
Appendix K

**Access to Justice Hearing
November 6, 2007
Greeley, Colorado**

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

Appendix K
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Summary of Greeley Access to Justice Hearing

The Greeley Access to Justice hearing, held November 6, 2007, featured testimony by 12 witnesses, including Robert Lowenbach from the 19th Judicial District, Weld County Magistrate and Weld County Bar Association President Betty Strobel, and Weld County District Attorney Ken Buck. A distinguished panel of nine, including Senators Greg Brophy and Scott Renfroe, Representatives Cory Gardner, Jim Reisberg and Jerry Sonnenberg, Colorado Supreme Court Justice Alex Martinez, and Anne Brewster representing U.S. Senator Wayne Allard's office, listened attentively as the witnesses described the tremendous unmet need for civil legal assistance for poor people in Weld County. Fifty-nine people attended the hearing.

Witnesses detailed the legal challenges of domestic violence victims and other low income people facing a variety of legal problems. Reenie Terjak and Debora Wagner, Colorado Legal Services (CLS) attorneys, highlighted the difficulty in representing clients who live significant distances from the closest CLS office. District Court Judge Lowenbach and Magistrate Strobel testified about the challenges judges face when pro se litigants have difficulty presenting relevant and sufficient information in court and the resulting impact on equity and fairness and the strain on the court system. Ellen Szabo, Executive Director of A Woman's Place, testified regarding limitations in serving families and domestic violence victims due to lack of funding. Many of the witnesses highlighted the magnitude of the problem when illustrating that despite the significant pro bono contributions of the private bar, CLS and the bar association cannot meet the low income community's legal needs due to the ever-increasing poverty population.

Greeley Access to Justice Hearing Panelists

<u>Name</u>	<u>Affiliation</u>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Anne Brewster	Office of U.S. Senator Wayne Allard
Greg Brophy	State Senator (R-Wray)
Cory Gardner	State Representative (R-Yuma)
Gilbert Gutierrez	Judge, 19th Judicial District Court
Alex Martinez	Justice, Colorado Supreme Court
Jim Reisberg	State Representative (D-Greeley)
Scott Renfro	State Senator (R-Eaton)
Jerry Sonnenberg	State Representative (R-Sterling)

Greeley Access to Justice Hearing Witnesses

<u>Name</u>	<u>Affiliation</u>
Reenie Terjak	Attorney, Colorado Legal Services
Debora Wagner	Staff Attorney, Colorado Legal Services, Weld County
Emily McDonald	Client, Colorado Legal Services
Melody Adams	Potential Client, Colorado Legal Services
Ken Buck	District Attorney, Weld County
Robert Lowenbach	District Court Judge, 19th Judicial District
Betty Strobel	Magistrate, Weld County Court
Mary Gross	Executive Director, Morgan County Family Center
Amy Antommara	Weld County Access to Justice Committee
Ellen Szabo	Executive Director, A Woman's Place
Fred Baumann	Vice Chair and Resource Committee Chair, Colorado Access to Justice Commission

Summary of Witness Statements

Attendance - 59

Reenie Terjak

Ms. Terjak is an attorney with Colorado Legal Services (CLS). She 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. Ms. Terjak highlighted one case in which a CLS attorney drove from Greeley to Yuma to obtain emergency custody orders on behalf of a client. When the CLS attorney arrived in Yuma, the judge was unable to hear the case because of a full docket. The CLS attorney managed to negotiate a deal for the client for emergency child support. Without the CLS attorney assistance on this day, this client would have not received the necessary support. Additional details of this presentation are included in Appendix A.

Question from Cory Gardner: Are there things we can do to promote the use of video conferences to decrease attorney travel time and increase the time spent with the client?

Response: We need to convince judges that video conferences are a valid, economical, and equitable means to represent indigent litigants. There would be an initial cost to purchase the equipment, but we need to push for whatever assistance can be given because we are simply overloaded as is.

Debora Wagner

Ms. Wagner is a CLS attorney in Weld County. She reiterated the problem of attorneys who have to travel long distances to serve people in Weld County. It is not uncommon for an attorney to spend the majority of his or her day in the car driving to represent only one client. The CLS office in Greeley is trying new methods of communication such as teleconferencing so that attorneys do not have to travel as much. Despite these new efforts to communicate, there is still no substitute for attorney-client contact.

