
Appendix G

**Access to Justice Hearing
November 14, 2007
Denver, Colorado**

**Co-Sponsored by
The Colorado Access to Justice Commission and
The Denver Access to Justice Committee**

Appendix G
Table of Contents

<u>Contents</u>	<u>Page</u>
Summary of Denver Hearing	G-3
Panelists	G-4
Witnesses	G-4
Summary of Witness Statements	G-5
Jon Asher	G-5
Jose Vasquez	G-5
Rae Ann Rozhon	G-5
Andrew Armatas	G-5
Diane Van Vorhees	G-6
Ilene Bloom	G-7
Diane Postell	G-7
Margaret Abrams	G-8
Meredith McBurney	G-9
Denver Access to Justice Hearing Invitation	G-10
Denver Access to Justice Post Hearing Press Release	G-11
Denver Access to Justice Post Event Media Coverage	G-12
Denver Access to Justice Committee Members	G-13
Denver Access to Justice Committee recent Accomplishments	G-13

Summary of Denver Access to Justice Hearing

The Denver Access to Justice hearing, held November 14, 2007, featured testimony by nine witnesses, including Jon Asher, Executive Director of Colorado Legal Services, Denver County Court Presiding Judge Andrew Armatas, and representatives from local community organizations. A distinguished panel of ten, including Sen. Paula Sandoval, Rep. Cheri Jahn, the Speaker Pro Tempore of the Colorado House of Representatives, Trey Rogers, Counsel to Governor Ritter, Colorado Supreme Court Chief Justice Mary Mullarkey, and Denver Bar Association President Elsa Martinez-Tenreiro, listened attentively as the witnesses described the tremendous unmet need for civil legal assistance for poor people in the Denver metropolitan area. Thirty four people attended the hearing.

Witnesses detailed the legal problems of domestic violence victims and one at risk of losing her home. According to Jon Asher, CLS has to turn away one out of two potential clients and can only handle the most urgent of cases due to insufficient resources. Judge Armatas testified about the difficulties pro se litigants have in representing themselves and how they are disadvantaged as a result. Margaret Abrams from the District Attorney's Office testified that one of the biggest barriers facing a domestic violence victim in leaving her abuser is lack of access to legal services.

Many of the witnesses highlighted the magnitude of the problem when illustrating that, despite the significant pro bono contributions of the private bar and the efforts of many in the community, due to the increasing poverty population, the need for increased funding for legal services continues to remain a serious issue.

Denver Access to Justice Commission Panelists

<u>Name</u>	<u>Affiliation</u>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Andrew Armatas	Presiding Judge, Denver County Court
Greg Diamond	District Director, U.S. Representative Diane DeGette
Cheri Jahn	State Representative, Speaker Pro Tempore (D-Jefferson)
Ken Lane	Counsel, U.S. Senator Ken Salazar's Office
Elsa Martinez-Tenreiro	President, Denver Bar Association
Mary Mullarkey	Chief Justice, Colorado Supreme Court
Trey Rogers	Counsel to Governor Bill Ritter
Paula Sandoval	State Senator (D-Denver)
JoAnn Vogt	Judge, Colorado Court of Appeals

Denver Access to Justice Hearing Witnesses

<u>Name</u>	<u>Affiliation</u>
Jon Asher	Executive Director, Colorado Legal Services
Jose Vasquez	Attorney, Colorado Legal Services
Rae Ann Rozhon	Client, Colorado Legal Services
Judge Andrew Armatas	Presiding Judge, Denver County Court
Dianne Van Voorhees	Executive Director, Metro Volunteer Lawyers
Ilene Lin Bloom	Chair, Denver Access to Justice Committee
Diane Postell	Director of Counseling and Advocacy, Safehouse Denver
Margaret Abrams	Program Coordinator, Domestic Violence Early Intervention Team, Denver District Attorney's Office
Meredith McBurney	Resource Development Consultant, American Bar Association

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. Only one in two eligible applicants are provided any kinds of services, and of those who are provided services, only one in 10 receive full representation. CLS is forced to turn away all but the most urgent cases. Additional details are included in Appendix A.

