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# **Appendix D**

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

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

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**Appendix D**  
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## **Summary of Breckenridge Access to Justice Hearing**

The Access to Justice Hearing held in Breckenridge on November 6, 2007, and co-sponsored by the Colorado Access to Justice Commission and the Fifth Judicial District Access to Justice Committee, featured testimony by eight witnesses: Molly Ryan, of Colorado Legal Services; Pat Craig, of the Northwest Colorado Legal Services Project; Greg Eckolls, a legal services client; County Court Judge Katharine Sullivan; John Clune, a private attorney who heads the Victim Justice Initiative; Deb Baldwin, a local service provider who works for Eagle County Resource Center; Xiomara Palma, a Resource Center client; and Diana Poole, of the Colorado Access to Justice Commission Resources Committee. Their testimony was heard by the forty-nine persons in attendance, including a panel of six: Dan Taubman, Judge, Colorado Court of Appeals and Colorado Access to Justice Member; Thomas Moorhead, District Judge, Fifth Judicial District; Michael Bender, Justice, Colorado Supreme Court; Colorado State Representative Dan Gibbs (D-Silverthorne); Attorney Inga Causey, Continental Divide Bar Association President; and Attorney Beth Pond, Co-Chair, Fifth Judicial District Access to Justice Committee.

The witness testimony highlighted the critical need for civil legal assistance for poor people in Breckenridge and the surrounding mountain area. Providers of services testified to the unmet needs of the poor and the great number of persons who are turned away because of insufficient resources to provide legal representation that would help address their needs. Clients who were able to obtain such representation testified to the dramatic impact assistance had had on their lives. There was also testimony from Judge Sullivan and Mr. Clune about the interrelationship between unmet civil needs and criminal problems, and the need for representation of the victims of crime. According to the witnesses, state funding for civil legal services for the poor is well below the national average.

## **Breckenridge Access to Justice Hearing Panelists**

| <u>Name</u>     | <u>Affiliation</u>  |
|-----------------|---|
| Dan Taubman     | Panel Chair; Member, Colorado Access to Justice Commission;<br>Judge, Colorado Court of Appeals |
| Michael Bender  | Justice, Colorado Supreme Court   |
| Inga Causey     | President, Continental Divide Bar Association   |
| Dan Gibbs       | State Representative (D-Silverthorne)   |
| Thomas Moorhead | District Judge, 5th Judicial District Court   |
| Beth Pond       | Co-Chair, 5th Judicial District Access to Justice Committee                                     |

## **Breckenridge Access to Justice Hearing Witnesses**

| <u>Name</u>        | <u>Affiliation</u>  |
|--------------------|---|
| Molly Ryan         | Colorado Legal Services   |
| Pat Craig          | Director, Northwest Colorado Legal Services Project                                   |
| Greg Eckolls       | Client, Colorado Legal Services   |
| Katharine Sullivan | Judge, Eagle County Court   |
| John Clune         | Victim Justice Initiative   |
| Deb Baldwin        | Eagle County Resource Center  |
| Xiomara Palma      | Client, Eagle County Resource Center  |
| Diana Poole        | Commissioner and Resources Committee Member,<br>Colorado Access to Justice Commission |

## Summary of Witness Statements

### Attendance - 49

#### Molly Ryan

Ms. Ryan 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. Additional details of this presentation are included in Appendix A.

**Question from Inga Causey:** Although Colorado is one of the richest states in the union, it is 27th in funds raised per indigent person. Why is that?

**Response:** That is part of the reason we are here. We believe that if we raise our state funding by \$2,000,000, we will only be average in relation to other states.

**Question from Inga Causey:** One of every two people are turned away from CLS. What percentage of people apply and are not eligible?

**Response:** We have never documented that in Colorado. Nation-wide the estimate is that only one in five eligible people who need legal services receive them.

**Question from Justice Michael Bender:** What are the ramifications of turning people away? How does it affect things such as public welfare, etc.?

