



NOTICE AND AGENDA

BOARD OF GOVERNORS MEETING

Friday, June 14, 2019, 8:30 a.m. – 1:00 p.m.

Registration and continental breakfast at 8:30 a.m., Meeting at 9:00 a.m.

Cheyenne Mountain Resort, Colorado Ballroom, 3225 Broadmoor Valley Road, Colorado Springs
Dress is Business Casual

Reception Thursday, June 13, 2019, Cheyenne Mountain Resort, Grand Rivers Ballroom, 4:30-6:30 p.m.

The CBA Board of Governors will meet at the above time and place. Registration and continental breakfast will be from 8:30 a.m. – 9:00 a.m. The meeting will begin promptly at **9:00 a.m.** and is expected to conclude no later than 12:30 p.m.

10 minutes	1.	Call to Order, Welcome and Introduction of New Members	John Vaught
20 minutes	2.	Executive Directors Report	Patrick Flaherty
10 minutes	3.	Legislative Update	Jeremy Schupbach
10 minutes	4.	Advise of change of policies and procedures for LPC	John Vaught
10 minutes	5.	Report on YLD Regional Summit	Joi Kush (13)
10 minutes	6.	CBA Financials – Budget Overview FY 2019-2020	Mary Jo Gross (14-21)
5 minutes	7.	Request for Cannabis Committee to become Cannabis Section	Graham Gerritsen (22-25)
20 minutes	8.	President's Report	John Vaught
5 minutes	9.	COLAP – Colorado Lawyers Assistance Program	Sarah Myers & Chip Glaze
15 minutes		BREAK	

5 minutes	10.	Consent Agenda <ul style="list-style-type: none"> a. Approve minutes from December 7, 2018 Board of Governors Meeting b. Approve appointments of CBA Treasurer and two Executive Council at-large members c. Approve ABA House of Delegates appointments 	John Vaught (26-29)
30 minutes	11.	VP Best Practices Book & Break-outs by Region with Region VP's <ul style="list-style-type: none"> a. Local bar outreach b. Needs of local bars c. Broadband status 	Emma Garrison
30 minutes	12.	Broadband <ul style="list-style-type: none"> a. How far we have come b. What comes next? c. ABA resolution for August 2019 – introduction of delegates 	John Vaught (30-50)
20 minutes	13.	Attorney Regulation Counsel report	Jessica Yates
20 minutes	14.	Chief Justice Coats report	Chief Justice Coats
10 minutes	15.	Thank You's	John Vaught
10 minutes	16.	Swearing in of Kathleen Hearn Croshal as CBA President	Chief Justice Coats
	17.	Adjournment	John Vaught

Please contact Jessica Lindzy, jlindzy@cobar.org if you are unable to attend the meeting. Board representatives unable to attend the meeting can send someone else from their constituent in their place; that person will not be able to vote. Please let Jessica know if an “alternate” will be attending the meeting.

JOB DESCRIPTION

The Board of Governors reached an overwhelming consensus at the October 2016 Board of Governors meeting to clarify the role of the Board of Governors. Based on the consensus reached the primary role of the governors is to serve as an ambassador and conduit of communications for the Colorado Bar Association while retaining a governance role.

As a Governor serving on the Colorado Bar Association Board of Governors, you are:

- An AMBASSADOR who creates awareness about the Colorado Bar Associations within the legal community and beyond;
- An accountable LEADER who represents the Colorado Bar Association as well as local constituents;
- A BRIDGE-BUILDER between the Colorado Bar Association and local constituents that promotes relationships and productive communication;
- An INNOVATOR who offers new insights or institutional knowledge for ongoing organizational development and decision-making.

(Expectations) of Governors:

- Attend all Board of Governors meetings
- Prepare for all Board of Governors meetings
- Actively participate in all Board of Governors meetings
- Accept committee or project assignments
- Stay informed
- Evaluate individual and collective performance
- Act in accordance with Fiduciary Duties (Care, Loyalty, Obedience)
- Review Executive Council minutes
- Be in touch with Vice President/Executive Council liaison
- Regularly interact with constituents about Colorado Bar Association and Board of Governors matters, and solicit feedback

(Expectations) of Colorado Bar Association

- Provide orientation on Colorado Bar Association and Governor role
- Inform governors of substantial CBA business and actions of the Executive Council
- Notify Governors of the meetings well in advance
- Solicit input for agendas
- Send Meeting materials in advance
- Provide a point of contact and/or liaison
- Provide leadership training and tools
- Provide opportunity to listen to governors at meeting and in advance
- Maintain Board of Governor portal with necessary information

Communication Tools

- Portal
- Use Executive Council contacts
- Orientation Video
- Enhanced communication routes
 - Phone
 - Joint Meetings
 - CBA meetings
 - Portal
 - Newsletters
 - Events
 - Orientation video



Colorado Bar Association

MEETING MINUTES

EXECUTIVE COUNCIL

Tuesday, December 4, 2018, 3:00 - 5:00 PM

CBA Offices, 1900 Grant Street, 9th Floor, Denver, CO 80202

In Person: John Vaught, Maureen Watson, Emma Garrison, Judson Hite, Michelle McCarthy, Dan Sweetser, Bonnie Schriner, Kathleen Hearn Croshal and Mary Jo Gross.

Guests: Chris Little, Patricia Jarzowski, Tyler Murray, John Dunn, Jon Asher and John Baker.

Staff: Patrick Flaherty, Carolyn Gravit, Amy Sreenen, Heather Folker, Shelby Knafel, Jeremy Schupbach, Melissa Nicoletti, Amy Redfern, Jessica Lindzy and Vince O'Brien.

Phone: Leslie German, Cobe Becker, Amy Goscha, April Jones, Dick Gast, Melanie Bartlett, Joi Kush and Courtney Holm.

1. President John Vaught called the meeting to order at 3:04 p.m.
2. Introductions – Executive Council members, guests and staff.
3. Patrick gave a history of the CLE relationship and referred to letter in packet regarding maintaining their Supporting Organization status.
4. Bonnie Schriner made a motion to approve the October 28, 2018 minutes as amended. Seconded by Michelle McCarthy. Approved unanimously.
5. Melissa Nicoletti went over the letter submitted by Colorado Legal Services regarding appointments. The appointments were accepted as recommended
6. Melissa Nicoletti presented the Workers' Compensation Section Bylaws which have been revised to bring them up to date with best practices. Dick Gast asked to have them include a statement to consider diversity and inclusivity when nominating members of the Council. Bylaw revision accepted with that change.
7. Patricia Jarzowski and John Baker reported on the Diversity & Inclusivity Committee and what they've been doing. They went over the committee roster and framework document that was handed out to the Council members. Courtney Holm reported the committee has met

with various leaders of CBA, DBA and ABA. John Baker spoke with the Diversity & Inclusivity Director from Minnesota who explained their processes.

8. Mary Jo Gross reported on the current October 31, 2018 financials which were included in the packet.
9. John Vaught announced the appointments to the Investment Committee. They are staggered terms as follows: Sam Cheris, 3-year term; Mary Jo Gross, 2-year term; Tyler Murray, 1-year term. Terms will be a full 3 years going forward.
10. Investment Committee Report – Tyler Murray asked for approval of the Investment Committee Charter, Investment Policy Statement and Asset Management Agreement. He pointed out the changes that were made to the documents that were previously presented. Mo Watson made a motion to approve the Investment Committee Charter. Seconded by Judson Hite. Approved unanimously. Dan Sweetser made a motion to approve the Investment Policy Statement. Seconded by Mo Watson. Approved unanimously. Dan Sweetser made a motion to approve the Asset Management Agreement. Seconded by Mo Watson. Approved unanimously.
11. John Dunn, Chair of the Amicus Brief Committee has asked for approval to file an Amicus brief on behalf of the Real Estate Section regarding a case pending before 10th Circuit. He went over the memo that was included in the packet and noted that Land Title Association of Colorado will also be filing an amicus brief. Dan Sweetser announced that he is drafting the brief. Judson Hite made a motion to support the amicus filing. Seconded by Mary Jo Gross. Approved unanimously.
12. Patrick Flaherty gave a brief history of the Lawyers Professional Liability Committee. Chris Little reported that the committee voted for Chris Buckman and Swiss Re with a vote of 7-2. However, Chris feels we should look at CNA proposal again. Discussion was had. John Vaught asked to table discussion until we have more information. Bonnie Schriener made a motion to table this item until further study can be completed. Seconded by Michelle McCarthy. Approved unanimously.
13. Heather Folker and Shelby Knafel created a social media policy that was included in the packet. After discussion was had, it was decided to have the policy reviewed by counsel and presented for reconsideration at the next meeting.
14. Patrick Flaherty reported that the program reports are included the packet for review. These reports leapfrog throughout the year with the strategic reports. He pointed out the last few pages of the report showing grading on member satisfaction with Section best practices.
15. Patrick Flaherty gave a building update. The project is on time and on budget. Communications launched a move campaign today focused on parking around the new building.

16. Jeremy Schupbach presented a handout to the Council members and went over the process of the Legislative Policy Committee.
17. President's Report – John Vaught reported his dissatisfaction with the current regional Vice Presidents regarding governance. With regard to broadband John had a great meeting with Diana Degette's staff. The Democrats proposed legislation, \$40B to get 98% coverage across the Country. Every Republican voted against it. The legislation will be proposed again in the new session. John announced there was a Past Presidents Council meeting last night. The last 25 Presidents' were invited to discuss the issues affecting the Bar. They discussed re-implementing the multi-disciplinary task force. John announced that the broadband proposal is going to ABA House of Delegates.
18. Vince O'Brien presented the 2019 CLE budget. Patrick Flaherty made a motion to approve the budget through June 30, 2019 and ask that Vince report back with a business plan to get publications under control. Seconded by Bonnie Schriener. Approved unanimously.
19. New business – John Vaught announced that he had been working to get Modern Law Practice Initiative to do an 8-hour CLE on unbundling in out-state Colorado, just notified that Grand Junction has been chosen as the location.

Adjourned at 5:03p.m.



MEETING MINUTES

EXECUTIVE COUNCIL

Tuesday, February 12, 2019, 3:00 - 5:00 PM
CBA Offices, 1290 Broadway, Suite 1700, Denver, CO 80203

In Person: John Vaught, Kathleen Hearn Croshal, Mary Jo Gross, Dick Gast, Emma Garrison, Melanie Bartlett, Mo Watson, Bonnie Schriner, Dan Sweetser, Ted Tow, Jud Hite and Joi Kush.

Guests: John Michael Guevara, Civil Rights Section Executive Council Member

Staff: Patrick Flaherty, Amy Redfern, Jessica Lindzy, Melissa Nicoletti, Amy Sreenen, Juliann Tricarico, Jess Ham, Sheyanne Muse, Lori Krupske, Max Gaytan, Carolyn Gravit and Kathleen Schoen.

Phone: Leslie German, Courtney Holm, Michelle McCarthy, Amy Goscha and Kimberley Neilio.