Emily McDonald

Ms. McDonald, a victim of domestic violence, contacted CLS for assistance in December of 2006. Unfortunately Ms. McDonald did not qualify for the services of CLS because her husband's income counted against her. She also lacked transportation because her husband took the vehicle and the car seats for her two young children. Fortunately the police were able to return her car and provide her with a few phone numbers for assistance for domestic violence victims. Ms. McDonald traveled to Alternatives to Violence in Loveland because she was informed that her husband was looking for her and she feared for her life. Alternatives to Violence suggested Ms. McDonald get a temporary restraining order against her husband, which she later successfully obtained. She then decided to hire an attorney to assist with her divorce, but was strained financially because all of her money went to the attorney and she did not feel that the attorney was putting forth his best efforts on her behalf. Becoming desperate, Ms. McDonald called the Fort Collins CLS office and managed to get an appointment to meet with a representative from the Greeley CLS office. Ms. McDonald was then provided legal services from CLS which led to a prompt divorce, full custody and child support. Ms. McDonald stated that she could not have done the divorce by herself. She felt bad for the large number of people who get turned away because, like her, these people have nowhere else to go.

Melody Adams

Melody Adams was unable to obtain services from CLS during her child custody battle with her ex-husband because CLS did not have enough resources available to help her. Unfortunately, Ms. Adams was unable to finance a private attorney, and she had to represent herself against a “bulldog” attorney. She fears that through this ongoing battle she will lose her visitation rights to her son, due to her inadequate self-representation. Ms. Adams strongly encourages the Colorado Legislature to increase funding for CLS so that people like herself may receive legal aid. Ms. Adams feels like the state is failing to help its citizens because she personally knows people that are even worse off than she is who are turned away because of the constraints CLS faces.

Ken Buck

Mr. Buck, the District Attorney in Weld County, described some of the legal shortcomings for the indigent he sees in his work. First, many indigent defendants in criminal matters do not qualify for the services of the Public Defender’s Office and must represent themselves in restraining order matters. The lack of legal services for victims of identity theft is an increasing concern. Individuals should also have legal advice when dealing with the IRS, because often times, people have no money to pay taxes nor do they have money to pay for an attorney, and potential punishment may result.

Robert Lowenbach

Judge Lowenbach is a District Court Judge in the 19th Judicial District who currently handles domestic relations cases. He began his presentation by asking those in attendance if they could imagine how difficult it would be to face another attorney without a legal education. Whereas children are often assigned an attorney, parents often go unrepresented.

It is the job of a judge to do justice, but there is a limit to as to how much judges can do, because a judge must be an unbiased referee, and not an attorney guiding a litigant. Often the indigent litigants do not know what they should do, and these litigants will depend on what their neighbors or friends say for advice rather than the rules of evidence. It is unfair when the scales of power are totally unbalanced.

Pro-se litigants can access self-help kiosks, but these are daunting even for someone with a college education. When both litigants are pro se, both equity and fairness are affected and the court docket becomes even more crowded. It is unfortunate that CLS does not receive more funding to serve clients in need. This is an issue that must be taken very seriously.

Question from Justice Alex Martinez: Do you think you reach results you think may not be just because people do not have the benefit of legal advice?

Response: I believe this does happen. This is especially evident in cases where people file improper motions. Judges have to make decisions on two things: the law and the evidence presented. If the litigant does not present the evidence that is crucial to his or her case, he or she is probably going to lose because judges cannot find evidence that does not exist in the record.

Magistrate Betty Strobel

Ms. Strobel is a magistrate in Weld County and President of the Weld County Bar Association. In her experience, pro se litigants can receive unfair rulings due to their lack of legal knowledge. Despite this, the Weld County Bar Association has been making efforts to represent indigent litigants by taxing itself to fund a director to match attorneys with poor people. Even with this, the Weld County Bar Association has a waiting list of 25-30 people who qualify for services but cannot be matched with an attorney and have to proceed pro se. Poor people are increasing at a rate faster than what the private lawyers can handle to supplement the CLS work and therefore society loses the aspiration of equal justice.