**Response:** If someone is turned away because there are not resources to help them, there are many ramifications such as homelessness, children being taken away, foster homes, and housing issues. There is a ripple effect socially. People who have jobs lose them when they have to take on representation by themselves because pro se litigation is very time consuming.

**Question from Judge Thomas Moorhead:** What are VALE boards?

**Response:** VALE stands for Victims and Law Enforcement. They administer grant money provided by the judicial district to assist domestic violence victims who need counseling and assistance with civil legal representation.

**Question from Judge Thomas Moorhead:** People have real financial needs even though they are above eligibility guidelines because of the cost of living in mountain regions. Do you have an idea of how we serve this segment of the population?

**Response:** This is a legitimate issue. The local CLS office (Pat Craig) works with these issues everyday. Access to justice issues do not apply only to very low income individuals. They involve working class people who cannot afford a private attorney, especially in mountain regions where attorneys charge more. Our program could assist people in this area by providing services such as community education, and legal information regarding processes and technology.

**Question from Rep. Dan Gibbs:** There are many undocumented people in this area. What are the limitations for these people?

**Response:** Federal regulations prohibit federal money from being used to represent undocumented people unless they are victims of domestic violence and the legal assistance provided will ameliorate the effects of the domestic violence..

**Question from Rep. Dan Gibbs:** Have we seen any increase from the federal side?

**Response:** There are very small increases each year, but not even enough to keep up with the rate of inflation.

**Response from Judge Dan Taubman:** A justice gap study noted that current national funding is about 340 million dollars. If the federal amount had kept up with inflation since 1970, this amount would be well above 700 million dollars.

**Question from Judge Thomas Moorhead:** Do you have restrictions on billable hours you can assist an individual, and is it true that the state only pays \$500,000 from the judicial branch?

**Response:** The short answer is no; we do not have any hourly restriction. And actually the amount the state pays from the judicial branch is \$500,000, although approximately \$463,000 of that amount goes to CLS.

### **Pat Craig**

Ms. Craig works for Northwest Colorado Legal Services Project, which covers 21,000 square miles in 11 counties. Northwest came into existence because there were several mountain areas left over after others were taken care of by other legal service programs. All work is performed by pro bono attorneys, who volunteer their time and money. There are four offices, located in Hayden, Leadville, Breckenridge, and Gunnison. They deal only with civil legal problems that are categorized as severe. Most of these are domestic violence cases where children are at risk, or relate to service of elderly persons. On certain occasions they will also help in social security cases, evictions, loss of support, and landlord/tenant issues. There is a legal hotline which serves as the point of access for most people who contact them. Just last year there were 1,900 calls, with 1,000 of those being in this four county area. They also have legal advice clinics available in two counties. They often use the CLS website, which is helpful because people can now fill out an application online, where they used to go to the library. Cases involving elderly persons are covered by a special grant. Last year, 224 residents either received advice or representation. Local attorneys volunteered more than 1,200 hours of service, and had they charged, the value of their donation was over \$200,000. Every dollar donated to them was doubled in time by local attorneys, which signifies that they raised over \$100,000 locally last year. The largest grant for the legal aid service is \$10,000 and their smallest donation is \$50. The staff uses 10% of their total work time fundraising. They are trying to do all they can in terms of fundraising and promoting pro bono participation, but without additional funding, they will not be able to reach more people because they are maxed out.

There is a lot they are unable to do because of funding limitations. There are many family law problems involving domestic violence, and they are unable to take them all. There are only fifteen attorneys who deal with family law cases, and nineteen cases were closed last year. As the population increases, so does the need, and these fifteen attorneys cannot take on any more pro bono cases. There were 348 family law requests last year, and they will generally only take the case if children are at risk. The VALE board gave legal services a grant which allows them to contract attorneys at \$45 an hour. VALE funds are already expended this year, and they are trying to get by until next year.