1. President John Vaught called the meeting to order at 3:04 p.m.
2. Executive Director Patrick Flaherty went over the new teleconference guidelines.
3. Introductions – Executive Council members, guests and staff.
4. Mary Jo Gross made a motion to approve the December 4, 2018 meeting minutes as amended. Seconded by Dan Sweetser. Approved unanimously.
5. President John Vaught announced Access to Justice Committee appointments. Dick Gast is filling the remainder of Loren Brown's term and Lauren Schmidt has been reappointed for another term.
6. Director of Accounting, Lori Krupske and staff introduced themselves. Each staff member gave a description of what they do within the department.
7. Director of Sections and Committees, Melissa Nicoletti and staff introduced themselves. Each staff member gave a description of what they do within their department and what sections and committees they oversee.

8. John Michael of the Civil Rights Section presented a letter from the ACLU that was included in the packet. The letter has been sent to the State Court Administrator. The Civil Rights Section is recommending the CBA endorse the letter. Ted Tow made a motion to provide the letter to all section for input. Seconded by Jud Hite. Motion approved unanimously.
9. The Military & Veterans Affairs Section and Disability Law Section have revised their Bylaws to bring them up to date with best practices. A typo was noted in Article V, Section 2; change from available to unavailable. Ted Tow made a motion to approve both Sections Bylaws with a statement to consider diversity and inclusivity when nominating members of the Council. Seconded by Jud Hite. Motion approved unanimously.
10. Mary Jo Gross reported on the January 31, 2019 financials that are included in the packet.
11. Patrick Flaherty explained that the strategic plan update is included in the packet for review. The strategic plan updates show the steps that are being taken to fulfill the plan. He provided a building update stating that we are on budget for the building expenses. The move was well planned and we came away with few issues other than some AV items that are being resolved. Patrick presented a slide on the budget timeline and briefly discussed the process.
12. John Vaught announced that he had been working to get Modern Law Practice Initiative to do an 8-hour CLE on unbundling in out-state Colorado, just notified that Grand Junction has been chosen as the location.
13. Joi Kush gave an update on the events that the YLD has held and will be holding this year along with an update on what they are currently working on.
14. Vice President Reports - Region 1, Emma Garrison promoted the Barristers Ball and is currently working on the best practices playbook. Region 3, Jud Hite announce the Boulder County Bar is hosting a Justice for All Ball at the end of March and that he has reached out to local bars to get input on what they expect from this organization. Region 5, Amy Goscha, reported she is working on meeting with local bars. Region 6, Leslie German reported there will be a 7th JD judicial benefit in March. Region 7, Courtney Holm announced Leslee Balten will be coming in as the new Region 7 VP.
15. Director of Legislative Relation, Jeremy Schupbach gave a legislative update and announced the Legislative Policy Committee meets every Friday during session.
16. Director of Access to Justice, Kathleen Schoen gave a PowerPoint presentation that was included in the packet.
17. CLE Director Vince O'Brien presented on the Solo-Small Firm conference coming up in June. The formal notice will go out next week. Vince also promoted the Modern Law Practice Initiative session in Grand Junction.

18. ABA Delegate, Mark Fogg gave an overview of what was discussed and voted on by the House of Delegates. He reported that the ABA is looking to cut costs and is looking at committees to be sure there aren't any duplicates. The ABA Board of Governors established the priorities for the year. Mark passed out the broadband resolution to those in attendance. The ABA Annual Meeting is the week of August 5, 2019 and the House of Delegates meets August 12-13, 2019.

There being no new business the meeting was adjourned at 4:58 p.m.



MEETING MINUTES

EXECUTIVE COUNCIL

Tuesday, April 2, 2019, 3:00 - 5:00 PM
CBA Offices, 1290 Broadway, Suite 1700, Denver, CO 80203

In Person: John Vaught, Kathleen Hearn Croshal, Dick Gast, Ted Tow, Michelle McCarthy, Bonnie Schriner, Dan Sweetser, Courtney Holm and Joi Kush.

Guests: Sam Cheris, Investment Committee Chair and Jessica Brown, President-elect 2019-2020

Staff: Patrick Flaherty, Amy Redfern, Jessica Lindzy, Melissa Nicoletti, Amy Sreenen, Anthony Pereira, Lindsey O'Brien, Leslie Kelly, Kathleen Schoen, Carolyn Gravit and Lori Krupske.

Phone: Melanie Bartlett, Jud Hite, Mary Jo Gross, Amy Goscha, Leslie German, Mo Watson and Emma Garrison who joined late.

1. President John Vaught called the meeting to order at 3:04 p.m.
2. Introductions – Executive Council members, guests and staff.
3. The February 12, 2019 and March 20, 2019 meeting minutes were approved as submitted. Ted Tow abstained.
4. The Trust & Estate Section revised their Bylaws to change the annual meeting date and the nominations deadline. Bonnie Schriner made a motion to approve the Bylaw revision. Seconded by Dan Sweetser. Approved unanimously.
5. Mary Jo Gross reported on the February 28, 2019 financials, which were included in the packet and gave a brief overview of the budget process.
6. Patrick Flaherty gave more detail on the budget process. He went over multiple line items on both revenue and expenses for clarity. He reported that staff is not recommending a dues increase at this time. Bonnie Schriner made a motion to approve the fiscal year 2019-2020 budget as proposed. Seconded by Ted Tow. Approved unanimously.
7. Patrick Flaherty reported on the final building move financials. He went over the bottom line on the financials comparing the original rough budget to the actual and explained how the costs are apportioned between CBA, DBA and CLE.
8. Patrick Flaherty explained that department strategic plans are an annual operating agreement on how the departments will implement the strategic plan and keep us on schedule. There is a

narrative and X-matrix in the packet for review. The strategic plan reports presented at previous meetings align with these department strategic plans.

9. Patrick Flaherty mentioned that the program reports, which measure the impact of existing programs are included in the meeting packet for review.
10. President's Report - John Vaught asked for overviews of a few upcoming events. Joi Kush gave a brief overview of the upcoming YLD event in Steamboat, Western State Regional Summit. Amy Sreenen gave a brief overview of the Solo-Small Firm symposium which will be held in conjunction with the CBA Board of Governors meeting in June. John reported the following: he and Patrick Flaherty will be traveling to Washington, D.C. for ABA Day next week; there are only a few Presidential visits left for this year including the DBA visit Wednesday, April 3; Eagle County is getting broadband coverage for most of the County; he spoke with the Georgian delegation on bench bar relations and recently finished an article for the Colorado Lawyer. John reported there had been some discussion on the equal pay for equal work legislation; he is meeting with CWBA leadership this week and asked if anyone had questions or comments, which they did not.
11. Sam Cheris presented the Investment Committee report. The current assets under management are approximately \$6,825,000. The move financials have been completed permitting staff to develop a definitive determination of Tier 1, Tier 2 and Tier 3 as noted in the Investment Policy Statement. The committee has met with the investment advisor and developed reporting forms and processes. All disclosures have been completed. This month staff will commence the movement of funds to be invested pursuant to the recommended asset allocations contained in the last report from the investment advisor. At the August meeting of the Executive Council, a financial report of the investments made and the interim investment results will be presented.
12. Director of Access to Justice, Kathleen Schoen introduced staff members, Anthony Pereira, Leslie Kelly and Lindsey O'Brien who gave an overview of the programs they oversee.
13. Chair of the Lawyer's Professional Liability Committee, Chris Little, presented options for consideration on a change to the professional liability insurance company that the CBA will endorse. Bonnie Schriner made a motion to authorize Patrick Flaherty to sign an agreement with Lockton. Seconded by Dan Sweetser. Approved by the majority, with one no vote.
14. Melissa Nicoletti referenced the memos asking the CBA to sign on as supporters of the ACLU's letter. Criminal Law voted to take no position and there was no response from any other sections. Civil Rights and Immigration only wanted to sign on as supporters. Proponents had a meeting with the State Court administrator last week, however, there is no update on the outcome of that meeting. Bonnie Schriner made a motion to table this item indefinitely. Seconded by Courtney Holm. Approved unanimously with Ted Tow abstaining.

There being no new business the meeting was adjourned at 4:58 p.m.

YLD Regional Summit

Location: Steamboat Grand in Steamboat Springs, CO

Cost: \$75

13 CLE Credits, plus 4 ethics credits

Attendees: Approximately 60 attorneys from TX, NM, WY, UT, CO, NV, and several representatives from the ABA, including ABA President, Bob Carlson and the ABA YLD Chair-Elect, Logan Murphy, ABA YLD Secretary, Christopher Brown, and ABA YLD Past Chair, Anna Romanskaya

Speakers included: The Honorable Justice Gabriel, WY State Senator Tara Nethercott, Attorneys: Tom Ferrell, Jarrod Pearson, Danae Woody, Erika Holmes, Sara Giddings, Devon O'Connell, Shantelle Argyle, COLAP Chip Glaze, as well as representatives from Exponent and Mindset

Social Events: Public Service Project, Dine arounds, Happy Hour/Hospitality Suite, Live Music, Yoga

Funding Sources:

Funding Sources	Amount
ABA YLD	\$3,000
Colorado	\$1,000
New Mexico	\$1,000
Nevada	\$1,000
Wyoming	\$1,000
Texas	\$1,000
Utah	\$1,000
Preferred Capital	\$1,000
Exponent	\$1,000
Hall Pringle	\$500
eWranglers	\$500
Registrants @ 40-50*	\$3,000 - \$3,750
Total:	\$15,000 - \$15,750

Cost of the Event: Approximately \$14,600*

*final accounting has not been completed, but we were under budget

A Special Thanks to the Planning Committee: ALL YOUNG LAWYERS!

Including: Tanya Sevy, Dan St. John, Spencer Rubin, Billy Jimenez, Blake Klinker, Shasta Inman, Peter Handy, Bebe Vanek, Sally Pretorius, Lauren O'Dell, George Biederman

Colorado Bar Association

Balance Sheet

For the Eleven Months Ending May 31, 2019

Assets

Checking Accounts

CSBT Checking Account \$760,713.68

Total Checking

760,713.68

Savings Accounts

CSBT Managed Fund Acct 6,665,820.97
Managed Fund Market Adjustmen (3,457.20)

Total Savings Accounts

6,662,363.77

Other Assets

Deposits, Rent 63,604.84
Deposit, Planned Benefit Systems 2,585.35
Postage Accounts 18,485.40
Prepaid Expense 85.00
Accounts Receivable Trade 120,664.00
Furniture and Equipment & Comp 367,191.70
CBA Intercompany (38,817.73)
Due from DBF for DBF/BBB Exp 17,099.38
CBF Intercompany 3,357.49
Deferred Comp 19,961.52

Total Other Assets

574,216.95

Total Assets

7,997,294.40

Liabilities

Payables

Payroll deductions Payables 3,979.73
Postage Meter Payable (2,242.57)
Local Bars Payable 105,880.00
Other Payables From Dues Collec 1,075.00
Payroll Taxes Payable 0.02
Income Tax Payable (8,036.76)
Sales Tax Payable 323.85

Total Payables

100,979.27

Other Liabilities

Deferred Comp 25,807.68
Deferred Dues Income 584,772.50
Accrued Compensation (vacation 144,989.67
Building Remodel funds 12,425.71