The Weld County Bar Association organizes do-it-yourself divorce clinics, but the attorneys at the clinics cannot interpret law or give legal advice. The lawyers in the community also provide services for the elderly which include teaching grandparents how to get custody of their grandchildren.

Magistrate Strobel provided an example of how increased funding is necessary to serve more poor people. In one of her cases, a woman with two children was working seven days per week at two jobs to receive a \$900 monthly income. Due to the fact that her husband made \$3000 and she was not a victim of domestic violence she had no access to legal services. Because her husband purposefully delayed court hearings and failed to file an income statement, the young woman did not receive child support for six months.

Mary Gross

Mary Gross is the Executive Director of the Morgan County Family Center. CLS attorneys provide legal services to Morgan County Family Center clients two days a month. However, due to extensive travel time, the CLS attorneys have limited time in the office. Many of the clients they serve do not understand the language of the law and often need assistance just filling out forms because they do not know how. Ms. Gross recalled a Morgan County Family Center client who wanted to get divorced from her husband but was unable to afford an attorney. She decided to meet with her husband's attorney who told her that they were common law married, and as a result she was not entitled to anything. However, once this client had access to CLS services, the CLS attorney helped her receive the maintenance and support to which she was entitled.

Amy Antommara

Amy Antommara is a volunteer with Weld County Legal Services and a member of the Weld County Access to Justice Committee. Local volunteer attorneys do so much by volunteering their time to help bridge the justice gap, but it is still not enough. The State of Colorado needs to increase funding to assist people who need it most.

Currently Weld County Legal Services has started a mediation service, which is beneficial to the state because it cuts down on trial time and returns to court. Furthermore, the Access to Justice Committee is in the process of creating a DVD regarding family law issues, so that important information can be transmitted to larger numbers of people. The Access to Justice Committee is also working on a seminar for pro se litigants, so people can be better prepared when they have to represent themselves in court.

Ellen Szabo

Ellen Szabo is the Executive Director of a Woman's Place, which provides a wide range of services for domestic violence victims including an emergency shelter and legal advocacy. A Woman's Place is currently working to increase advocacy, but cannot expand any more without increased funding. A Woman's Place does not give specific legal advice to domestic violence victims; instead it informs clients on how the legal system operates. Unfortunately, CLS cannot serve most of the domestic violence victims who need help, often because the woman's income is too high to qualify for the services. However, even though these clients do not fit the requirements for poverty, they still do not have enough to pay for an attorney. 70% of women do not immediately return to their abusers, but eventually they do return because they have nowhere else to go and cannot receive the assistance they need.

Fred Baumann

Mr. Baumann is the Vice-Chair of the Colorado Access to Justice Commission and chairs 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. Baumann 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.

Question from Cory Gardner: Are the Legal Services Corporation poverty guidelines the same for all of the states?

Response: Yes.

Weld County Access to Justice Hearing Invitation

You are cordially invited to attend:

Access to Justice Hearing

**November 6, 2007
6-8 PM**

Courts West, 910 10th Avenue, Greeley
(jury assembly room)



The purpose of the hearing is to gather information regarding the extent to which legal needs of disadvantaged persons in Weld County are being met, and to identify additional opportunities for improvement.

Panelists and witnesses will include:

- ✓ Justice Alex Martinez – Colorado Supreme Court
- ✓ Senator Scott Renfroe (S.D. 13)
- ✓ Representative Jim Riesberg (H.D. 50)
- ✓ Representative Cory Gardner (H.D. 63)
- ✓ Representative Greg Brophy (H.D. 1)
- ✓ U.S. Senator Wayne Allard – or representative
- ✓ Judge Gilbert Gutierrez (19th Judicial District)
- ✓ Debora Wagner – Colorado Legal Services (13th J.D. and Weld County)
- ✓ Magistrate Rebecca Koppes Conway (19th Judicial District)
- ✓ Betty Strobel, President, Weld County Bar Association
- ✓ Amy Antommara – WCBA Access to Justice