Legal services in the area would like to have the resources to do other types of cases. For example, a CLS staff attorney in Grand Junction went to a senior center and a woman told her that she was the victim of a bone density scam. The older woman did not see this as a legal problem, but the attorney was able to help her get her money back. She would like to have the resources to do this sort of work in the area, such as community education, but they are stretched too thin. They only have four employees in an eleven county area. Money is already stretched as thin as possible.

**Question from Inga Causey:** Statistics show that only 9% of people who apply are actually helped. So is it true that over 90% of people are turned away?

**Response:** Yes, we are only able to help a small fraction of those who apply to us for legal aid.

**Question from Inga Causey:** What is the hardest case you have had to turn away?

**Response:** Domestic violence cases are the hardest to turn away. They are vulnerable people living in terrible situations.

**Question from Justice Michael Bender:** Do you keep track of the racial profile of applicants?

**Response:** Yes, there is a large Hispanic population in the area because of resorts.

### **Greg Eckolls**

Mr. Eckolls is a legal services client who suffered a head injury which causes him extreme difficulty with speech and movement of the left side of his body. He was in the hospital for six weeks and had no insurance and racked up huge medical bills. Before his discharge, the hospital tried to put him in a nursing home at the age of 42. Medicaid would have paid for this care, but he wanted to get better without this, so he applied for social security benefits which would have helped him with his bills. He was denied twice and was told it would take a year before his case could be heard. Creditors began calling and he explained his situation to them. He got a call from a collection agency informing him they had filed a lawsuit against him. He felt intimidated by them, and could not afford a lawyer to represent him. The secretary for the lawyer working on his social security case told him about CLS. He contacted them and they got him a volunteer attorney. He figured out a payment plan before trial, and they really helped him out a lot. He now is able to get back on his feet.

### **Judge Katharine Sullivan**

Judge Sullivan is a County Court Judge in Eagle County. She discussed her experience as a county court judge in an effort to help the panel understand the severity of the access to justice gap. She handles between 6,000 and 7,000 cases per year. Not all are eligible for free legal services, but the ones that bother her most are the evictions and restraining orders which usually involve indigent victims. She most often sees a lack of knowledge and information among these people, and they are very intimidated to come to court. Coming to court is a big event in people's lives. She does not think that there is good accessibility to legal representation for indigent people. For example, she did not know that there is a legal service clinic in Eagle County because it is not advertised. They need to advertise this more so people can be informed. As a private attorney, she knows how it feels when people fail to show up for important court cases which may severely affect their lives, so they must advertise more.

There is a \$13,000 limit to be eligible for legal services. In a mountain area such as this where the cost of living is so high, this limit is not reasonable. One cannot live here for that, and Representative Gibbs can help this eligibility number increase. Judges want court to be a less scary place, but it is difficult. They need to have information available to inform people who come to the front desk when clinics are available and provide website information for legal assistance and advice.

Family law cases are the most difficult. There is a huge transition in the lives of women who are fleeing a violent relationship. They are unable to pay bills, provide daycare, or secure meaningful employment, and are forced to return to abusive relationships. So while CLS does not deal with criminal cases, these family issues lead to criminal acts. If a woman needs a permanent restraining order or divorce, she must be represented so she is not evicted. This representation is vital, and can only occur if there is more funding. Overall, these types of cases can have many more ramifications that can be stopped at their inception with the help and support of legal representation. We, as a rich state, have less funding for legal representation than an average state, which is a shame. The cost to the system is significant if these legal issues are not addressed when they start. Money could be saved down the line. For example, evicted kids have to go to foster care where much more money is spent. The ramifications and ripple effect make no sense.

**Question from Inga Causey:** It is interesting that pro se litigants are lost when they do not have representation. Could you discuss that a little more?

**Response:** This is a very true statement. For example, many people in the Hispanic population do not even show up. The courts know that probably criminal activity is going on as well, so when they do not show up for civil actions, they are lost. It is overwhelming to see how many default judgments the judge enters against a victim when that victim needs the help more than anybody.