Total Other Liabilities

767,995.56

Total Liabilities

868,974.83

Equity

Sections

Business Law Section 41,214.13
Criminal Law Section 18,557.53
Family Law Section 38,742.55
Judiciary Section 799.44
Natural Resources Section 18,247.92
Litigation Section 95,799.05
Trust & Estate Section 22,721.14
Real Estate Section 75,219.11
Taxation Law Section 6,345.50
Water Law Section 13,837.11
Environmental Law 9,422.26
Worker's Comp Section 21,711.63
Solo/Small Firm Section 19,073.73
Agricultural Law Section 8,851.63
Intellectual Property Section 37,492.19
Health Law Section 17,678.58
Administrative Law 7,836.38
Alternative Dispute Res. 4,240.27
Communication Law 5,770.14

Colorado Bar Association

Balance Sheet

For the Eleven Months Ending May 31, 2019

Construction Law	\$38,602.82		
Disability Law	4,988.77		
Elder Law	8,521.40		
Gaming,Ent,Sports	5,362.53		
Immigration Section	4,500.66		
International.Comp Law	3,043.69		
Juvenile Law	3,524.50		
Labor Law	62,869.75		
Government Counsel	14,680.75		
Military Law	2,456.26		
Civil Rights	3,245.53		
Total Section Equity		615,356.95	
Restricted Equities			
Pro Bono Equity Acct	921.24		
Justice for All	3,672.57		
Justice for All - 2	150,000.00		
COBALT Scholarship Funds	9,840.00		
Federal Pro Se	266,117.38		
Total Restricted Equity		430,551.19	
Other Equity			
Unappropriated Surplus	5,732,754.52		
YTD Revenue over Expenses	349,656.91		
Total Other Equity		6,082,411.43	
Total Equity			7,128,319.57
Total Liabilities and Equity			7,997,294.40

Colorado Bar Association
Statement of Revenue and Expenses
For the Eleven Months Ending May 31, 2019

	May	YTD	Budget	Variance	%	Last Year YTD
Revenues						
Dues						
Dues Income Senior	\$480.00	\$2,462,388.75	\$3,040,000.00	(\$577,611.25)	81%	\$2,389,145.20
Dues Income Junior	50.00	118,030.00		118,030.00	0%	146,790.00
Dues Income Intermediate	210.00	331,140.00		331,140.00	0%	314,130.00
Dues	12,215.00	15,290.00		15,290.00	0%	
Dues Income Associate		14,391.25		14,391.25	0%	15,297.50
Dues Income Student		15.00		15.00	0%	
Dues Income Retired		30,030.00		30,030.00	0%	33,470.00
Dues Income Inactive	480.00	62,220.00		62,220.00	0%	68,070.00
Dues Income Patron	885.00	20,133.75		20,133.75	0%	19,617.50
Total Dues	14,320.00	3,053,638.75	3,040,000.00	13,638.75	100%	2,986,520.20
Other Revenues						
Sales Income Pamphlets	293.11	1,569.67	3,000.00	(1,430.33)	52%	1,973.94
Department Revenue	527.00	35,842.20	43,000.00	(7,157.80)	83%	34,894.12
Our Courts		10,000.00	10,000.00		100%	10,000.00
Federal Pro Se Clinic			150,000.00	(150,000.00)	0%	
CLE Income		30,000.00	30,000.00		100%	
TCL Income	26,419.34	305,110.07	286,000.00	19,110.07	107%	260,983.32
Leadership Training	(1,800.00)	32,800.00	32,000.00	800.00	103%	30,300.00
Interest Income	9,489.20	113,097.94	50,000.00	63,097.94	226%	60,954.59
Royalty Misc	17,157.98	66,202.52	42,000.00	24,202.52	158%	52,643.11
Royalty Lexis		502.30	10,000.00	(9,497.70)	5%	4,166.69
Credit Card Processing Fee/Rebates	65.00	1,585.00	1,000.00	585.00	159%	1,405.00
Copies Income		45.93		45.93	0%	187.55
Rent Income Sub Tenants		7,140.00	5,800.00	1,340.00	123%	10,725.00
Section Admin Fee	6,610.00	72,710.00	75,000.00	(2,290.00)	97%	69,808.86
Misc Income	0.61	7,222.01		7,222.01	0%	133.19
Total Non Dues Revenue	58,762.24	683,827.64	737,800.00	(53,972.36)	93%	538,175.37
Total Revenue	73,082.24	3,737,466.39	3,777,800.00	(40,333.61)	99%	3,524,695.57

Expenses

**General and Administrative Human
Resources**

Colorado Bar Association
Statement of Revenue and Expenses
For the Eleven Months Ending May 31, 2019

	May	YTD	Budget	Variance	%	Last Year YTD
Salaries	\$30,977.84	\$441,434.81	\$454,000.00	(\$12,565.19)	97%	\$400,430.19
Employee Benefits	5,247.57	70,378.12	91,000.00	(20,621.88)	77%	76,364.16
Office Adjustment		11,093.32		11,093.32	0%	18,831.02
Human Resources Expense (Advertising)			1,000.00	(1,000.00)	0%	
Medical Expense Reimbursement		1,008.53	5,000.00	(3,991.47)	20%	2,233.63
Employment Taxes	2,377.44	31,275.36	32,000.00	(724.64)	98%	28,298.71
Employee Training		87.04	3,400.00	(3,312.96)	3%	3,661.91
Employee Asst. Program	1,880.12	1,880.12	2,000.00	(119.88)	94%	1,880.12
Total G&A Human Resources	40,482.97	557,157.30	588,400.00	(31,242.70)	95%	531,699.74
G&A Building and Equipment						
Computer Maintenance & Programming	9,940.34	78,815.73	40,800.00	38,015.73	193%	43,402.21
Computer Supplies	118.90	1,400.16	2,000.00	(599.84)	70%	1,769.36
Depreciation	3,920.99	30,745.43	25,000.00	5,745.43	123%	20,626.01
Library		829.47	500.00	329.47	166%	382.23
Office Equipment		3,806.52	1,000.00	2,806.52	381%	320.73
Office Machine Rental	38.53	2,968.97	2,400.00	568.97	124%	2,295.40
Personal Property Tax		961.15	1,500.00	(538.85)	64%	1,120.06
Rent	192.47	131,659.36	224,000.00	(92,340.64)	59%	196,397.69
Repairs and Maintenance		87.92	1,000.00	(912.08)	9%	
Total Building and Equipment	14,211.23	251,274.71	298,200.00	(46,925.29)	84%	266,313.69
G&A Support/Operational Expense						
Audit		14,688.00	14,000.00	688.00	105%	13,715.00
Bad Debts		1,000.00		1,000.00	0%	
Bank Charges & Credit Card Fees	3,970.30	53,607.66	78,000.00	(24,392.34)	69%	68,001.11
Clerical Assistance			2,000.00	(2,000.00)	0%	1,104.36
Dues to Outside Organizations		2,443.72	3,700.00	(1,256.28)	66%	3,704.85
Income Tax		31,286.53	25,000.00	6,286.53	125%	6,180.00
Insurance	153.48	25,336.08	22,500.00	2,836.08	113%	20,608.27
Interest Exp Deferred Compensation		265.20		265.20	0%	
Internet/E-Mail Expense	424.44	3,712.98	3,300.00	412.98	113%	3,112.50
Legal Expense		3,615.22	6,800.00	(3,184.78)	53%	10,677.25
Membership Dues Collection		17,283.87	13,000.00	4,283.87	133%	9,618.80
Member Parking		8,629.88	12,600.00	(3,970.12)	68%	13,243.69
Miscellaneous Expense	2,626.92	13,287.09	2,000.00	11,287.09	664%	3,601.66
Office Supplies	2,431.51	12,873.78	4,500.00	8,373.78	286%	4,767.49
Office Amenities	872.65	9,374.33	8,200.00	1,174.33	114%	7,359.43
Office Photocopying		3,846.50	7,500.00	(3,653.50)	51%	6,460.85

Colorado Bar Association

Statement of Revenue and Expenses

For the Eleven Months Ending May 31, 2019

	May	YTD	Budget	Variance	%	Last Year YTD
Payroll Service	\$505.04	\$4,046.24	\$4,400.00	(\$353.76)	92%	\$3,800.82
Postage	119.90	2,018.45	3,000.00	(981.55)	67%	3,218.06
Professional Services	86.32	2,051.84	2,500.00	(448.16)	82%	1,180.36
Printing & Stationery	254.55	4,423.22	500.00	3,923.22	885%	1,518.71
Telephone	4,531.48	10,926.27	5,700.00	5,226.27	192%	4,431.65
Travel		22.66		22.66	0%	289.08
Total Admin Support/Operational Exp	15,976.59	224,739.52	219,200.00	5,539.52	103%	186,593.94
Total G&A Expenses	70,670.79	1,033,171.53	1,105,800.00	(72,628.47)	93%	984,607.37
Governance						
ABA Annual Meeting	939.49	6,262.20	5,000.00	1,262.20	125%	2,198.36
ABA Midyear Meeting		1,223.76	5,000.00	(3,776.24)	24%	3,515.41
ABA Washington April Meeting	2,784.91	2,784.91		2,784.91	0%	
ABA Delegate Expense		6,191.41	6,000.00	191.41	103%	6,667.50
ABA Bar Leadership Institute		3,768.19	6,000.00	(2,231.81)	63%	3,395.30
Board of Governors		16,781.22	20,000.00	(3,218.78)	84%	18,375.95
Executive Council	1.50	1,838.68	6,000.00	(4,161.32)	31%	2,980.97
Governance (other than listed)					0%	374.93
Local Bar Visits	99.35	7,729.60	10,000.00	(2,270.40)	77%	16,134.28
Officers & Directors	394.29	20,660.98	15,000.00	5,660.98	138%	8,080.68
Great Rivers		5,062.98	5,000.00	62.98	101%	2,695.18
Total Governance	4,219.54	72,303.93	78,000.00	(5,696.07)	93%	64,418.56
Departments						
The Colorado Lawyer						
Salaries, Benefits and Taxes	18,289.62	216,847.86	240,000.00	(23,152.14)	90%	198,889.22
General Expenses	27,409.98	351,896.53	350,000.00	1,896.53	101%	316,798.18
Total Colorado Lawyer Exp.	45,699.60	568,744.39	590,000.00	(21,255.61)	96%	515,687.40
Communication and Membership Department						
Salaries, Benefits and Taxes	17,791.02	175,235.69	181,000.00	(5,764.31)	97%	163,724.05
General Expenses	18,760.94	137,674.52	100,000.00	37,674.52	138%	79,422.00
Total Communication and Membership Department	36,551.96	312,910.21	281,000.00	31,910.21	111%	243,146.05
Access to Justice & Local Bar Relations						
Salaries, Benefits and Taxes	13,477.20	156,822.00	179,000.00	(22,178.00)	88%	135,325.89
General Expenses	508.38	9,127.50	15,000.00	(5,872.50)	61%	56,747.55

Colorado Bar Association
Statement of Revenue and Expenses
For the Eleven Months Ending May 31, 2019