Question from Ken Lane: What type of consumer problems do your clients deal with?

Response: The consumer problems include bankruptcy cases and foreclosures. In some of the outlying areas of the state, many clients face consumer fraud issues.

Jose Vasquez and Rae Ann Rozhon

Mr. Vasquez is a Staff Attorney with the CLS office in Denver who assists homeowners dealing with foreclosures and other real estate disputes. He introduced one of his clients, Rae Ann Rozhon, who asked CLS for assistance after she received notice of a judgment lien against her home. Many years ago she was struggling financially and a credit card company obtained a judgment against her for more than \$20,000, which included several thousands of dollars in interest. The credit card company wanted her to make monthly payments that equaled more than she made in her job in one month. At the time, Ms. Rozhon was attending school for a degree in accounting and asked the credit card company to let her defer payments until after her graduation, but the company refused. Ms. Rozhon then went to CLS for assistance and Mr. Vasquez assisted her with the filing of a Chapter 13 bankruptcy. She has since been able to get herself back on track. Ms. Rozhon testified that she would have lost her home without the assistance of Mr. Vasquez and CLS.

Question from Ken Lane to Jose Vasquez: What type of bankruptcy cases does your office usually handle?

Response: We usually handle Chapter 13 bankruptcy cases. Refinancing schemes have hurt many people in Colorado and they are not able to get the help they need. Some of the other CLS offices handle more Chapter 7 bankruptcy matters.

Judge Andrew Armatas

Judge Armatas is the Presiding Judge of the Denver County Court, which handles both the city and county cases. In 2006, there were 226,000 cases filed in Denver County Court, which included 18,000 misdemeanor cases, 36,000 civil cases, 7,000 small claims, 1,800 restraining orders, 6,000 juvenile cases, and 36,000 criminal cases. The number of cases continues to climb and Judge Armatas estimates that for 2007 the number of cases filed will be close to 250,000.

Judge Armatas testified regarding the overwhelming amount of eviction matters in Denver. The Denver County Court does not have the manpower to help all the unrepresented people that come in facing eviction problems and many of these individuals do not understand how the legal system works. The Denver County Court does have a payment plan office to help individuals pay off their fines and a landlord-tenant mediation center. According to Judge Armatas, it is unfortunate that these people do not have representation in the first place to help settle their cases.

Of the 1,800 protection orders filed in Denver County Court last year, at least 90% involved pro se litigants. Advocates from Project Safeguard assist people in filling out paperwork, but cannot provide legal advice. These pro se litigants do not understand the legal process, and are at a disadvantage. Although there are some programs to assist pro se litigants, Judge Armatas expressed his concern that he wishes there were more resources to educate the public about the consequences of going to court, and what they can expect when they are there and when they leave. The court has several programs to help those who come to court without representation.

Dianne Van Voorhees

Ms. Van Voorhees is the Executive Director of Metro Volunteer Lawyers, a Denver Bar Association sponsored program which matches pro bono attorneys with pro bono clients in all of the metro-Denver counties, including referrals for low fee representation. MVL handles many of the same types of cases as CLS, such as domestic violence, family issues, and consumer issues. MVL also administers the Family Law Court Program in several counties which assists pro se litigants on how to proceed with their cases. MVL has found that assisting with a small part of a case in a clinic setting is not an adequate substitute for a full-time attorney.

Ms. Van Voorhees sees several areas of limitation in her work at MVL. First, there is a serious staffing issue. MVL previously had six full-time staff, but now only have three full-time staff and one part-time staff. Last year, the MVL office managed 2,588 cases of which 324 were turned away because of financial disqualification or lack of merit. This information is not easily quantifiable however, because usually MVL only gives quick legal advice rather than representation. In addition, due to a lack of resources, there are not a sufficient amount of court interpreters for everyone who needs one. Technology is helpful overall, but there are not enough volunteers or technology to keep up with the demand for legal aid, and the volume of people MVL can assist is low compared to those who really need it.