**Question from Dan Taubman:** What percentage of attorneys volunteer their time for these types of cases?

**Response:** Judge Sullivan is not sure because not a lot of attorneys in her court tell her if they are working pro bono. It would be so helpful for her as a judge to have attorneys representing the litigants in her court to make the process efficient and worthwhile.

**Question from Justice Michael Bender:** Are there public defenders to represent individuals on criminal charges?

**Response:** Yes there are. That is why CLS does not help with criminal matters.

**Question from Dan Taubman:** Is the problem of foreclosures reflected in the cases you see?

**Response:** The bottom line is yes. Banks have not been swift on foreclosing so there are issues when people are unable to pay and they leave the house prior to formal foreclosure. When the banks do not go in right away, pipes burst and there are huge problems. Medical bills and their associated cost is the biggest problem with foreclosure.

### **John Clune**

Mr. Clune is a private attorney and heads the Victim Justice Initiative. Mr. Clune worked in the DA's office for six years and then went into representing victims. He initially did a lot of pro bono work. After doing this for a few years, he realized he needed to open a law firm helping victims of criminal activity. He has a staff of four, but he is the only attorney, and while his cases are fee generating, much of what he does is pro bono.

Mr. Clune practices tort litigation for victims. He has found that crime normally happens because civil issues are not taken care of, such as housing, education, and employment issues. Dealing with a defendant is very hard for victims. Pro bono work is amazing, and is the front line of crime victim representation. However, there are limitations on this representation. Private firms work in combination with non-profit organizations because there are no limitations on criminal issues. One-third of his cases are pro bono, and that is all he can handle at a time. Overall, additional funding to even pay a little on a reduced basis for victims would open the door for them and other firms to take on more cases.

Mr. Clune sees many overwhelming access to justice problems every day. For example, when dealing with housing issues, he has seen where a criminal perpetrator is in jail and leaves the family without means to pay rent. The landlord finally orders the family to leave, and Mr. Clune has been able to intercede and get them into an equitable situation where they can go to another apartment or housing without being thrown out into the street first. In one case, a woman was raped and was evicted while in the hospital. He called the landlord, who was initially unreasonable, and he gave the landlord some solutions. Generally, the landlord then cooperates because an attorney is calling him. His advocates do a lot of this type of calling.

Employment issues are also rampant in the work he does. One woman saw a convenience store shooting and was traumatized. The day following the shooting she was unable to go to work. She called her employer, who then fired her. Mr. Clune talked to the employer and was able to count the missing time as FMLA or sick pay. Legal services that practice this sort of intervention are important because outside pressures can be devastating to a victim's ability to stay in an area. If the victim is forced to leave, this can devastate the prosecution

of a guilty defendant and the criminal system as a whole. Court further traumatizes criminal victims, but representation can help them. For example, when a rape victim and the rapist go to school together, the court system does not deal with that in ways that legal representation can.

Mr. Clune next discussed the growing need for legal representation and the number of people they have to turn away. He noted that it is staggering how many people they have to turn away because they do not have the staff to handle the burden. Between 60-70% are turned away, and many more than that do not even bother calling because they know that they will not qualify. He could hire at least five or six more attorneys to handle all the need that exists. He is encouraged by the meeting occurring this night, but believes we must figure out how to handle the need from a financial viewpoint. It is critical to get a system in place, even if it is reduced pay contracts.

**Comment from Dan Taubman:** He has heard lots of testimony throughout the meetings he has attended, but Mr. Clune and Judge Sullivan are the first ones to discuss civil and criminal problems combined with possible solutions.

**Question from Inga Causey:** Is criminal victim representation an area that we have not thought of providing legal services?

**Response:** We have virtually forgotten it. Victims need help through the system, beneficial to them and to the system. Civil issues collateral to crime is an issue we have not dealt with. Historically we have said that this is one of the unfortunate sides of the system. We focus on getting a therapist for the victim, but there are actually legal issues that need to be addressed.

