
Appendix C

**Colorado Access to Justice Commission
November 7, 2007
Boulder, Colorado**

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

Appendix C
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Summary of Boulder Access to Justice Hearing

The Boulder Access to Justice Hearing, held November 7, 2007, featured testimony by 9 witnesses, presenting evidence to a distinguished panel consisting of Representative Alice Madden, the Majority Leader of the Colorado House of Representatives, Michael Bender, Justice of the Colorado Supreme Court, Roxanne Bailin, Chief District Court Judge, 20th Judicial District; Denean Hill, Esq., President-Elect of the Boulder County Bar Association, and Connie Talmage, Esq., Chair of the Colorado Access to Justice Commission.

The witnesses described the tremendous unmet need for civil legal assistance for poor people in Boulder County. Witnesses detailed the legal problems of domestic violence victims, individuals with AIDS, grandparents caring for their grandchildren, people facing foreclosure on their homes, and people who are not receiving the benefits to which they are entitled. As an example, Audrey Zapp testified that Boulder County Legal Services (BCLS) found her a lawyer who twice secured pension benefits from the Veterans Administration after they had mistakenly been cut off.

Joel Hayes, the sole lawyer in the BCLS office, testified concerning the number of clients served and the pro bono assistance provided through the Boulder County Bar Association. Judge Roxanne Bailin testified about the challenges judges face when pro se litigants have difficulty and need help in presenting relevant information in court, and yet the judges must remain impartial. She stressed the value of legal representation for these individuals. Manuel Ramos of Colorado Legal Services (CLS) testified concerning CLS's services and statewide needs. He emphasized that CLS funding is not sufficient to avoid turning away many people who are under the federal poverty level and need legal assistance. Jim Peters, a member of the Colorado Access to Justice Commission, testified concerning funding of legal services in Colorado and compared the funding by the Colorado legislature to funding in other states.

Boulder Access to Justice Hearing Panelists

<u>Name</u>	<u>Affiliation</u>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Roxanne Bailin	Chief Judge, District Court, 20th Judicial District
Michael Bender	Justice, Colorado Supreme Court
Denean Hill	President-Elect, Boulder County Bar
Alice Madden	State Representative, House Majority Leader (D-Boulder)

Boulder Access to Justice Hearing Witnesses

<u>Name</u>	<u>Affiliation</u>
Manuel Ramos	Attorney, Colorado Legal Services
Roxanne Bailin	Chief Judge, District Court, 20th Judicial District
Joel Hayes, Jr.	Managing Director, Boulder County Legal Services
Paul Bierbaum	Boulder County Aids Project
Tanya Shimer	Longmont Attorney
Audrey Zapp	Client, Boulder County Legal Services
Carmen Ramirez	Office of Longmont Community Relations
Laurel Hernden	Boulder County Immigrant Legal Center
Jim Peters	Commissioner and Resources Committee Member, Colorado Access to Justice Commission

Summary of Witness Statements

Attendance - 22

Manuel Ramos

Mr. Ramos is an attorney with 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. Alice Madden: What happens to the undocumented people who don't get help?

Response: If an undocumented person comes to us, and there is no violence involved we can't even give them legal advice. We can refer them to an agency that can help but nothing else. They are generally out of luck unless they have enough money to pay for help.

Question from Rep. Alice Madden: If the poverty level was raised to help more people, do you know how much more money they would need to service the extra people?

Response: No I don't know. We can't even help the people that we currently cover under the poverty level.

Question from Justice Bender: How many attorneys statewide do you have to serve these 6,000 cases a year?

Response: There are 40 lawyers. Many of our offices only have 1 lawyer.

Question from Justice Bender- What are some of the societal ramifications encountered by women or children who are victims of violent crimes and do not qualify for the services provided by CLS?

Response: We re-victimize the victim. They come looking for help and we have to shut the door on them. Their resources are very limited. They might have to stay in the abusive relationship. The education of the child is interrupted. If we can not assist with their basic issues, they will not be able to get the aid they need. Our attorneys have a hard time getting through the process of getting that aid, and it is even harder for a person who is not used to doing this sort of thing. They end up having to go on welfare and other governmental programs and end up costing taxpayers more money.

Roxanne Bailin

Judge Bailin is the Chief Judge of the District Court for the 20th Judicial District. She started her career as a lawyer working for Colorado Legal Services (CLS) in Trinidad. At the time she was there from 1974 to 1977, CLS had 5 lawyers in the Trinidad office, and they were always very busy. Now there isn't even an office in Trinidad.

She has been a judge for 25 years, and can speak about trends during this time period. In the last 8 to 10 years there has been an extraordinary increase in the number of people who represent themselves in court. She estimates that as many as two-thirds of the people who appear in domestic relations cases do not have representation. In some areas like Boulder County, the courts have hired court facilitators to help usher people through the court process, but they are overloaded and can't do more than help people fill out the right paperwork. Many places in the state do not even have these facilitators to help.

