it-yourself” help, and 72 clients were given quick advice. 80-85% of UVLA’s work involves domestic cases, with the remainder being evictions, wills, and simple estates. UVLA averages 60 contacts per month, and some of these contacts require hundreds of hours of legal representation. Last year, UVLA had new contacts from 651 people, 254 of whom did not qualify for the program. Reasons for disqualification include fee-generating, criminal, and traffic cases, and individuals whose incomes exceed the maximum income level.

There is a concern that there is burnout among local lawyers. There are too many clients and not enough attorneys to help them all. For 20 years, UVLA had been able to tell clients that if they needed an attorney they could get one, but this is no longer the case. The local lawyers are struggling to find a way to meet the needs of the low income clients, while maintaining their private practices.

Increased state funding is the only way to expand CLS programs and the aid it provides to those in need. Legal help greatly lifts the self-esteem of clients and helps improve their lives by getting them out of unjust and violent situations. Without adequate access to and representation in the judicial system, people will resort to other avenues that will have a much higher societal cost than additional funding would ever have.

**Question from Judge Charles Greenacre:** What about having clinics on video?

**Response:** That would be beneficial in explaining judicial procedures to potential litigants, but often people feel more comfortable talking with an attorney because of their different needs and questions.

**Question from Judge Charles Greenacre:** How do we make the judicial process understandable?

**Response from Jon Asher:** We have training available on the CLS website, including in Spanish. Technology is not the answer but it is a helpful aid.

**Question from Judge Charles Greenacre:** Is it helpful to have legal documents and forms available for pro se litigants to fill out?

**Response:** It is helpful, but not enough. Many low income clients do not know how to properly fill out the forms. These clients need to have the opportunity to meet with attorneys and take advantage of unbundling. Unbundling refers to the rule that makes it ethical for lawyers to fill out forms and give legal advice to clients without making formal appearances in court.

### **Ann Adams**

Ms. Adams was an Uncompahgre Volunteer Legal Aid client and is grateful for the life-changing legal services she received. Her husband became addicted to methamphetamine shortly after they were married. After her husband was sent to rehab, he was fired from his job and she was left to juggle raising four children. Meanwhile, her husband was selling everything they owned in order to satisfy his methamphetamine addiction. Facing foreclosure on their home, she feared that she might be forced to live on the streets with her children. To make the situation worse, her husband had assaulted their son while high on methamphetamine and marijuana. Her husband was arrested, and she decided to get a temporary restraining order to protect herself and her children. Since her husband had hired an attorney, she felt lost and helpless regarding the pending litigation because she did not have the means to pay for a lawyer. She then consulted Tom Nelson at UVLA about getting a divorce. Fortunately, Tom was able to get Don Hospenpillar, an attorney who specializes in divorce, to provide legal services that she would not have been able to afford. Furthermore, Bob White, another UVLA lawyer, settled the foreclosure proceeding to financially benefit her sufficiently to get her on her feet. Without these caring services, she would not have had the strength to go through with the divorce, and she shudders at the thought of what it would be like without these legal services available to those in her situation.

**Question from Judge Charles Greenacre:** From the services provided, were you ever informed about the emergency protection procedure, in which a judge could be contacted by a police officer so that a person could get a temporary restraining order after court hours?

**Response:** I faintly remember hearing something like that from Tom Nelson, but it is really valuable to have a system like that in place for victims of domestic violence.

### **Jeff Herron**

Judge Herron is a district court judge in Montrose. As a magistrate, he primarily heard family law cases involving pro se litigants. In contrast, district court litigants who appear before him now are frequently represented by counsel. All people have access to the court system, but without legal representation they may be severely handicapped in litigating their claims. The current legal services providers do excellent work for the indigent and are efficient and well prepared.

The legal services that exist for the poor in Delta are truly making a difference, and as a result, the judicial system does provide access to justice, although the system could be exponentially better with more funding. Over time, having attorneys to aid the indigent in civil cases will save the Colorado government money, because the judicial system is more efficient with attorney representation than with pro se litigants. Judge Herron encourages any type of increased funding to help legal services in the state of Colorado.

**Question from Rep. Steve King:** Unbundling seems to be a great idea to help many clients. Where did it originate and how long has it been enacted in Colorado?

**Response from Jon Asher:** The concept of unbundling came from California; the doctrine allowed people to get partial help or limited service from attorneys and the attorneys would not have the burden or liability of future representation. About five years ago, through the help of Daniel Taubman, the Colorado Supreme Court ruled that unbundling is ethical. As a result, Colorado now allows attorneys to engage in helping clients, by contracting with them to do limited service, such as filling out legal forms.

**David Butler**

Mr. Butler is the Secretary of the Colorado Access to Justice Commission and a member of the commission's Resource Committee. 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. Butler 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.

## **Delta Access to Justice Hearing Invitation**

**Welcome to the Access to Justice Hearing**  
**10/9/07**  
**Delta Courthouse**

*Injustice anywhere is a threat to justice everywhere.  
We are caught in an inescapable network of mutuality,  
tied in a single garment of destiny.  
Whatever affects one directly, affects all indirectly.*

Martin Luther King, Jr.

Introduction of Panel Members by Connie Talmage, Chair,  
Colorado Access to Justice Commission

Introduction of Witnesses by Carol Viner, Colorado Legal Services

Witnesses (in order of testimony)

Jon Asher, Executive Director, Colorado Legal Services

Marlene Standlee, Delta-Montrose Free Legal Services Client

Ann Adams, Uncompahgre Legal Services Client

Susan Hildebrand, Colorado Legal Service Client

Hon. Jeff Herron, Montrose District Court Judge

Aaron Clay, Access to Justice committee member

Becky Ela, Hilltop Community Resources

Mike Hockersmith, Uncompahgre Legal Services Board Member

Brad Kolman, Delta-Montrose Free Legal Services Board Member

Timoteo Gallegos, attorney

Dave Butler, Access to Justice Resources Committee member

## **Press Release For the Delta Access to Justice Hearing**

The mission of the Access to Justice Commission is to develop, coordinate, and implement policy initiatives to expand the access to, as well as enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system.

The Colorado Access to Justice Commission (ATJ Commission) - in cooperation with the local Access to Justice Committees (ATJ committees) - is conducting hearings statewide on the successes and improvements needed to meet the legal needs of the poor people in Colorado. An audience of local media, lawyers, court personnel, local and state agencies, local nonprofit agencies, business community, low-income people, including clients, legal service providers is encouraged to attend.

A congressional style hearing- with speakers by invitation only- highly favors participation of the state legislators. A total of ten hearings will be held between August and November 2007. These hearings and resulting reports are believed by the ATJ Commission to be essential in assuring that the local legislatures understand the need for additional funding for legal services.

The purpose of the hearings is to gather information, including the specific needs of individual communities about the unmet needs and met needs of the low-income in Colorado.

This information will be compiled into a report and presented to the Colorado Legislature, the Colorado Supreme Court, and the Governor of Colorado. This is in support of a request that the Colorado Legislature increase state funding for legal services in Colorado.

The hearing for the Seventh Judicial District (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties) will be held on Tuesday- October 9, 2007 from 5-7 PM at the Delta County Courthouse (501 Palmer- Delta, Co) A reception will follow, ending at 8 PM.

For more information about the commission, please visit: [www.coloradojustice.org](http://www.coloradojustice.org).