### **Deb Baldwin**

Ms. Baldwin is a local service provider who works for Eagle County Resource Center and deals primarily with domestic violence victims. One of the areas they are concentrating on more and more is legal advocacy, which is a sensitive area because they are not attorneys. They cannot manage without attorneys and neither can their clients. Ms. Baldwin has so many situations she could discuss but she will only talk about a few.

In one instance, Ms. Baldwin took in a woman and her child into the shelter over the weekend. The woman was not documented and had suffered much abuse but was very educated. After years of abuse, she decided to get out of the relationship, and thus filed for divorce. She was in the shelter so when the husband was served with notice, she would not be around. She felt that she and her children would be safe for the first time in their lives. Her four-year-old, who would barely eat because of fear, finally fed herself for the first time because she felt safe in the shelter. Ms. Baldwin found out that the children had suffered severe physical abuse. The father had pulled the children out of school and told them if they told anyone about the child abuse, he would hurt them. The husband had spent all of the family's savings on bailing himself out of jail and then hiring an attorney. If not for the help of John Clune, whom Ms. Baldwin called, the victim would not have had an attorney and the husband would have had one.

In another instance, a woman who had been sexually abused by her husband came into a clinic at their office where volunteer attorneys come in to give advice. She did not think what he had done was a crime, but they were able to tell her that it was. Eagle County Resource Center is not allowed to file papers and do other things that only an attorney can do. Attorneys are needed to do this, which requires legal services funding that does not currently exist. If not for volunteer attorneys in the community, the center would not be able to help their victims at all legally.

The legal needs are tremendous. Out of the 39 legal clients they helped in October, only five got full legal representation. One was helped through legal aid, and the other four were assisted by pro bono attorneys. Of the 39 clients, there are probably twice that number that they are unable to help at all.

**Xiomara Palma**

Ms. Palma is a resource center client who stated that she is the voice of mistreated and abused women and children. In July, Ms. Palma found out that her husband was sexually molesting their thirteen year-old daughter, which came as a huge shock. She took all of her children, two of whom were witnesses to the sexual assaults and were beaten physically by the father, and fled. If not for the resource center and legal resources such as John Clune, she would not be here today. There needs to be adequate funding to provide assistance for people like her who are in terrible situations. Without legal aid, she would not be able to get through the divorce and pending financial difficulties because she is now a single mom with six kids who works full time. She is an immigrant from Honduras, now a citizen, but knows a lot of people that the legal system cannot reach because they are intimidated and are unable to afford services. She could not afford an attorney even if she made decent money because she has to provide for her children. John Clune made a huge difference in her life, for which she is eternally grateful. If the panel and those present at this meeting have a way to provide additional funding for legal aid resources, she now petitions that they do so.

**Diana Poole**

Ms. Poole is a member of the Colorado Access to Justice Commission and serves on the commission's Resource Committee. She 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. Ms. Poole 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 Rep. Dan Gibbs:** When looking at state funding, how did that change from the downturn in the economy in 2001 and the other challenges faced?

**Response:** This fund was created in 1999 with \$250,000. It was increase to \$500,000 as of July 1, 2002 and has never been increased, although there was no funding in FY2005 (July 1, 2004 to June 30, 2005).

## **Breckenridge Access to Justice Hearing Media Coverage**

### **Meeting addresses legal services for low-income residents BY NICOLE FORMOSA, Summit Daily News, Nov. 4, 2007**

Access to Justice public hearing

When: 6 to 8 p.m., Tuesday, Nov. 6

Where: Summit County Justice Center

Why: The purpose of the hearing is to gather information on the extent to which legal needs of disadvantaged persons in Lake, Summit, Clear Creek and Eagle counties are being met, and to identify opportunities for improvement.

SUMMIT COUNTY - A public hearing will be held at the Summit County Justice Center next week to help identify the any gaps in legal services to low-income citizens.

The hearing is one of several around the state organized by the Colorado Access to Justice Commission and local Access to Justice committees to evaluate the needs of different communities.

The Summit County hearing will focus specifically on the needs in Lake, Summit, Eagle and Clear Creek counties.