Courts rely heavily on MVL's services. Judges subscribe to it, evidenced by the calls from individuals in chambers asking for referrals to pro bono attorneys. Metro Volunteer attempts to help as many people as possible, but it is impossible to provide an adequate level of assistance without further funds and resources.

Question from Chief Justice Mary Mullarkey: How many attorneys currently volunteer for MVL? I have heard that more people need services than in the past, but aren't there less volunteer attorneys now?

Response: I am not certain of the exact number but there are close to 900 volunteer attorneys on our panel.

This is a relative number because although 900 volunteers sounds like a lot, if each volunteer only takes one case per year, then many clients' needs are still not met.

Question from Senator Paula Sandoval: Can you estimate the number of hours your organization allocates per client?

Response: The answer depends on the pace of each individual case. Family law litigants do not agree very often, and so those cases take a lot of time. For example, my first case took four months and more than 25 hours. Asylum cases can take over a year from start to finish. Many types of cases can be quite a work load for a pro bono attorney.

Ilene Bloom

Ms. Bloom is the co-chair of the Denver Access to Justice Committee, which assesses the legal needs in the community and develops programs to address such needs. Currently the Denver Access to Justice Committee administers pro se clinics in the areas of small claims, bankruptcy, and family law, in both English and Spanish. All of the clinics are sponsored by the Denver Bar Association and presented by volunteer attorneys. Furthermore, Denver's Access to Justice Committee co-sponsors Legal Nights at Mi Casa and El Centro de San Juan Diego, where volunteer attorneys briefly meet with individuals one-on-one to provide general legal advice information and to refer people to the right legal aid or other organization that may be able to help further. Volunteer paralegals and interpreters are integral to achieving the goals of Legal Night. Every so often, the Legal Night administrators will attempt to match up Legal Night clients with a volunteer attorney after Legal Night.

Ms. Bloom is proud of the work done by the Denver Access to Justice Committee, but feels it is just a band-aid. All the legal aid organizations in Denver are understaffed and underserved, so despite the attempts to refer people to CLS or other legal aid organizations at Legal Nights, CLS more often than not has to turn them away. The legal aid organizations want to help, but it is difficult due to the lack of funding and staff, or the individual does not fit into the strict, outdated federal income guidelines.

Many people often return numerous times to either the pro se clinic or Legal Nights because ten or fifteen minutes with an attorney is not enough time. Individuals can better understand the process through a pro se clinic, but are still scared when they have to represent themselves. Another problem is that many of the individuals do not just have one legal problem, but several interrelated problems that become worse when they do not have access to an attorney.

Ms. Bloom testified that recently she was in the Colorado Legal Services intake office and saw three people turned away in a period less than fifteen minutes. It was clearly frustrating for everyone involved, both for the CLS attorney who had to turn the person away, and the client who basically has nowhere else to go for assistance.

Diane Postell

Ms. Postell is the Director of Counseling and Advocacy for Safehouse Denver, which primarily serves female victims of domestic violence. The shelter has 30 beds and generally allows for a 30-day stay for victims who need immediate assistance. Last year, the shelter served 1,300 clients, who stayed for a period of 60 days on average, and almost all of them needed legal assistance. During the victims' stay, the shelter provides job assistance so that these people can get back on their feet. The shelter also offers a small amount of legal services coordinated by two law student interns who assist with immigration legal services. Those two interns handle about six cases a year by getting the leg work done and then the case is handled by a pro bono attorney.

The process can take a very long time, during which the victims are in limbo trying to support their families with little or no income.

Last year alone, the shelter had to turn away 900 clients seeking housing services because there was not adequate space to house them. Furthermore, over half the people housed by Safehouse Denver do not get legal services they need. These victims are often forced into a vicious cycle that promotes homelessness and housing issues, collection issues, bankruptcy and bad credit. Legal services are essential to help guide these families through their legal problems. These people have already gone through a traumatic experience and sending domestic violence victims into the courtroom to represent themselves is very frightening. Safehouse Denver anticipates a decreasing amount of resources despite increasing need in the future.

Question from Ken Lane: What are the sources of funding for Safehouse Denver?

Response: Three percent of the shelter's funding is from federal grants and the rest is from private donors and corporations.