	May	YTD	Budget	Variance	%	Last Year YTD
Total Access to Justice & Local Bar Relations	\$13,985.58	\$165,949.50	\$194,000.00	(\$28,050.50)	86%	\$192,073.44
Family Violence 9 West Program						
Information Technology Dept						
Salaries, Benefits and Taxes	11,729.61	176,190.75	205,000.00	(28,809.25)	86%	156,798.85
General Expenses	4,492.78	36,389.66	50,000.00	(13,610.34)	73%	66,291.50
Total Information Technology Department Expenses	16,222.39	212,580.41	255,000.00	(42,419.59)	83%	223,090.35
Law Practice Management/Risk Management Department						
Salaries, Benefits and Taxes	4,969.08	58,166.99	62,000.00	(3,833.01)	94%	77,774.71
General Expenses	321.41	40,291.80	60,000.00	(19,708.20)	67%	32,402.10
Total Law Practice Mngmnt/Risk Management	5,290.49	98,458.79	122,000.00	(23,541.21)	81%	110,176.81
Legislative Department						
Salaries, Benefits, Taxes & Consulting	13,247.71	142,126.17	175,000.00	(32,873.83)	81%	150,721.92
General Expenses	1,010.78	9,544.45	14,000.00	(4,455.55)	68%	10,910.82
Total Legislative Department	14,258.49	151,670.62	189,000.00	(37,329.38)	80%	161,632.74
Membership Department						
General Expenses	29.99	65.16		65.16	0%	836.23
Total Membership Department	29.99	65.16		65.16	0%	836.23
Section & Committee Department						
Salaries, Benefits and Taxes	15,351.00	188,077.87	245,000.00	(56,922.13)	77%	191,334.35
General Expenses	3,583.13	13,331.52	8,000.00	5,331.52	167%	9,387.99
Total Section & Committee Department	18,934.13	201,409.39	253,000.00	(51,590.61)	80%	200,722.34
Public Legal Education Dept						
Salaries, Benefits and Taxes	4,100.83	65,082.59	81,000.00	(15,917.41)	80%	71,559.56
General Expenses	9,041.03	51,436.27	74,000.00	(22,563.73)	70%	66,820.35
Total Public Legal Education Dept	13,141.86	116,518.86	155,000.00	(38,481.14)	75%	138,379.91
Total Departments	164,114.49	1,828,307.33	2,039,000.00	(210,692.67)	90%	1,785,745.27

Colorado Bar Association
Statement of Revenue and Expenses
For the Eleven Months Ending May 31, 2019

	May	YTD	Budget	Variance	%	Last Year YTD
Meetings						
Past Presidents Dinner		\$8,075.79	\$9,000.00	(\$924.21)	90%	\$9,029.82
Total Meetings		8,075.79	9,000.00	(924.21)	90%	9,029.82
Committees						
Committees General Expense	(13.98)	1,743.76	2,000.00	(256.24)	87%	1,427.71
Committees Contingency Expense			6,000.00	(6,000.00)	0%	
Amicus Brief Committee		274.63		274.63	0%	
Animal Law Committee					0%	4.05
Awards Committee	47.21	909.99	1,000.00	(90.01)	91%	906.10
Bill of Rights Committee		403.77		403.77	0%	120.46
Budget and Planning Committee		274.63		274.63	0%	170.96
Cannabis Law Committee	106.27	581.61	1,000.00	(418.39)	58%	544.63
Ethics Committee	1,232.76	8,724.67	13,000.00	(4,275.33)	67%	10,533.84
Attorney Regulation Committee					0%	6.85
Insurance Law Committee	270.00	270.00		270.00	0%	
Joint Diversity & Inclusivity		276.19		276.19	0%	
Joint Management Committee		275.05	500.00	(224.95)	55%	85.73
Public Legal Education Committee (Law Ed.)	24.00	761.94	1,000.00	(238.06)	76%	1,179.39
Modern Law Practice Initiative	418.39	1,864.11	7,500.00	(5,635.89)	25%	4,681.36
Legal Fee Arbitration Committee	28.00	544.07	500.00	44.07	109%	90.71
Legislative Policy Committee	89.09	1,487.37	2,000.00	(512.63)	74%	1,271.65
Military Law Committee		279.63		279.63	0%	
Diversity in the Profession		2,566.42	1,000.00	1,566.42	257%	1,026.01
Nominating Committee		4,211.61		4,211.61	0%	320.83
Professional Liability Committee		331.93	3,000.00	(2,668.07)	11%	91.62
Professionalism Committee	239.98	2,776.33	4,000.00	(1,223.67)	69%	3,434.13
Spanish in the Legal Profession	(53.45)	3,320.27	3,000.00	320.27	111%	4,173.99
Total Committees	2,388.27	31,877.98	45,500.00	(13,622.02)	70%	30,070.02
Special Programs						
ADA Reimbursement Program	236.25	663.25	2,000.00	(1,336.75)	33%	
Access to Justice	118.32	3,252.82	9,000.00	(5,747.18)	36%	3,498.58
Appellate Pro Bono Program		1,337.33		1,337.33	0%	
Casemaker Cost	7,197.39	78,807.03	93,000.00	(14,192.97)	85%	86,522.20
Citizens Justice Conference					0%	13.52
Colorado Lawyers Health Program			15,000.00	(15,000.00)	0%	
CJC Veterans Program		104.09	1,000.00	(895.91)	10%	

Colorado Bar Association

Statement of Revenue and Expenses

For the Eleven Months Ending May 31, 2019

	May	YTD	Budget	Variance	%	Last Year YTD
LAF/COLTAF GRANTS (MBNA)		\$15,000.00	\$15,000.00		100%	\$15,000.00
Executive Director Search					0%	4,651.00
Leadership Training	3,375.60	68,974.81	54,000.00	14,974.81	128%	56,015.70
Local/Diversity Bar Programs			5,000.00	(5,000.00)	0%	
Economic Survey					0%	2,132.81
Membership Survey					0%	11,328.69
Our Courts	1,038.97	10,448.71	25,000.00	(14,551.29)	42%	7,762.35
Pamphlet Cost	312.98	312.98	3,000.00	(2,687.02)	10%	5,410.04
Young Lawyers Division	2,006.55	31,051.81	32,000.00	(948.19)	97%	24,227.12
Total Special Programs	14,286.06	209,952.83	254,000.00	(44,047.17)	83%	216,562.01
Contingencys						
Contingency Fund/Internal Programs			5,000.00	(5,000.00)	0%	
Federal Pro Se Clinic	11,670.74	103,204.30	130,000.00	(26,795.70)	79%	10,118.58
Justice for All - 2	5,000.00	87,100.08		87,100.08	0%	
Initiative Contingency	50.00	98.00		98.00	0%	36.00
Legislative/Ballot			10,000.00	(10,000.00)	0%	
Long Range Planning			10,000.00	(10,000.00)	0%	9,843.33
Presidential Projects	2,580.00	3,121.89	5,000.00	(1,878.11)	62%	177.64
New Building Expense		10,595.82		10,595.82	0%	3,733.24
Total Contingency Fund	19,300.74	204,120.09	160,000.00	44,120.09	128%	23,908.79
Total Expenses	274,979.89	3,387,809.48	3,691,300.00	(303,490.52)	92%	3,114,341.84
Revenue over Expenses	(201,897.65)	349,656.91	86,500.00	263,156.91	404%	410,353.73

BY-LAWS

CANNABIS LAW SECTION

COLORADO BAR ASSOCIATION

The Cannabis Law Section of the Colorado Bar Association is comprised of Association members committed to accumulation of knowledge, discussion, and education related to all aspects of the regulation of the Cannabis plant and any of its derivatives, with an emphasis on how such regulation affects the legal profession. The goals of the Section include helping to coordinate the work of attorneys, legislators, regulatory agencies, and those interested in the regulation of Cannabis for recreational and/or medical use. The Section will work to accomplish these goals and to provide educational opportunities for Section members and others so that they can be well informed and prepared for the practice of Cannabis law.

I. MEMBERSHIP IN SECTION

1. Persons who are Attorney members of the Colorado Bar Association may be members of the Section upon payment of Section dues.
2. Persons who are Associate or Patron members of the Colorado Bar Association may be associate or patron members of the Section upon payment of Section dues. Associate and Patron members shall not be entitled to hold office or vote in Section elections.
3. Persons who are Student members of the Colorado Bar Association may be student members of the Section. Student members will not be assessed Section dues, and the Executive Council will consider reducing fees for participation by Student members in events sponsored by the Section. Student members shall not be entitled to hold office or vote in Section elections, except as permitted by these Bylaws.

II. SECTION GOVERNANCE

1. The governing body of the Section is the Executive Council. The Executive Council shall consist of at least four (4) Officers, including at least one (1) Young Lawyer Representative ("YLR"), and four (4) members-at-large ("Members-at-Large"). The Officers shall consist of a Chair, a Vice-Chair, Secretary-Treasurer, and YLR. Additional Vice-Chairs, to serve in the capacity of Co-Vice Chairs, or YLRs, to serve in the capacity of co-YLRs, may be appointed upon the majority vote of the Executive Council. All Executive Council members (including both Officers and Members-at-Large) shall be members of the Colorado Bar Association and of the Section. No person can simultaneously hold an Officer and a Member-at-Large position.
2. There is no limit to the number of terms a member may serve as an Officer or Member-at-Large of the Executive Council, provided however that no member shall serve more than one consecutive term in the same Officer or Member-at-Large position.
3. The duties of the Officers shall include:
 - A. General supervision and control of the affairs of the Section, subject to the Bylaws of the Colorado Bar Association and the Bylaws of this Section;

- B.** Supervising Section financial matters;
 - C.** Representing the Section on policy matters and legislative matters; with the consent of the CBA Legislative Policy Committee
 - D.** Undertaking short-range and long-range planning for all areas of concern to the Section;
 - E.** Overseeing the nomination of Officers and Members-at-Large, the annual elections, and records of terms of office, as provided for in these Bylaws;
 - F.** Providing periodic notice of topical news and events through maintenance of a website, and other modes of communication offered by the Colorado Bar Association for all Section members;
 - G.** Facilitating CLE programs for the Section members and others as appropriate; and
 - H.** Completing all other tasks necessary to conduct the business of the Section.
- 4.** A YLR shall be either (i) an attorney under the age of thirty-seven (37) years of age or who has been in practice for five (5) years or less, or (ii) a Student member of the Section. A YLR is entitled to vote in both Section and Executive Council elections. A YLR is specifically responsible for being a liaison in coordinating CLE programs.
- 5.** The duties of the Executive Council include annual planning for the Section, approval of filing of amicus briefs, with the approval of the CBA Amicus Brief Committee and the CBA Executive council (if applicable), approval of Section positions regarding proposed legislation (if applicable), with the approval of the CBA Legislative Policy Committee, and all other matters referred to the Executive Council by the Officers or members.