“Colorado is substantially below the national average in funding for legal services for poor people,” said Fred Baumann, Access to Justice resource committee chair. “We would need another \$2.5 million just to bring our state up to average. That’s a serious problem.”

The legal issues confronting Colorado’s poor most often include the basic human needs of shelter, sustenance, safety, health care and child custody. Their cases deal with issues like protection orders, domestic violence, medical benefits, social security and food stamps.

“Although we help a large number of low-income individuals and families facing legal problems, there are many more whom we cannot help despite their critical legal needs,” said Jon Asher, Colorado Legal Services director.

Nationally, less than 20 percent of the poor’s legal needs are addressed with a private attorney - pro bono or paid - or a legal-aid lawyer, according to a Legal Services Corporation report. There are 6,861 eligible low-income people for every legal-aid lawyer in the nation. In the general population, there is one attorney for every 525 people - more than 10 times the ratio of legal-aid attorneys to the population they serve.

Access to Justice Commission members include appointees by the governor, the Colorado Supreme Court, the president of the Senate, the speaker of the House and the Colorado Bar Association. Local Access to Justice Committee members are judges, lawyers, service providers and others interested in eliminating the barriers in the legal system for low-income individuals.

The Colorado Access to Justice Commission and local Access to Justice Committees will be conducting the hearings through the end of the month, and will include legal services clients and service providers, as well as members of the legal community.

Panelists at the Summit County hearing are:

The Hon. Gregory Hobbs, Colorado Supreme Court; The Hon. Daniel Taubman, Colorado Court of Appeals; Colorado; Rep. Dan Gibbs, D-Silverthorne; Molly Ryan, Colorado Legal Services; 5th Judicial District Court Judge Thomas Moorhead; Eagle County Court Judge Katherine Sullivan; Inga Causey, Continental Divide Bar Association President and Member Colorado Access to Justice Commission; Elizabeth Pierce-Durance , Member, 5th Judicial District Access to Justice Committee, Beth Pond, co-chair, 5th Judicial District Access to Justice Committee; Pat Craig, director of Northwest Legal Services; and John Clune, Victim Justice Initiative.



## Legal advice for poor discussed

Colorado Legal Service assisted about 6,600 people last year who qualified for the service

**BY NICOLE FORMOSA**

*Summit Daily News*

November 7, 2007

BRECKENRIDGE — When Silverthorne resident Greg Eckols suffered a head injury in 2005, he spent six weeks in the hospital recovering.

The medical bills quickly began piling up, and the 42-year-old, out of work due to his injury, filed for social security benefits, but was denied twice. Soon, the collection agencies started calling, then suing.

“I felt very intimidated by them,” Eckols said. “I could not afford a lawyer to represent me.”

Eckols’ attorney in his social security claim (who wouldn’t be paid unless Eckols won his suit) gave him the number for the nonprofit Colorado Legal Services, which provides civil legal assistance for low income people at low or no cost. A lawyer there was able to work out a payment plan with Eckols’ creditors before the case went to trial.

“For this, I’m very grateful,” Eckols told panelists during a two-hour Access to Justice hearing at the Summit County Courthouse on Tuesday evening, which aimed to identify gaps in the legal system for poor people.

Eckols was one of about 6,600 people to receive legal assistance through Colorado Legal Service (CLS) last year, but that’s only a drop in the bucket compared with how many people in the state qualify for the services.

To be eligible, Colorado single residents must make below \$12,763 a year, or \$25,813 for a family of four, which constitutes 11 percent of the state’s overall population, or 500,000 people, said Colorado Legal Services representative Molly Ryan.

“It’s not hard to see when you have 40 attorneys (on the CLS staff) trying to handle the legal needs of a half-million people in the state, it’s not understated to say there’s a crushing need for more support,” Ryan said.

Last year, Northwest Colorado Legal Services, a branch of CLS that covers Summit County, could only help 9 percent of its applicants, said Frisco-based administrator Pat Craig.