Question from Rep. Cheri Jahn: One of the barriers I see is getting all the different services like child services and food stamps. These people are living check to check. They don't have time to go and apply to each service. Is this issue being addressed?

Response: Currently, there is no place for "one-stop shopping", and that is a huge issue. We are working on a triage project which will allow indigent people to get services more quickly. We are trying to move all of the services into a judicial building so they are all in the same place.

Margaret Abrams

Ms. Abrams is the program coordinator for the Domestic Violence Early Intervention Team at the Denver District Attorney's Office and has worked with domestic violence issues since 1981 in various areas. About 4,000 domestic violence cases were prosecuted last year through the District Attorney's Office. However, a staggering statistic, which is probably too high, demonstrates that only 60% of domestic violence cases even reach the justice system.

According to Ms. Abrams, the two biggest barriers for domestic violence victims to safely leave a relationship are 1) access to civil legal services, and 2) access to housing. A woman most needs civil legal services when she leaves an abusive relationship, and will more often than not return to that relationship if she does not have legal representation.

If there is an ability to tap pro bono services from attorneys, Colorado has tried them all. Colorado is one of the top states for numbers of attorney volunteers, but it is not enough. When a woman is told by her abuser that if she leaves she will lose her kids and be left on the street, she very likely will stay in or return to the relationship unless she has the guidance of legal representation.

There are several exciting things being planned for the future such as a triage center where agencies for the indigent organize into one central location. CLS is a key partner for this project, but the challenge is funding, and how resources can be stretched even thinner.

Question from Rep. Cheri Jahn: Has anyone looked at the best practices of other states?

Response: Yes, we have looked very closely at the one-stop shop coined as a family justice center. 18 have been established nation-wide. We have looked at those models to see how they do it.

Question from Elsa Martinez-Tenreiro: What sort of funding would be necessary to create this type of family justice center?

Response: Conversations with a variety of people show that the cost would vary depending on the type of space that can be acquired. Overall at this point it is difficult to pinpoint. The organizers have talked with corporations and city officials about space, but it is a work in progress.

Question from Elsa Martinez-Tenreiro: Would the family justice center provide assistance to current litigants who are pro se?

Response: It is certainly looking at the needs of people in this area. It is meant to triage the services that are needed. The goal is to get professionals talking together to get all the needs met.

Meredith McBurney

Ms. McBurney currently serves as a Resource Development Consultant for the American Bar Association. She described the sources of funding for Colorado Legal Services, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Ms. McBurney 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 are included in Appendix B.

Question from Trey Rogers: How does the state funding for legal services compare to past years?

Response: The initial amount of state funding was \$250,000 which was specifically earmarked for family violence matters. This amount has fluctuated some but has never exceeded \$500,000. In FY2005 (July 1, 2004 to June 30, 2005) there was no allocation whatsoever.

Question from Ken Lane: Is the state fund in Colorado a general fund?

Response: Colorado funds solely through appropriations. It is funded differently in different states. Some fund it through filing fee surcharges and many are just general appropriations.

Denver Access to Justice Hearing Invitation

You're Invited: Denver ATJ Hearing

The Access to Justice Committee is sponsoring a hearing in Denver to determine the civil legal needs of low-income individuals in the community on Nov. 14, 3:30-5:30 p.m., at the Supreme Court Courtroom, 2 E. 14th Ave., fifth floor. The hearing will include Colorado Supreme Court Chief Justice Mary Mullarkey and Denver County Court Presiding Judge Andrew Armatas, as well as legal services clients and service providers, legislators, and other members of the legal community. There will be a reception after the hearing, so RSVP to Carolyn Gravit at cgravit@cobar.org if you will be attending.

Denver Access to Justice Post Hearing Press Release

November 15, 2007, For Immediate Release

Contacts: Matthew Willis, (303) 548-0060
Ilene Bloom, (303) 886-9783

Citizens Cry Out for More Legal Services

Clients testify about the crisis facing Denver

DENVER — Nov. 14, 2007 — Legal services clients and service providers, legislators and members of the legal community came together at the Colorado Supreme Court to discuss the Colorado's legal services crisis. The concern: a large number of low-income individuals and families facing legal problems are unable to get help, despite their critical legal needs.