III. MEETINGS

- 1.** Regular Meetings. Regular meetings of the Executive Council shall occur at least six (6) times each year. The Chair shall schedule meetings of the Officers, if any. Notice of at least seven (7) days will be provided to the Officers verbally or in writing when possible. The Chair shall provide an agenda before the meetings along with any materials necessary to assist the Officers in making informed decisions. The agenda will clearly identify what items will be submitted to a vote by the Executive Council.
- 2.** Quorum. A quorum for transacting business of the Executive Council shall consist of two (2) Officers and two (2) Members-at-Large.
- 3.** Approval. Ordinary business of the Executive Council shall be approved by a majority vote by those present, either in person or present by telephonic means. In the event of a tie vote, the Chair shall make the final decision.
- 4.** Special Meetings. Special meetings of the Executive Council may be convened at the request of any Officer. Reasonable notice of at least seven (7) days will be provided to the Executive Council verbally or in writing when possible, but at least one (1) day's notice shall be required. Notice shall include the agenda and materials for any matters to be submitted for a vote of the Executive Council.

5. Attendance. Any member of the Executive Council may attend meetings in person or by phone conference or other electronic means. The Section will provide a dial-in number for persons wishing to participate by telephone conference and the Section will pay the cost for the conference call.

IV. TERM OF OFFICE

The term of each Officer shall be for one (1) year. The term for each Member-at-Large shall be for two (2) years, with terms staggered such that two (2) Members-at-large shall be elected each year, subject to the limitation for the first year of the Section as described in Article V (below). Each term of office runs from July 1 through June 30 of the applicable year.

V. ELECTIONS

1. The Executive Council shall solicit nominations from the Section's members for the Officer and Member-at-Large positions by March 15th annually. Section members wishing to serve may nominate themselves. Ballots that include all candidates for Officer and Member-at-Large positions shall be provided to the Section's membership by April 1st annually. Voting shall close on the May 15th annually. Elections shall be by mail, email, electronic ballot or other appropriate means as determined by the Executive Council. The candidate with the most votes for each open Officer and Member-at-Large position shall be elected. The results of the elections shall be May 31st.

2. For the first year of the Section, four (4) Members-at-Large will be elected, with two Members-at-Large being elected to one (1) year terms to satisfy the staggering provision contained in Article IV (above). The ballot shall clearly specify whether a person running for a Member-at-Large position is seeking a one (1) or two (2) year term.

3. If an Officer of the Executive Council runs for a different open position during his/her term, but is not elected to the different position, then such Officer shall retain his/her current position for the remainder of the term.

VI. COMMITTEES

The Chair may from time to time establish committees to advance the goals and duties of the Section. Committees can be comprised of the Section's members and/or the Executive Council. The Chair shall appoint the Committee Chairs. At least one (1) member of any committee shall be a member of the Executive Council.

VII. SECTION REPRESENTATIVES

1. The Section must have a CBA Board of Governors Representative.

2. The Section must have a Communications Representative. The duties of the Communications Representative include helping recruit new Section members and responsibility for communications with the members, prospective members, and staff of the CBA, as well as the Section's social media.

3. The Section must have a Legislative Liaison. The duties of the Legislative Liaison include correspondence with the CBA's Lobbyists during the legislative sessions.

4. The CBA Board of Governors, Communications, and Legislative Representatives must be held by an Officer of the Executive Council. The Executive Council shall appoint the CBA Board of Governors, Communications and Legislative Representatives.

VIII. DUES

The dues of the Section shall be as determined by the Executive Council. Dues should be set by February 1, 2018 and sent to the Director of Communications and Membership.

IX. VACANCIES

The Executive Council may declare an Officer or Member-at-Large position vacant if the office holder has three or more unexcused absences from scheduled meetings. Any vacancy in any Officer or Member-at-Large position may be filled by vote of the Executive Council for the remainder of the term.

MISCELLANEOUS

1. The fiscal year of the Section shall be the same as that of the Colorado Bar Association.
2. All bills incurred by the Section, before being forwarded to the Accounting department of the Colorado Bar Association for payment, shall be approved by the Chair and the Secretary-Treasurer.
3. No salary shall be paid to any Officer, Member-at-Large, or member of the Section. However, Executive Council members may be reimbursed for meetings, tuition, and other Section-related activities expenses as approved by the Section membership.
4. Any action of the Section must be approved by the Colorado Bar Association before the same becomes effective as the action of the Colorado Bar Association.
5. These Bylaws shall become effective upon majority vote of the Section members casting votes and by the Executive Council of the Colorado Bar Association.
6. These Bylaws may be amended at any annual or special meeting of the section by a majority vote of the membership present or electronically during an election-period. These Bylaws may be amended without approval of the Section members to conform with the laws or the requirements of the Colorado Bar Association.



**Board of Governors Meeting
December 7, 2018
History Colorado, Denver**

1. Call to Order, Welcome and Introduction of New Members - President John Vaught called the meeting to order at 9:03 a.m. He introduced Board of Governors Senate representative Bob Gardner and Attorney General Elect Phil Weiser who spoke briefly.
2. Executive Director's Report – Patrick Flaherty reviewed REFOCUS 20/20 announcing that reports are coming next from programs that come out of the strategic plan that help representatives embrace their revised role.

Patrick went over the upcoming move to 1290 Broadway; going over the reasoning for the move, process taken to secure the building lease, the better location, access, amenities and parking, the technology in the new space and terms of the lease, taking time to recognize the building task force team consisting of, Dick Gast, Jim Benjamin, Franz Hardy, Qusair Mohamedbhai and Rebecca Dow.

Patrick reported that membership numbers have shown a slow decline in its penetration rate or market share among attorneys in Colorado since about 1980. The CBA is still strong with a 65% penetration rate and is 3rd or 4th highest among 18 voluntary state bars. This was well diagnosed with the first goal of the REFOCUS 20/20 plan, recruit and retain members. We have been working hard to that and paid memberships are up almost 3% this year. He then tied membership to communication, discussing revised communication to improve engagement and enhance the member experience. How important it is to communicate what the CBA does and the primary role of the Board of Governors as ambassadors and conduits of communication for the CBA.

Patrick went over the 5 buckets or key terms that encompass everything we do; Connect, Advocate, Support, Educate and Serve.

3. Program Highlights –
 - a. Lauren Lester gave a presentation on MLPI – Modern Law Practice Initiative. She reported there is a problem in the profession; unhappy and unhelpful lawyers. If we don't address the problems, lawyers will become obsolete. MLPI's mission is to revolutionize the practice of law, with happy lawyers with thriving practices and a majority of Coloradoans getting the legal help they need. We have practical, tangible resources that show how to create a thriving practice that reaches a wider audience.

- b. Sabra Janko, Project Attorney, gave a presentation on the FPSC – Federal Pro Se Clinic. She provided her background and introduced Jessica Harner, Project Coordinator and paralegal student. Jessica went over some statistics before the PowerPoint presentation. While presenting slides Sabra explained what the FPSC is and why it was created, how the clinic works and the goal of assisting pro se litigants navigate the federal court system.
- c. Kathleen Schoen, Access to Justice Director, presented a PowerPoint presentation on Justice for All Grants. She went over the collaboration between the Colorado Bar Association, Colorado Supreme Court and Colorado Access to Justice Commission, the strategic action plan grant of 2016-17 and the implementation grant of 2018-19.
- d. Heather Folker, Communications and Membership Director, reported on MGMT HG or Management Headquarters. Heather provided a personal history and an overview of her department and the range of staff. She went over the partnership with Affinity Consulting Group in bringing law practice management and technology-related resources to members. She gave a history and context of the program along with where we are today and what's next.
- e. Shanna Montoya, Online Community Manager, introduced herself and presented on CBA Community, the newest member benefit. She explained what CBA Community is, how it came to be and went over some of the helpful tools within CBA Community.
- f. Vince O'Brien, CBA-CLE Executive Director, gave an overview of the 2019 Solo-Small Firm Conference and noted it will be combined with the June Board of Governors meeting.

4. Judiciary –

- a. Chief Justice Report – John Vaught introduced Chief Justice Nathan Coats who spoke about being the new Chief Justice for the last 5 months, this being his 19th year on the Supreme Court after 15 years at District Court, mostly doing appellate work. He noted he has always been a Bar member and that the Court has a great relationship with the CBA and looks forward to continuing that.
- b. Judge Loeb retirement – John Vaught introduced Judge Loeb who spoke about a pilot program to allow remote oral arguments for those in greater Colorado which has been made a permanent program with technology in place for those areas and is up and running statewide. A second pilot program to do summaries of published opinions has been made permanent and is published every Thursday. The outreach program where Judges join the President on the Presidential visits. He reported on the Court of Appeals website there are forms, instructions and samples to help pro se litigants pursue their cases along with real resources for young lawyers as well. He congratulated Lino Lipinsky and Matthew Grove who were just appointed to be sworn in this January. John Vaught presented Judge Loeb with a plaque of recognition.

5. President's Report – John Vaught introduced Immediate Past President Dick Gast and presented him with a memory book from his time on the Executive Council. John then announced he would be having the Regional Vice President's give a report on their regions with regard to the population, broadband, concerns and any needed changes.

- a. Region 1 Vice President Emma Garrison reported that this region has the largest group of lawyers in the state with a high Democrat population. There is a lot of work to do on the diversity of the attorneys. She doesn't feel like there is any reason to split Region 1.
- b. Porya Mansorian spoke on behalf of Region 2. He reported they have a very diverse group of needs to address in the medium sized region. There is great access to transportation to meet with the CBA. Like all regions they are trying to bring in new members. Trying to cross pollinate and meet needs. Judicial officers have been wonderful in participating in this region. Need improvement on communicating needs.
- c. Region 3 Vice President Jud Hite reported that this region is very diverse economically. Concerns about many attorneys retiring with not a lot of new ones coming in. There is little to no broadband coverage in the middle of Region 3 which make is difficult for justice to be served in these areas. Boulder County would like their own Vice President on the Executive Council and more governors.
- d. Region 6 Vice President, Leslie German reported they have similar concerns like Region 3 with attracting and keeping new attorneys. There are many retiring with nobody to fill the roles, mainly in family law. Broadband is a concern, can't come all the way to Denver for meetings and it would be great to participate by phone or video conference.
- e. Region 7 Vice President, Courtney Holm reported that there are no lawyers in the CBA in Jackson County. There are communication issues in the area, 50 square miles without cell services. The region is growing and local bar leaders are looking for more rotation of leadership.
- f. In the absence of the Region Vice Presidents, John Vaught reported on Region 4 in southeast Colorado which is a very large region with a very diverse population. They have reasonable broadband coverage in the large towns. Region 5 is the same, however, less than 6% of Saguache County has access to broadband.

John stated we should revisit the Vice Presidents system of governance and how we manage them, the size of the area covered and how to get them more involved.

6. CBA Treasurer, Mary Jo Gross, presented the financial report and reported dues income is up due to 400 new members. She referenced the Waterman Fund article that was provided at check-in. The Waterman Fund is here to help attorneys in our communities suffering from some infirmity. It is administered by the DBA but is here to help all Colorado attorneys.
7. Consent agenda –
 - a. May 3, 2018 Board of Governors meeting minutes - Courtney Holm made a motion to approve the minutes as amended. Seconded by Joi Kush.
 - b. ABA House of Delegates appointments - Charles Garcia made a motion to approve the appointments of April Jones and Clarissa Collier to the ABA House of Delegates. Seconded by Janet Drake.
8. Patricia Jarzowski introduced the Joint Diversity & Inclusivity Steering Committee. This is part of implementing the strategic plan, focusing on governance, not management. Our team focuses on leadership, governance, member engagement and retention. This committee was Patrick's brainchild, asked former DBA and CBA President's to implement this committee.