CLS takes only civil cases — criminal cases involving low-income people are handled by the public defender — and the majority of its caseload is family-related issues.

More than 50 percent of its clients are Caucasian; another 27 percent are Hispanic. CLS is only legally allowed to assist undocumented immigrants if they're victims of violent crimes seeking protection, Ryan said.

The state contributes just \$500,000 toward CLS' approximately \$7 million budget, \$2.5 million below the national average, Ryan said.

Because of limited resources, they often handle only the most emergent cases, and often turn away domestic violence cases if children aren't involved, Ryan said.

To make up for the gaps, Colorado Legal Service is turning to technology to assist more people, like offering more information on the website and setting up self-help kiosks.

Eagle County Judge Katherine Sullivan said most people in the High Country won't meet income requirements for CLS because it's impossible to live in the mountains on such meager wages, but people making just over the limit still need legal assistance and can't afford lawyer fees.

She said she sees a high percentage of default judgments because people are too intimidated or too overwhelmed to deal with the criminal justice system on their own, without legal representation.

Sullivan said part of the solution could be more attorneys offering up pro bono work, something she did as a private practice attorney before becoming a judge.

"They aren't always the easiest cases for sure, but in the end they're the most rewarding, and I know in my case they were the most interesting," Sullivan said.

Former 5th Judicial District prosecutor John Clune turned his volunteer work into a business called Victim Justice Initiative.

Much of Clune's business revolves around collateral legal issues as a direct result of a crime, such as housing or employment problems. For instance, if a family's single income earner is arrested and jailed for domestic violence, his wife and kids are often left facing eviction because they can't pay the rent.

While many of Clune's victims pay for his legal services — about one-third of his cases are pro bono — he still has to turn away 60 to 70 percent of the referrals he gets.

"The number of calls that we have to turn away is staggering of all types of cases ... because we just don't have the staff to do it," Clune said.

Tuesday's hearing in Breckenridge was one of 10 around the state held by the Access to Justice Commission — a joint venture between the Colorado Supreme Court and the Colorado Bar Association.

The Commission will compile a statewide report from all the hearings for use in asking for more money from the state legislature next session. The report will also be used to determine where needs are not being met in the state what programs could be created or expanded to help narrow the gaps, said commission member Inga Causey.

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# Vail Daily

## Legal bills another Eagle Co. cost struggle

Some victims of violence not poor enough for free lawyer, but can't afford private one

**STEVE LYNN**

Vail, CO Colorado

November 13, 2007

EAGLE COUNTY — Shelly's husband beat her during her marriage and when she wanted a divorce, she made too much money for a free attorney.

So Shelly, who calls herself well-educated and well-rounded, decided to represent herself when her husband filed for divorce and locked her out of her home, she said.

"I wasn't aware of my rights: I literally turned over everything," said Shelly, who asked to be identified by a pseudonym.

She lost her dog, her home, her antique Christmas ornaments, her baby pictures, and will never get them back, she said.

Like many other victims of domestic violence, though Shelly did not qualify for a free attorney, she also could not afford to get one herself. Typically, only a fraction of victims like Shelly get an attorney through the Eagle County Resource Center, which finds attorneys for victims of domestic violence and sexual assault, gives them shelter and helps them through their cases.

Five of 39 families who needed attorneys got one in October, said Deb Baldwin, housing coordinator and advocate for the Resource Center.

"This is a huge problem for us," Baldwin said.

In Eagle County, a victim must make no more than about \$12,000 each year to get a free attorney and no more than \$25,000 for a family of four, she said.

With the high cost of living in Eagle County, most victims do not have the money to pay attorney's fees, she said.

### ***The 'need' for an attorney***

A landlord once tried to evict a stay-at-home mother and her children from their home after her husband was jailed for domestic violence, said John Clune, an attorney who stepped in and got housing for the mother, who could not pay her rent. (Clune declined to elaborate on the case, citing attorney-client privilege.)