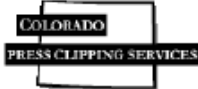
Other invitees include:

- ✓ Weld County Commissioners
- ✓ Greeley City Council
- ✓ Local Attorneys
- ✓ Local judges and court personnel
- ✓ Local agencies and non-profit organizations and their clients including:
- ✓ Department of Social Services, North Range Behavioral Health, A Woman's Place, Northern Colorado Catholic Charities, Weld County United Way, Weld County Legal Services Board, Colorado Legal Services

Reception to follow the hearing – food and non-alcoholic beverages will be served

Please RSVP to diane@h-mlegal.com

Weld County Access to Justice Hearing Media Coverage



Greeley Tribune
Greeley, CO
Circ. 25593
From Page:
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11/2/2007
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Low-income people struggle to get legal help

Attorneys, judges, providers set to discuss problem

By Rebecca Boyle
rboyle@fortcollinsnow.com

Low-income residents face plenty of problems in northern Colorado, and they can find help in various places such as the food bank, social services and other agencies.

But when it comes to the law, low-income residents are often in dire straits.

On Tuesday, a group of attorneys, judges, service providers and others will discuss those gaps in legal services and evaluate Weld County's needs. A similar meeting was held in Fort Collins last week.

The Access to Justice Commission — appointed by the governor, Colorado Supreme Court, the speaker of the House and the Senate president, and the Colorado Bar Association — is working toward policy initiatives that would expand access

to legal help for Colorado's poor. Colorado is substantially below the national average in funding for legal services for poor people, according to Fred Baumann, resource committee chair for Access to Justice.

"We would need another \$2.5 million just to bring our state up to average," he said in a press release. "That's a serious problem."

Colorado attorneys do help a substantial number of low-income people through legal aid programs or pro bono services — working without charging fees. But there aren't enough attorneys to help everyone who needs it, according to Colorado Legal Services.

Nationally, less than 20 percent of low-income people's legal needs are addressed with a private attorney, either pro bono or paid, or with an attorney from legal aid. That means there are 6,861 people for every legal-aid lawyer in the country, compared with one attorney for every 525 people in the general population, according to the Colorado Bar Association.

Weld County Access to Justice committee Members

<u>Name</u>	<u>Affiliation</u>
Betty Strobel	Committee Chair; Weld County Magistrate Judge
Amy Antommara	Local Attorney
Diana Bratton	Greeley Police Department
Marla Bohling	Weld County Combined Courts
Karen DeMello	Local Paralegal
Monique DePont	Colorado Legal Services
Sally Gomez	Weld County Sheriff's Office
Gilbert Gutierrez	Judge, Weld County District Court
JoAnne Hagen	Local Attorney
Annette Kundelius	Deputy State Public Defender
Sean Lacefield	Local Attorney
Kent Leier	Deputy District Attorney, 19th Judicial District
Brandon Luna	Deputy District Attorney, 19th Judicial District
David Melusky	Local Attorney
Liz Meyer	Board, Weld County Legal Services
Diane Neuerberg	Local Paralegal
Carmen Pedrego	Interpreter, Weld County Combined Courts
Jody Pic	Local Paralegal
Rich Rowe	Board, Weld County Legal Services
Ann Haro Sipes	Colorado Legal Services
Myrna Reese Stevens	Weld County Legal Services
Kevin Strobel	Deputy State Public Defender
Debora Wagner	Colorado Legal Services
Susie Velasquez	Weld County Public Trustee

Weld County Access to Justice Committee Recent Accomplishments

- Works in close cooperation with Weld County Legal Services in an attempt to promote the provision of legal assistance to the increasing numbers of poor people in northern Colorado.
- Created a small claims mediation program in Greeley
- Designed and distributed over 3,000 bookmarks in English and Spanish with referral telephone numbers for free legal assistance at numerous locations in the county, including churches, libraries, medical clinics, Weld County Department of Social Services, various United Way agencies, and the courthouse
- New projects involve the production and distribution of an educational DVD for pro se litigants on divorce or parental responsibility cases; acknowledgment of the numerous attorneys in Weld County who provide pro bono services, and creation of a more effective system for matching pro bono attorneys with pro bono clients