We want to see results and will lead the initiative. Committee members reported on the demographic info, the framework, the focus on systems and what other bars are doing around the country. They reported on the importance of communication and reporting back to stake holders and constituents. Working on policies and procedures, things to measure and creating a plan for ongoing education.

9. John Vaught presented a PowerPoint by Miriam Gillow-Wiles on broadband. The presentation covered the language of broadband, the state of broadband nationally and locally, where we started and what we can do from now.
10. ABA Delegate, Mark Fogg, reported on the House of Delegates. This is the policy making body of the ABA. There are 598 delegates, 335 of which are state and local bar delegates. Mark gave the process of how a resolution gets before the ABA. There are 30-40 resolutions as each meeting, you get a resolution book to read through, then vote. Last year there were many resolutions on immigration, protecting civil rights and discrimination as well as many on lawyer well-being.
11. There being no further business, the meeting was adjourned at 12:15 p.m.

Respectfully Submitted,

Jessica Lindzy, CBA Governance Liaison

**AMERICAN BAR ASSOCIATION
COLORADO BAR ASSOCIATION
MONTANA BAR ASSOCIATION
TORT TRIAL & INSURANCE PRACTICE SECTION
SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES
REPORT TO THE HOUSE OF DELEGATES**

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, territorial,
- 2 and tribal legislatures to enact legislation and appropriate adequate funding to ensure
- 3 equal access to justice for Americans living in rural communities by deploying, to at
- 4 least 98% of the population, broadband infrastructure with a download speed of at least
- 5 100 megabits per second, and an upload speed of at least 30 megabits per second.

REPORT

I. Introduction

Rural America is at risk of being left behind in an increasingly digital age. While reports of broadband and high-speed Internet coverage in rural areas vary, the overarching message is clear: Americans in rural areas have far less consistent access to high-speed Internet. In addition, the main street attorney in rural America is continuously becoming a thing of the past. This landscape creates two main problems for ensuring equal access to justice for those living in these areas: (1) rural communities are struggling to attract new attorneys partially based on difficulties to practice law, and (2) self-represented litigants have a heightened barrier to accessing court resources and non-profit organizations and being able to prosecute or defend their cases.

Approximately 24 million Americans lack broadband (high-speed Internet) access, 96% of whom live in rural areas.¹ Broadband has been called the great infrastructure challenge of our time, and it is increasingly being referred to as the fourth utility.² Even more striking, is less than half of households living on under \$20,000 are connected.³ “The collective deficit in opportunity, education and prospects—everything implied in ‘being connected’—further separates [Americans] into haves and have-nots.”⁴

In rural Caledonia, Missouri, for example, Jeanne Johnson raises sheep and goats, but has to drive four miles to a local gas station for internet access.⁵ At her 420-acre farm, Ms. Johnson pays \$170 a month for satellite internet service, but it is too

¹ 2018 *Broadband Deployment Report*, FED. COMM. COMM’N (Feb. 2, 2018), <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2018-broadband-deployment-report>. Another study by Microsoft suggests, however, that this figure is inaccurately low, and that 162.8 million Americans do not have access to high speed Internet. Anthony Izaguirre, *With Billions to Spend, Feds Unsure Who Lacks Broadband*, The Washington Post (Apr. 5, 2015), https://www.washingtonpost.com/business/technology/questions-over-coverage-plague-rural-broadband-expansion/2015/04/15/e779ca4e-5f81-11e9-bf24-db4b9fb62aa2_story.html. See also *Courts Need to Enhance Access to Justice in Rural America*, CONF. OF ST. CT. ADMINS., 4 (2018), <https://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/Policy-Paper-1-28-2019.ashx> (“Rural Americans lack access to high-speed broadband at a rate four times higher than the national average.”).

² *Connecting America: The National Broadband Plan*, FED. COMM. COMM’N, XI (Mar. 17, 2010), <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf>; *What Every County Commissioner Needs to Know About Broadband*, COLO. COUNTIES, INC., 4, <http://ccionline.org/download/Broadband%20White%20Paper.pdf> (last visited Apr. 20, 2019); Susan Jesuroga, *Overview of Highspeed Broadband*, CHAFFEE COUNTY ECON. DEVEL. CORP., 5 (Oct. 2011), <http://www.consideryumacounty.com/Overview.pdf>. See also *Luring Doctors and Lawyers to Rural America*, NEW HAMPSHIRE PUBLIC RADIO (2018), <https://www.nhpr.org/post/luring-doctors-and-lawyers-rural-america#stream/0> (“Small-town life is not selling with certain professions”).

³ Karl Vick, *The Digital Divide: A Quarter of the Nation is Without Broadband*, TIME (Mar. 30, 2017), <http://time.com/4718032/the-digital-divide/>.

⁴ *Id.*

⁵ Jenniver Levitz & Valerie Bauerlein, *Rural America is Stranded in the Dial-Up Age*, THE WALL ST. J. (June 15, 2017), available at <https://ecfsapi.fcc.gov/file/10920553313176/Filing%20articles%20group%204.pdf>.

slow to even upload photos, let alone conduct business.⁶ Ms. Johnson is 60-years-old and describes the feeling of not having access to proper high-speed internet, “We don’t feel like we’re worth it.”⁷ Even the county’s 911 dispatch center sometimes loses its connection to the state emergency system.⁸ The ability to successfully operate a law practice under such conditions is nearly impossible.

The ABA has a long history of striving to ensure equal access to justice by supporting resolutions⁹ and dedicating resources to its access to justice committee and legal aid. The Resolution urges Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by deploying broadband infrastructure throughout the United States. This Report explains why ABA policy is necessary—not only for the legal profession, but across all professions. It also explains how broadband is defined, the history of the government’s role in the deployment of utilities, as well as government funding and existing legislation.

Rural Americans face plenty of uphill battles without adding unnecessary hurdles. Action must be taken to deploy broadband infrastructure to ensure these rural communities do not remain on the other side of the digital divide.

II. Access to Justice in Rural America

Access to justice is a problem throughout the United States. In rural America, however, the problem is worse. Geographic distance, declining and aging populations, problems attracting and retaining lawyers, outdated technology, and slow or nonexistent Internet connectivity contribute to the problem.¹⁰ Removing the internet connectivity barrier is an important place to start to help remedy the problem. Electricity was harnessed to turn the lights on, but ended up completely transforming society.¹¹ Eliminating this digital divide and providing broadband access in rural communities across the country could have a similar impact.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *E.g.*, 12A10B, when the ABA approved the State Bar of South Dakota’s 2012 proposed Resolution urging federal, state, territorial, tribal, and local governments to support efforts to address the decline in the number of lawyers practicing in rural areas and to address access to justice issues for residents in rural America. *Report on the ABA Annual Meeting*, AM. BAR ASS’N, 9 (Aug. 29, 2012), <https://cdn.ymaws.com/www.nabernet.org/resource/resmgr/imported/Report%20on%20ABA%20Annual%20Meeting.pdf>; *Impact of Resolutions: Access to Rural Justice*, AM. BAR ASS’N (Nov. 19, 2017), https://www.americanbar.org/news/abanews/aba-news-archives/2016/08/impact_of_resolution. See also 06A112B, where the ABA “adopt[ed] the principles of a state system for the delivery of civil legal aid,” and 06A112A, advocating for the right to counsel to low income persons where basic human rights are at stake.

¹⁰ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 1.

¹¹ Dianne Kruse, *The Importance of Broadband: Why It Matters*, NEO CONNECT, 5, <http://neoconnect.us/wp-content/uploads/2016/07/Importance-of-Broadband-Why-this-Matters.pdf> (last visited Apr. 20, 2019) (“Much like electricity, advanced broadband networks are the enabling technology in which all things are impacted.”).

The Internet experience for millions of Americans in rural areas is appalling. Librarians in rural areas are observing students sitting in library parking lots after hours in order to use the free Wi-Fi to finish their homework.¹² People are required to leave their homes to find fast enough Internet to upload or download files for work.¹³ An online college teacher in Weston, West Virginia has to regularly drive a half an hour to her brother's house just to be able to enter grades in a database.¹⁴ Even using a cell phone in rural areas to access the Internet is not guaranteed, as Verizon has been known to terminate coverage to rural residents due to excessive roaming charges.¹⁵ Although some rural areas may be lucky enough to have high-speed Internet and cell phone service, the costs may be prohibitively expensive.¹⁶

A. Attorneys in Rural America

A shortage of professionals exists in rural communities across our country. Attorneys, physicians, nurses, mental health counselors, and translators increasingly do not want to live in these areas.¹⁷ Many professionals who left their rural hometown for educational opportunities in urban centers stay because of the perceived potential of high-income and necessity to pay off high-debt.¹⁸ The fear of unemployment back home is not enticing.¹⁹ Nor is the potential of being digitally disconnected.

Regarding access to justice, there is an increasing shortage of attorneys, judges, and court staff in rural communities. The inability for a small town to attract these

¹² 164 Cong. Rec. H6609 (July 23, 2018) (statement of Rep. Tonko).

¹³ *Id.*

¹⁴ Izaguirre, *supra* note 1 (“There is a way around the notoriously sluggish Internet in West Virginia. You just need a car and some time. . . . I just kept wanting to beat my head into a wall. . . . It added so much additional work for me, and I just don’t have the time.”).

¹⁵ Kristen Inbody, *Verizon’s Nixing Some Cell Service in Rural Montana has Locals Scared About Emergencies*, USA TODAY (Sept. 17, 2017), <https://www.usatoday.com/story/tech/2017/09/17/verizons-nixing-some-cell-service-rural-montana-has-locals-scared-emergencies/674986001/>. See also *Rural Pro Bono Delivery: A Guide to Pro Bono Legal Services in Rural Areas*, AM. BAR ASS’N STANDING COMM. ON PRO BONO & PUB. SERV. & THE CTR. FOR PRO BONO, 11-12 (2003), https://www.americanbar.org/content/dam/aba/images/probono_public_service/ts/aba_rural_book.pdf.

¹⁶ Jennifer Levitz & Valerie Bauerlein, *Rural America is Stranded in the Dial-Up Age*, WALL ST. J. (June 15, 2017), <https://www.wsj.com/articles/rural-america-is-stranded-in-the-dial-up-age-1497535841> (“Rural America can’t seem to afford broadband: Too few customers are spread over too great a distance. The gold standard is fiber-optic service, but rural internet providers say they can’t invest in door-to-door connections with such a limited number of subscribers.”).

¹⁷ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 8; Kirk Siegler, *Doctor Shortage In Rural Arizona Sparks Another Crisis In 'Forgotten America'*, NPR (July 14, 2017), <https://www.npr.org/sections/health-shots/2017/07/14/535792864/doctor-shortage-in-rural-arizona-sparks-another-crisis-in-forgotten-america>.

¹⁸ Lisa R. Pruitt, et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL’Y REV. 15, 122 (2018). See also *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 2 (“Automated corporate farming, the depletion of natural resources, a desire for greater education and employment opportunities, and the lure of urban life have drawn the population away from rural areas to ever-expanding urban centers.”).