Many of the people who appear pro se do not understand the court procedure. Many of these people are poor and do not speak English. Safehouses in the area help in some cases, but they cannot directly advocate for

these individuals. Most judges try to make sure these people are heard, but this is limited by the fact that judges must be impartial. Without an advocate many times the judge is left with having to make a decision with incomplete information. An example of this is a divorce case she handled recently. After both sides had testified and she had made her ruling, the wife then raised her hand and asked, "Does it matter that he beats the children?" She had missed this and if the women had not said anything she would have made a bad ruling. These individuals need lawyers to help them through this process.

Many people come in to fill out protection orders and can hardly write. Not all of them are poor people, but it is the poor who cannot afford to have a lawyer help them. Advocacy is critical to our system. In America we pride ourselves on settling our differences in the courtroom and not on the streets, but unfortunately a vast population is not able to take advantage of this.

Joel Hayes

Mr. Hayes is the Managing Director of Boulder County Legal Services (BCLS). BCLS only covers Boulder County. They are a small office but are proud of the work they do. He has been with this office for 3 years. They are a combined legal service and pro bono office. They are on track this year to serve 700 clients. Most of their help comes from retired volunteers who interview their clients. The Boulder County Bar Association also helps them a lot in finding lawyers who will provide pro bono services. They expect to represent over 200 clients this year from help from the bar association. They expect to have over 3,800 hours of pro bono work done this year. That is over \$900,000 dollars in legal services provided by pro bono attorneys.

One service they offer is the pro se family law clinic. This helps clients with filling out forms and preparing them for court. They have attorneys come in two days a week to assist clients with their needs.

BCLS staff consists of three people, a receptionist who screens all clients, a pro bono coordinator and office manager and Mr. Hayes who is the only attorney. He spends about half of his time on casework. He is on track to help around 290 clients in court this year with their cases.

Over 40% of BCLS clients have family law issues; 22% of their clients have consumer problems, and although only 19% of their clients are senior citizens, 30% of their consumer problems are from senior citizens. Another 14% of their clients have housing problems.

If BCLS had more money they would be able to help more clients. They could put on more clinics for other issues such as post decree family issues, and consumer problems.

Question from Justice Bender: How do you decide when to turn away women in domestic violence cases?

Response: We always try and help at the beginning if they are financially eligible. The problems come when they can't get a pro bono attorney for them soon enough and the women decide not to follow through with the case against their abuser.

Question from Roxanne Bailin: Is it hard in many specialized cases to get an attorney that specializes in that area to help?

Response: Yes it is very hard, even here in Boulder where there is a lot of pro bono help. Domestic cases are easy to get help, but in other cases dealing with issues like public benefits it is very difficult since most attorneys don't deal with these areas in their private practices.

Paul Bierbaum

Mr. Bierbaum works with the Boulder County AIDS Project. He first became involved with the organization in the early 1990s. At that time they had several hundred clients. He was attending several funerals a month for these individuals that had AIDS. There was a lot of discrimination towards these clients at that time, and they had a lot of issues that other poor people did not.

The Boulder County AIDS Project has no funding. Mr. Bierbaum calls in attorneys to help. Their goal has been to provide a pro bono attorney for every client. He has found that most of the clients are destitute and have huge medical expenses. To properly help these clients and other poor people more funding for legal services is needed. He thinks that at least \$2,500,000 is needed to help.

Tanya Shimer

Ms. Shimer is a private attorney in Longmont and has recently been a BCLS volunteer. She had a special interest during law school in access to justice. She worked for BCLS straight out of law school. To her surprise there was a myriad of low income people in the Boulder area that needed help and could not get it. They needed help with getting child support, restraining orders, and benefits to which they were entitled.

Ms. Shimer is amazed at how many people BCLS is able to help with just three people in the office. When one of them is out of the office the other two have to try and pick up the slack, despite already being overburdened with their own work. She volunteers there to try and help fill the gap in services rendered. BCLS receives on average 3,500 calls a year for help. Someone must return each of these calls, screen it, and, if the caller does qualify, schedule them in for a consultation.

Question from Justice Bender: How long does it usually take from the time they call to when they get help?

Response: BCLS does new cases on Tuesdays and Thursdays and tries to get to new clients within two to three weeks, unless the need is more urgent. BCLS tries to find resources for all those individuals who don't qualify for their services. BCLS generally meets with about 700 clients of the 3,500 that call in every year. For each of these clients, BCLS must put a file in their system and have an interview. The staff attorney must then decide what to do with the case. Since there is only one attorney in the office, if he is gone, nothing can take place until he returns. Much time is spent trying to contact lawyers to help the clients on a pro bono basis. People do not choose to be poor. With more funding BCLS would be able to help many more clients who are currently not able to receive any kind of help for their legal needs.

Audrey Zapp

Ms. Zapp is a resident of Boulder County and a CLS client. She is proud to be 82 years old. Her husband who passed away in 2001 was a World War II veteran who received a pension. He always told her not to worry when he died because the government would take care of her and pay her a pension. After her husband passed away she got a letter from the Veterans Affairs (VA) asking her to fill out a medical form. A few months later she got a letter saying she had been paid too much money and owed the VA several hundred dollars. When she wasn't able to pay, the VA withheld her pension. She had to rely on Social Security just to get by. She thought it would just be temporary but it wasn't.

