

Executive Summary

Colorado faces a serious crisis in civil legal representation of the indigent. Many Coloradans who need legal assistance to secure and maintain health care, housing, custody or other necessities do not receive help because there are too few lawyers at Colorado Legal Services, Colorado's statewide legal aid program. The Colorado General Assembly's annual funding for civil legal services for the poor is limited to a \$500,000 appropriation to provide legal services to victims of family violence. Not only is this level of state funding well below the national average, it has not increased since 2002.

During 2007, the Colorado Access to Justice Commission held ten hearings throughout the state to assess the civil legal needs of the indigent in Colorado. Hearings were held in Delta, Durango, Grand Junction, Colorado Springs, Pueblo, Fort Collins, Greeley, Breckenridge, Boulder, and Denver. Invited panelist who participated in the hearings included members of the Legislature, representatives of other elected officials, Colorado Supreme Court justices, Colorado Court of Appeals judges, District and County Court judges, Bar Association leaders, and members of the statewide Access to Justice Commission and local Access to Justice committees. Testimony was provided by legal services clients, low income individuals with legal needs who did not receive legal assistance, attorneys who provide civil legal services to the poor, judges, and employees of organizations that serve the indigent.

The most significant findings from the hearings include:

- **Lack of access to legal services.** Low income individuals do not automatically have access to free legal assistance in civil matters, as they do in virtually all serious criminal matters in Colorado.
- **Lack of Legal Aid attorneys.** Most civil legal assistance for the indigent is provided by Colorado Legal Services (CLS). Over the last 20+ years, the number of CLS lawyers has been cut in half, while the number of low income people has increased by almost 75%. In 1980, there was one legal service attorney for every 4,839 eligible clients. Today there is one CLS attorney for every 16,890 eligible individuals. As a result, most low income individuals in Colorado are unable to obtain civil legal assistance when they need it. It is estimated that only one indigent person in five who needs civil legal help will receive some legal assistance.
- **Colorado funding is inadequate to meet the need.** Colorado's only state funding for civil legal services is a \$500,000 appropriation to provide civil legal services to victims of family violence. The amount of this funding has not increased since July 1, 2002. Colorado ranks 40th in state funding for civil legal services for the indigent, and would need to provide another \$1.82 million in state funding to reach the national average.
- **Burdens on the court.** Individuals who do not have lawyers present a special challenge for judges and make it difficult for them to administer justice. Judges cannot represent parties, and often do not get all the information from unrepresented parties that they need to make a correct and just decision. The situation is exacerbated when one of the parties is represented by an attorney and the other is not.
- **Volunteer attorneys cannot meet the need.** The Colorado Supreme Court has made great efforts to encourage participation by private attorneys in meeting the legal needs of the poor and has implemented programs designed to assist parties who do not have lawyers. The private bar also plays a significant role in providing legal services for low income individuals. However, assistance by volunteer lawyers is no substitute for an adequately funded system necessary to provide civil legal services to the indigent.

- **Attorney representation is crucial for many domestic violence victims and their children.** The impact of not having a lawyer can be devastating. For example, it has been documented that the availability of a lawyer is one of the most important factors in determining whether a victim of domestic violence and her children will return to an abusive relationship. Access to legal services can prevent more severe and costly legal and societal problems, saving lives and money in the long run.

This report includes a summary of each of the ten hearings (see Appendices C through L) and provides detailed information on the civil legal needs of the indigent in Colorado. The Colorado Access to Justice Commission urges the Colorado Legislature, the Governor, and the Colorado Supreme Court to take immediate action to address the justice crisis outlined in this report.

Recommendations

1. **Establish a plan to provide civil legal services for the indigent.** First and foremost, the State of Colorado should establish a four-year plan to substantially increase funding for Colorado Legal Services. The goal should be, at a minimum, to place Colorado at the average level of state funding for civil legal services programs for the poor. Beyond that, however, the goal should be to provide sufficient funding so that the civil legal needs of Colorado's indigent throughout the state can be met. Colorado must provide assistance to address legal issues involving the basic human needs of housing, health care, safety, sustenance, and child custody, through a network of CLS attorneys and pro bono programs.

2. **Increase salaries and benefits of Legal Services Attorneys to make them comparable to other public sector lawyers.** The increased funding should bring salaries and benefits for CLS employees to the same level as other public sector law offices (Public Defender's Office, District Attorney's Offices, or the Colorado Attorney General's Office). This funding will enable CLS to attract and retain lawyers who can provide high quality legal services in civil cases involving Colorado's low income citizens.

3. **Promote participation by the private bar in pro bono legal services.** The Colorado Access to Justice Commission should continue to work with the Colorado Supreme Court, the Colorado Bar Association, local bar associations, and other entities to promote and encourage increased pro bono service by private attorneys throughout the state. Such additional pro bono services will supplement the legal assistance provided to low income Coloradans through CLS.

4. **Improve services for pro se litigants.** The Colorado Supreme Court, along with the Colorado Access to Justice Commission, should continue to improve services for unrepresented litigants, including increasing the number of family facilitators and pro se offices, which are necessary to ensure effective access to the legal system.

5. **Improve access to the legal system.** The Colorado Supreme Court, along with the Colorado Access to Justice Commission, should continue to improve access to the courts for all litigants and assure that the provision of legal services is more user friendly, particularly for people with disabilities, people who are not fluent in English, and people unfamiliar with computers and other forms of modern technology.