¹⁹ Michael Ungar, *The End of Rural Communities: Why Young People Leave*, PSYCHOL. TODAY (Nov. 22, 2015), <https://www.psychologytoday.com/us/blog/nurturing-resilience/201511/the-end-rural-communities-why-young-people-leave>.

professionals threatens the residents' ability to access the justice system. Rural communities are struggling to attract new attorneys while the older attorneys are retiring.²⁰ Even though 20% of people in the United States live in rural America, only 2% of small law practices are located in rural America.²¹ In South Dakota, "the strain on local budgets as a result of not having local lawyers is astronomical."²² Rural governments sometimes need to pay judges, prosecutors, and private defense attorneys to handle local cases. In order to find legal help, a rural resident has to overcome vast distances, insufficient public transit, and a lack of Internet service.²³

Many states offer additional examples of the same problem. For example, Colorado's Delta County is approximately 1,150 square miles with a population of over 31,000 people—comparable, for example, to Rhode Island, which is approximately 1,200 square miles. Only 22 practicing attorneys remain in Delta County, the youngest of whom is 55. In rural Inyo and Mono counties in California, there are approximately 22 attorneys in private practice—only a handful who are under 62.²⁴ In Wishek, North Dakota, the situation became even more dire when Wishek's only lawyer retired.²⁵ Residents were left without anyone nearby to handle their basic legal needs.²⁶ Likewise, in Bennett County, South Dakota, after the only attorney retired, the closest lawyer is now 120 miles away.²⁷

Practically every state has a Delta County—a county or municipality in a similar situation. The average age of lawyers across the nation is reaching 49-years-old.²⁸ As attorneys in rural communities begin retiring without anyone to replace them, many more counties like the ones above will begin appearing. Rural America constitutes approximately 97% of the land area of the United States and every state has a county or municipality with a population of less than 2,500.²⁹ Providing equal access to justice in rural communities should therefore be a priority for every state in the country.

²⁰ Lorelei Laird, *In Rural America, There are Job Opportunities and a Need for Lawyers*, ABA J. (Oct. 2014), http://www.abajournal.com/magazine/article/too_many_lawyers_not_here_in_rural_america_lawyers_are_few_and_far_between. The problem includes criminal defense attorneys. See Jacob Kang-Brown & Ram Subramanian, *Out of Sight: The Growth of Jails in Rural America*, VERA INST. OF JUST., 18-19 (June 2017) ("Many rural counties lack skilled practitioners—judges, prosecutors, investigators, public defenders, and court administrators—to run or oversee the basic functions of a local criminal justice system, posing serious operational challenges.").

²¹ Pruitt, *supra* note 18, at 22 (noting the number is likely inflated as it counts attorneys who are inactive, working for the government, and working in non-legal jobs).

²² Laird, *supra* note 20 (quoting 2011-12 president of the State Bar of South Dakota).

²³ Pruitt, *supra* note 18, at 22; Levitz, *supra* note 16 (About 39% of the U.S. rural population, or 23 million people, lack access to broadband internet service . . . compared with 4% of the urban residents.).

²⁴ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 3.

²⁵ Laird, *supra* note 20.

²⁶ *Id.* (residents were left "without anyone nearby to handle their basic legal needs. . . . 'It's always a challenge to get professionals into a rural area'").

²⁷ *Id.*

²⁸ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 3.

²⁹ *Id.* at 1.

Part of the access to justice problem in rural America is clearly due to attorney shortages. Without proper high-speed Internet, however, these communities have little chance of attracting new lawyers. High-speed Internet has great potential to attract attorneys to work in these places, as well as providing the ability to work remotely. Legal research, communication, and filings are all done primarily over the Internet today. Sufficient download and upload speeds are required. Non-metro-area attorneys cannot thrive without the ability to communicate and file documents electronically in their practices.

Most new lawyers will not accept inadequate Internet service in their practices. Young lawyers consider it a basic utility, as important as ensuring that the lights are on and the phones are working. The practice of law is no longer pursued with manila folders and 17-inch pleadings. In law school and in urban areas, practically everything is done over the Internet. In rural areas, however, stories about lawyers needing to drive over an hour to upload a pleading or motion are all too common.³⁰ This type of antiquated practice is so far outside the norm within law schools, newly graduated lawyers are simply not prepared or willing to make it the focus of their practice.

Some law schools and states are now putting forth efforts to attract law students to rural areas. For example, the State Bar of Wisconsin has organized an annual tour, taking law students and recent law grads to rural areas to familiarize them with practice opportunities.³¹ Similarly, the Maine Law Rural Lawyer Project pairs law students with lawyers in underserved rural communities with hopes they may practice there after graduation.³² On the national level, LSC and Equal Justice Works offer Rural Summer Legal Corps, which places students with civil legal aid organizations across the country.³³ South Dakota has taken the most comprehensive approach through its Rural Attorney Recruitment Program, where attorneys receive a significant financial incentive to practice in a rural area for five continuous years.³⁴ These efforts, coupled with the rising costs of living in many large cities, demonstrate some potential for attracting attorneys to rural areas.³⁵ Without broadband access throughout the United States, however, these efforts will fall short.

Assuring these rural attorneys have proper broadband access can help them and their clients immensely. In addition to the basic legal practice needs of communication, research, and filings, technology allows lawyers to increase their client pool by drawing

³⁰ Steve Evenson, *Rural Lawyers in the Changing Marketplace*, AM. BAR ASS'N (Jan. 1, 2013), https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2013/january_february/rural_lawyers_changing_marketplace/.

³¹ *Greater Wisconsin Initiative*, ST. B. OF WIS., <https://www.wisbar.org/aboutus/leadership/pages/greater-wisconsin-initiative.aspx> (last visited Apr. 20, 2019).

³² *Preparing for Rural Practice*, UNIV. ME. SCH. L., <https://www.mainelawcommunity.org/s/184/16/interior.aspx?sid=184&gid=1&pgid=1049&cid=1924&ecid=1924> (last visited Apr. 20, 2019).

³³ RURAL SUMMER LEGAL CORPS PROGRAM, <https://rurallegalcorps.org> (last visited Apr. 20, 2019).

³⁴ *Rural Attorney Recruitment Program*, S.D. LEGAL SELF-HELP, <https://ujslawhelp.sd.gov/rarprogram.aspx> (last visited Apr. 20, 2019).

³⁵ Mark Gimein, *Why the High Cost of Big-City Living is Bad for Everyone*, NEW YORKER (Aug. 25, 2016) <https://www.newyorker.com/business/currency/why-the-high-cost-of-big-city-living-is-bad-for-everyone>.

from a larger area while reducing potential conflicts of interest. With adequate broadband access, modern lawyers can run virtual offices, permitting longer-distance client relationships allowing lawyers and clients to participate in video conferences and share documents which can be accessed remotely through client portals.

Indeed, Nebraska has demonstrated the potential of extending broadband to rural areas. As a result of improving broadband in Cherry and Cheyenne, Internet speeds increased 60%, which allowed the use of video interpreters in courts and participation by incarcerated individuals in court by video from correctional facilities. This not only increased access to justice and saved money, but also lowered the inherent risk in transporting inmates.³⁶ The time has come to assure the practice of law in rural areas is not impractical and undesirable due to poor Internet connection.

B. Self-Represented Litigants in Rural America

Similarly affected are self-represented litigants in rural America. Not having a basic utility like broadband access creates an unnecessary burden on people who are already less likely to receive justice. One of the most pressing issues affecting access to justice is the staggering amount of people foregoing an attorney, primarily due to the rising costs of legal services. Approximately 86% of low-income Americans with a civil legal problem receive either inadequate or no help.³⁷ This is not a small amount of people, as approximately ten million rural Americans have incomes below 125% of the federal poverty line.³⁸ This demand far surpasses the supply of help, as only one legal aid attorney is available for every 6,415 eligible people.³⁹ In Colorado, for example, it is estimated that more than 60% of all litigants arrive at the courthouse without a lawyer.⁴⁰

Rural life does not mean a simple life without the need for legal help. Three-quarters of America's low-income rural residents face at least one civil legal problem a year, while a quarter face six or more.⁴¹ The primary legal issues involve health, consumer and finance, and employment.⁴² Even more concerning is that elderly, disabled, and veterans are affected the worst in rural areas.⁴³

³⁶ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 7.

³⁷ Debra Cassens Weiss, *86 percent of low-income Americans' civil legal issues get inadequate or no legal help, study says*, ABA J. (June 14, 2017), http://www.abajournal.com/news/article/86_percent_of_civil_legal_issues_of_low_income_americans_get_inadequate_or_no_legal_help_study_says.

³⁸ *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVS. CORP., 19 (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

³⁹ Laird, *supra* note 20.

⁴⁰ Erika Holmes, *Modern Representation: A Win-Win for Clients and Lawyers*, 46 COLO.LAW. 77, (March 2017) ("Statistics from the State Court Administrator's Office show that for fiscal year 2015, 75% of the parties in domestic relations cases, 37% of parties in district civil cases, and 60% of parties in county court civil cases proceeded pro se.").

⁴¹ *The Justice Gap*, *supra* note 38, at 21.

⁴² *Id.* at 48.

⁴³ Lisa Pruitt, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466, 487–88 (2014) ("The elderly, disabled, and veterans—all disproportionately represented in rural America—need a wide array of supports.").

Even if a person can afford an attorney, there may be none around, as discussed above. Rural residents may have to drive 100 miles or more to take care of routine matters like estate planning, taxes, and child custody.⁴⁴ In North Dakota, for example, only 85 out of 357 towns have an attorney, while six rural counties in South Dakota and 12 in Nebraska have no attorneys at all.⁴⁵

For some, travelling to obtain legal help is not an option. Many people living in rural areas—particularly low-income rural residents—may not have the means to travel considerable distances to meet with a lawyer or go to court.⁴⁶ Travel is even more difficult in locations like Colorado and California due to landscape and weather. Census information shows that rural communities are disproportionately poor, and with a day away from work, the gas required, and possibility of an overnight stay, travel becomes a logistical hardship widening the justice gap.⁴⁷

Due to the cost and/or the shortage of rural attorneys, rural residents may be left to represent themselves. This difficult task now becomes even worse without broadband access. Similar to the demands of attorneys, these individuals need the ability to download forms from courts' websites and need to be able to communicate with organizations that provide assistance to self-represented litigants. Access to justice in the United States "should not be made daunting or dangerous because a person lives in a rural area."⁴⁸

Technology, particularly broadband access, has already demonstrated its ability to help with access to justice for self-represented litigants. For example, Online Dispute Resolution provides opportunities to help with legal disputes outside of the courtroom.⁴⁹ This umbrella term includes a range of services, which can be as simple as email or as complex as conducting an entire mediation session online.⁵⁰ Across the country, states are utilizing broadband to create self-help programs. In Georgia, a law library provides Internet and computer access for legal research. In Wisconsin, a legal aid provider started an online legal advice program. In Montana, courts use video conferencing to better serve rural populations. In South Dakota, people can call "Ask a Lawyer" toll-free and ask for free advice on family issues contracts, wills, and real estate.⁵¹ Such efforts are of little use, however, in areas where Internet access is slow or non-existent.