After being referred by a friend, Ms. Zapp went to BCLS and it they were able to find a lawyer for her. The lawyer was able to help her fill out the correct forms and got her pension going again. When the problem happened again they once again got her pension going again. She has never seen such a compassionate group as those at BCLS. They don't just help, they care for their clients. She hopes they will be able to get more funding so they can help more people like her.

Carmen Ramirez

Ms. Ramirez is with the Office of Longmont Community Relations and has been in Boulder County for 16 years working with the Latino community. The Latino Community is not getting access to justice. They do not speak English and they don't know how the system works. They need help filling out legal forms. Imagine being in a courtroom if you barely speak English, have a 6th grade education, and have to stand in front of a judge without any help. It is hard to find pro bono help for these individuals since the cases can take a long time. She recently had a case that involved 29 men and took over 2 years to settle.

Many of the individuals needing help have been abused and if they can't get the legal help they need, have no choice but to stay in their abusive relationships. Ms. Ramirez personally went through this and it took her years to get out.

More and more of the population is aging and do not know how to get the benefits they need like Social Security. Others are losing their houses to foreclosure; they would not be losing their homes if they had legal help. There is also a great need for young parents to have access to justice. There is also a need for more clinics in Longmont to help clients there with their needs. All these people need help and without more funding they will not be able to assist them all.

Laurel Hernden

Ms. Hernden is with Boulder County Immigrant Legal Center. She has seen many people lose their immigrant status because they couldn't get an attorney. When this happens many of them go into hiding so they are not deported. Only attorneys are allowed to assist these individuals with their documents, but they do not always have access to a lawyer and are taken advantage of by predatory businesses that say they will help. Many times, notarios tell these individuals that they can help and provide legal assistance, but by law notarios are not allowed to help. BLCS tries to help, but they are not able to fill the gap that exists. The system is swamped with people needing help and more funding is needed.

Jim Peters

Mr. Peters is a member of the Colorado Access to Justice Commission and serves on the commission's Resource Committee. He 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. Mr. Peters explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and provides about \$1.29 per poor person per year. Colorado would need to increase funding by an additional \$1.82 million to become average as compared to other states. Additional details of this presentation are included in Appendix B.

Twentieth Judicial District Access to Justice Committee Members

<u>Name</u>	<u>Affiliation</u>
Kristina Hanssen	Magistrate, 20th Judicial District
Amy Waddle	Court Administrator, 20th Judicial District
Norma Sierra	Magistrate, 20th Judicial District
Fred Clifford	Magistrate, 20th Judicial District
Monica Haenselman	Family Court Facilitator, 20th Judicial District
Anne Tapp	Director, Safehouse Progressive Alliance
Julie Lee	Boulder Public Defender's Office
Erika Martinez	Boulder County Legal Services
Sue Parenteau (until '06)	
Carla O'Boyle	
Judy Fernandez	El Comite, Longmont
Marta Valenzuela Moreno	
Sean Stromberg	Court Interpreter, 20th Judicial District
Sue Taigman	Office of Dispute Resolution
Paul Bierbaum	Lawyer, ALS Committee and BCAP
Mike Rafik	Lawyer
Alex Garlin	Lawyer
Ken Kupfner	Boulder District Attorney's Office
Laurel Herndon	Director, Immigration Center of Boulder

Twentieth Judicial District Access to Justice Committee Recent Accomplishments

- 2004 The committee conducted a diversity training for the community. Magistrate Regina Walters from El Paso County presented a full-day training to about 40 people from the probation department, police officers, lawyers and pro bono providers through the county.
- 2005 We focused on translating many of the court documents into Spanish to make it easier for Spanish speaking people to come to court. We also assisted the court when they installed the legal information kiosk. That wasn't as successful as hoped.
- 2006 The committee continued to address issues of the language barriers of those in court needing assistance.
- 2007 The committee worked with those helping immigrants in Boulder County. The court was very instrumental in helping change language barriers for the immigrants in jail and in criminal situations. The Boulder County Bar Association worked with the committee when they were creating their Law and Justice shows on Channel 8. The public television shows assist the lay person faced with common legal situations, unable to hire a lawyer and with difficulty understanding the legal system. To date the following shows have been completed: DUI, Family Law and Divorce, Buying Real Estate in Boulder County, Death and Dying: Estate Planning, Municipal Court in Boulder County, and Immigration. The segments are on the Channel 8 website and linked to the bar's website. www.boulder-bar.org They are also available on DVD. They have been made available to all the ATJ committees throughout the state with the help of CLE Inc. of Colorado and the Colorado Bar Association.
- 2008 The committee is going to work with the probation department to help non-English speaking people, discussing accountability and compliance issues that seem to be problematic for the defendants, court personnel, and lawyers. We want to work on understanding the criteria for evaluation and accountability for the department staff.