"We are forced to turn away all but the most urgent cases," said Jon Asher, Colorado Legal Services director. "However, we try to make sure we can give those people we turn away as much advice as possible before they leave."

Legal Services client Rae Ann Rozhon testified that she would have lost her home without the help of Colorado Legal Services.

"We have served almost 1,300 clients this year, and almost all of them needed some sort of legal assistance," said Diane Postell, with Safehouse Denver. "Unfortunately, most of them don't have the means to find legal resources. We rely on Colorado Legal Services and Project SafeGuard to help, but that is still not enough. All we can do is give them advice and hope they can get help. Sending domestic violence victims in the courtroom to represent themselves and face their abusers alone is the last thing we want to see happen."

Denver County Court Presiding Judge Andrew Armatas expressed his concern about funding: "I wish we had more resources to educate the public about the consequences of going to court, and what they can expect when they are there and when they leave."

Meredith McBurney, American Bar Association resource development consultant explained the status of funding in Colorado, and talked about what is needed to bring the state up to average in legal services funding nationally.

"Colorado is not only behind in state funding, but in national funding overall," McBurney said. "This state is 28th among all states in legal services funding. We would need \$2.7 million to be average in the nation. We are trying everyday to find ways to reach that goal."

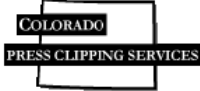
This hearing was the last in a series of hearings taking place across the state. The Access to Justice Commission will write a report to be given to Gov. Ritter and every legislator in the state when the legislative session begins in January. The commission plans to tell state government that Colorado is in desperate need of an increase in funding, and will ask that they help supply it.

The panelists for the Denver hearing were: Colorado Supreme Court Chief Justice Mary Mullarkey; Colorado Court of Appeals Judge JoAnn Vogt; Denver County Court Presiding Judge Andrew Armatas; Sen. Paula Sandoval; Rep. Cheri Jahn; Rep. Morgan Carroll; Trey Rogers, legal counsel to Gov. Ritter; Ken Lane, senior counsel to U.S. Sen. Ken Salazar; Greg Diamond, district director for Rep. Diana DeGette; Constance C. Talmage, Access to Justice Commission chair; and Denver Bar Association President Elsa Martinez Tenreiro.

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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.

Denver Access to Justice Hearing Media Coverage



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Residents call for additional legal services across the state

DENVER — Legal service providers, judges, legislators and members of the community came together to discuss Colorado's legal services crisis. The concern: a large number of low-income individuals and families facing legal problems are unable to get help, despite their critical legal needs.

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Denver Access to Justice Committee Members

<u>Name</u>	<u>Affiliation</u>
Ilene Lin Bloom	Local Attorney, Committee Co-Chair
Matthew Willis	Local Attorney, Committee Co-Chair
Jonathan Asher	Executive Director, Colorado Legal Services
Alison Butler Daniels	Local Attorney
Christine Garrison	Local Attorney
Carolyn Gravit	Denver Bar Association
Elsa Martinez-Tenreiro	President, Denver Bar Association
Jon Nicholls	Local Attorney
Janet Price	Local Paralegal
Chris Rockers	Local Paralegal
Howard Rosenberg	Professor, University of Denver Sturm College of Law
Meghan Seck	Denver Bar Association
David Simmons	Local Attorney
Dianne Van Voorhees	Director, Metro Volunteer Lawyers
Mark Willis	Local Attorney

Denver Access to Justice Committee Recent Accomplishments

- Monthly pro se legal clinics in the areas of family law (English and Spanish), small claims, collections, and bankruptcy
- Monthly “Legal Nights” where attorneys briefly meet one-on-one with individuals and provide brief legal advice, information, and referrals
- Organization of various pro bono trainings for volunteer attorneys
- Law Line 9 call in program for the public, held weekly
- Volunteer staffing of legal information booths at various community events such as the People’s Fair and Veterans’ Day Standdown