"That's not something the criminal prosecutor or the judge had the ability to deal with," Clune said.

"That's the kind of situation where victims need attorneys to intervene and deal with the landlord," he said.

The majority of Clune's clients who come to his Victim Justice Initiative offices in Edwards and Boulder are victims of domestic violence and sexual assault. He is one of two attorneys who regularly handle those cases in the Vail Valley and he said he has to turn away about half of the people who ask him for representation.



Lawyer Inga Causey, left, takes notes during a meeting with client Rosa Cereceres Friday in Edwards. Causey is one of two lawyers in the Vail Valley who regularly represent low-income clients for free in sexual assault and domestic violence cases.

**Dominique Taylor/Vail Daily**

Clune represents a third of his clients for free, he said.

“It’s still a small minority of lawyers who do this kind of work,” he said.

Victims need a private attorney when their cases are being prosecuted, said Inga Causey, the other local attorney who regularly handles these kinds of cases.

Because public prosecutors focus mostly on prosecuting defendants, private attorneys must teach victims how to successfully testify, make sure victims can keep their jobs and homes during legal proceedings and that those convicted of crimes pay victims’ restitution, such as medical bills, Clune and Causey said.

“All of those things can fall through the cracks with just a prosecutor and no victim representation,” Causey said.

Unlike private attorneys, prosecutors cannot handle disputes between victims and landlords and employers.

But prosecutors and victim’s advocates protect victims’ rights by spending “hours and hours” preparing them to testify during trials, Eagle County District Attorney Mark Hurlbert said. Prosecutors always seek restitution when the law calls for it, he said.

“A lot of what (Causey and Clune) are saying is covered by the D.A.’s Office and we don’t cost the victim anything,” Hurlbert said.

#### ***Statewide problem***

Penelope’s husband was arrested for allegedly molesting her daughter for almost two years. Penelope, who asked to be identified by a pseudonym, found out about the alleged abuse this year, she said.

“He was very abusive verbally and physically,” Penelope said about her husband. “I never expected something like that was happening.”

Penelope tried to get free legal representation, but was turned away because she made too much money. Penelope did not have enough money for an attorney, so Causey volunteered to help her.

“I feel secure and I know I’m going to be very well-represented — and my children, to get justice to them.”

About 40 attorneys in Colorado represent victims of domestic violence and sexual assault, said Kathleen Schoen, the Colorado Bar Association’s staffer for the Access to Justice Initiative.

Formed in 2003, the Access to Justice Initiative is a group of lawyers, judges and others trying to get funding to hire more lawyers to help crime victims because federal funding for those kinds of lawyers has been cut, Schoen said.

A local group of lawyers, judges and victims’ services officials met earlier this week in Breckenridge to discuss the problem in Eagle, Lake, Summit and Clear Creek counties.

The problem exists nationwide, attorneys said.

Less than one in five people who need an attorney for a civil case actually get one in the United States, according to a 2005 report from the Legal Services Corporation, a federal agency that provides legal representation to poor people.

“We’ve forgotten an element of our justice system, and that’s the rights of the victim and being able to preserve those rights,” Causey said.

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## **Fifth Judicial District Access to Justice Committee Members**

| <u>Name</u>              | <u>Affiliation</u>                              |
|--------------------------|---|
| Christian Caslin         | Local Private Attorney                          |
| Inga Causey              | Local Private Attorney                          |
| Pat Craig                | Director of Northwest Legal Services            |
| Elizabeth Pierce-Durance | Local Private Attorney                          |
| Beth Pond                | Research Attorney, Eagle County Combined Courts |
| Judge Richard Hart       | Local Retired Judge                             |

## **Fifth Judicial District Access to Justice Committee Recent Accomplishments**

- Prepared Resource Pamphlet in English (currently working on Spanish Translation). Pamphlet focuses on State-wide services and services in Eagle and Summit Counties.
- Created a Small Claims Court Mediation Program in Eagle County
- Working on the creation of a Pro Se Legal Clinic