⁴⁴ Laird, *supra* note 20. See also Robin Runge, *Addressing the Access to Justice Crisis in Rural America*, A.B.A. HUM. RTS. MAG. (Sept. 26, 2014), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_3_poverty/access_justice_rural_america/.

⁴⁵ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 3.

⁴⁶ Pruitt, *supra* note 18, at 25 n.42.

⁴⁷ Laird, *supra* note 20.

⁴⁸ *Courts Need to Enhance Access to Justice in Rural America*, *supra* note 1, at 1.

⁴⁹ *Access to Justice through Alternative Dispute Resolution White Paper*, AM. BAR ASS'N, 12, https://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/access-to-justice-project-white-paper.pdf (last visited Apr. 21, 2019).

⁵⁰ *Id.* at 12. See also Margaret Hagen, *Participatory Design for Innovation in Access to Justice*, AM. ACAD. OF ARTS & SCI (2009), <https://www.amacad.org/publication/participatory-design-innovation-access-justice> ("the civil justice sector can experiment with community-led agendas for innovation efforts and better situate and launch new technologies and services.").

⁵¹ Pruitt, *supra* note 18, at 136.

“Technology may offer several opportunities to connect rural residents with urban legal services, but its effectiveness depends on the existence of technology infrastructure, like high-speed Internet and cell reception, in the rural communities to be served.”⁵²

Many self-represented litigants find themselves on the wrong side of this digital divide. A lack of broadband access affects attorneys in rural areas as well as those who represent themselves. Without universal broadband access in our country, these rural self-represented litigants may lose the opportunity to meaningfully defend or prosecute their cases. With such a high barrier, “rural residents may cease to recognize their legal rights.”⁵³ They may begin to see the legal system as irrelevant to them, and these vulnerable populations will become even more disconnected from the rest of the country.⁵⁴

III. National Importance Beyond the Legal Profession

Deploying broadband access throughout the United States will not only benefit access to justice, but also will provide countless opportunities for rural communities to participate in national and global economies on a broader scale. A brief discussion of the scope of the issue is important to mention. When you start to look closely, it becomes apparent that practically every field requires high-speed Internet in today’s digital age.⁵⁵

Traditionally, when people used the Internet only for email and simple websites, speeds of 1-2 Mbps would suffice.⁵⁶ Today, however, with video conferencing, modern websites, the ability to work remotely, streaming video, and high volume file transfers, broadband speeds are essential. Without such access, rural communities are being left behind.

Extending broadband to rural America is not just about faster Internet. Rather, it is about connecting these communities to the rest of the country in the digital age. “Broadband is a platform to create today’s high-performance America—an America of universal opportunity and unceasing innovation, an America that can continue to lead the global economy.”⁵⁷ Here are some additional reasons why broadband access is essential:

⁵² Hillary A. Wandler, *Spreading Justice to Rural Montana: Expanding Local Legal Services in Underserved Rural Communities*, 77 MONT. L. REV. 235, 261 (2016).

⁵³ Pruitt, *supra* note 18, at 127.

⁵⁴ *Id.*

⁵⁵ *Rural America At a Glance*, U.S. DEP’T OF AGRIC., 5 (Nov. 2017), <https://www.ers.usda.gov/webdocs/publications/85740/eib-182.pdf?v=0> (“Large-scale projects to upgrade transportation networks, utilities, and internet connectivity could benefit rural communities. Increased access to high-speed internet, in particular, could improve delivery of education, healthcare, public safety, and other services.”).

⁵⁶ *Broadband White Paper*, S.W. COLO. COUNCIL OF GOV’TS, 2, <http://www.swccog.org/assets/SWCCOG%20Broadband%20White%20Paper-1.pdf> (last visited Apr. 21, 2019).

⁵⁷ *Connecting America: The National Broadband Plan*, *supra* note 2, at 3.

- A. **Public Safety.** Broadband can assure everyone has proper access to emergency services, as well as improve how Americans are notified about emergencies. Providing broadband access to emergency personnel provides these professionals with the resources they need to serve and better protect citizens.⁵⁸
- B. **Health Care.** Broadband can improve access to health records, doctors, and prescriptions. Such access is also necessary for many medical devices today. Medical professionals can communicate in real time with global specialists around the world, as well as quickly send large files and images for review.⁵⁹
- C. **Education.** Broadband provides students with the technology they need in the 21st century. For example, approximately 12 million school-aged children do not have the broadband at home that they need for nightly schoolwork.⁶⁰ Broadband allows students to engage in proper research, as well as earn degrees remotely and connect with teachers in different countries.
- D. **Agriculture.** Broadband can help farmers take advantage of precision agriculture technology and increase their efficiency by upward of 10%.⁶¹ Rural farmers could also sell their products all over the world. “Using GPS, the harvester could, in real time, map, monitor, and record massive amounts of data—such as crop yield and soil moisture levels—which would let a farmer know exactly which rows required attention.”⁶²
- E. **Environment.** An increase in the ability to work remotely can help decrease carbon emissions from excess commuting. Broadband can play a major role in the transition to a clean energy economy, as well as modernize the electrical grid by making it more reliable and efficient.⁶³
- F. **Civic Engagement.** Broadband can improve the quality and quantity of engagement with representatives and agencies. With proper broadband access, government can become more open and transparent, and allow those in rural areas to participate in the democratic process easily and efficiently.⁶⁴

⁵⁸ *Id.* at XIV.

⁵⁹ Kruse, *supra* note 11, at 3.

⁶⁰ 2018 Broadband Deployment Report, FED. COMM. COMMISSION, 89 (Feb. 2, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0202/FCC-18-10A1.pdf.

⁶¹ Whitelaw Reid, *Stuck In Mud: Broadband ‘Disconnect’ has Big Consequences for Midwest Farmers*, UVA TODAY (Oct. 8, 2018), <https://news.virginia.edu/content/stuck-mud-broadband-disconnect-has-big-consequences-midwest-farmers>.

⁶² *Id.*

⁶³ *Connecting America: The National Broadband Plan*, *supra* note 2, at XIV.

⁶⁴ *Id.*

- G. Technology.** Impending technological advancements such as driverless cars will require a high-speed connection. As homes and appliances become “smart,” for example, with smoke alarms and thermostats connected to the Internet, a reliable and fast broadband connection is essential. With the rise of smart phones, tablets, streaming video, etc., the demand for high-speed, reliable Internet is widespread.⁶⁵
- H. Business.** For business, broadband access is a key infrastructure to capitalize on the benefits of the Internet.⁶⁶ “Research demonstrates a direct correlation between businesses’ use of Internet applications and revenue growth and productivity.”⁶⁷ Businesses can store their data offsite, reducing the risk of loss, and can now sell their goods anywhere in the world over the Internet.

IV. Broadband Internet Service

The term broadband originally described a type of data transmission where a single wire could carry multiple signals at once.⁶⁸ In contrast, baseband transmission could carry only one signal at a time.⁶⁹ Practically, however, the term broadband has become synonymous with high-speed Internet, which is faster than outdated dial-up access. It implies a certain threshold speed for an Internet connection.⁷⁰

Internet speed is measured by how many bits of data can be received and sent to and from your Internet connection. This speed is measured in “bits per second” (bps) units, and contains a downstream figure (the download speed) and an upstream figure (the upload speed).⁷¹ The two speeds are not always equal. The FCC is the primary authority on providing the minimum speed to be considered broadband. The current FCC minimum speed is 25 megabits (1,000,000 bps) per second (Mbps) download and 3 Mbps upload (25 Mbps/3 Mbps).⁷² As indicated above, approximately 24 million Americans and 30% of rural Americans do not have access to these speeds.

Broadband can be provided through various delivery technologies, including wireless connections. Unlike dial-up Internet, broadband ensures a continuous connection to the Internet. All of the following may be considered broadband:⁷³

⁶⁵ Kruse, *supra* note 11, at 6.

⁶⁶ *Id.* at 2.

⁶⁷ *Id.*

⁶⁸ *Federal Standard*, GEN. SERVICES ADMIN., <https://www.its.bldrdoc.gov/fs-1037/fs-1037c.htm> (last visited Apr. 21, 2019).

⁶⁹ *Id.*

⁷⁰ Darrell M. West, *An International Look at High-Speed Broadband*, BROOKINGS.EDU (Feb. 2010), https://www.brookings.edu/wp-content/uploads/2016/06/0223_broadband_west.pdf.

⁷¹ *What Every County Commissioner Needs to Know About Broadband*, *supra* note 2, at 3.

⁷² *2018 Broadband Deployment Report*, *supra* note 1.

⁷³ Kruse, *supra* note 11, at 3-4.

- A. **Fiber.** Considered the gold standard of broadband. Fiber optic cables convert electrical signals to light and send the light through glass fibers about the size of a human hair. Speeds up to 1000 Mbps (“Gigabit Internet”) are possible. Fiber is often the most expensive to build.
- B. **Cable.** Delivers an Internet connection through the coaxial cables already installed for cable TV. Speeds typically range from 30-150 Mbps. Cable is a shared service where speed can decrease with many people using it in the area.
- C. **DSL (Digital Subscriber Line).** Delivers an Internet connection through the existing copper telephone lines. Speeds typically range from 1.5-30 Mbps. Speed diminishes with distance from telephone company’s central office.
- D. **Wireless Broadband.** Wireless Internet is a way of using radio waves to send and receive data. Often used to provide service to rural areas where the above varieties are not available. The Wi-Fi used in homes and businesses converts a physical connection into short-range radio waves. The term encompasses mobile, fixed wireless, and satellite.
 - 1. **Mobile Broadband.** Mobile phone carriers began using the term “mobile broadband” as a synonym for Internet access to a portable device. Wireless Internet access is delivered through cellular towers to smartphones and other digital devices. A mobile service must have a base station that is connected to a landline.
 - 2. **Fixed Wireless.** A type of wireless Internet access different than mobile broadband where the connection to service providers again use radio signals rather than cables. Small stations transfer data at high speeds to each other similar to satellites. Unlike satellites, however, the speed is not affected by bad weather. These dedicated wireless connections are usually faster than cellular networks
 - 3. **Satellite Broadband.** Satellites orbiting the Earth provide necessary links for broadband. Service can be disrupted in extreme weather conditions and are typically oversubscribed. Due to the large distance from satellites, there can be latency issues (high lag time between sending and receiving data). A home satellite dish is required.

The range of speeds can vary dramatically between the various technologies listed above. Many rural locations simply do not have any broadband options, or may have to pay high costs for very slow technology, typically in the range of 1.5-3 Mbps.⁷⁴

⁷⁴ Susan Jesuroga, *Why Should We Care About Broadband?*, CHAFFEE COUNTY ECON. DEVEL. CORP. (Oct. 2011), <http://www.consideryumacounty.com/Introduction.pdf>.

Sometimes only dial-up Internet may be available, which is slower than broadband by a huge magnitude, typically averaging only 0.05 Mbps. With bandwidth consumption by homes and businesses doubling every year, rural communities will not be able to keep up.

Fiber-optic cables have frequently been laid along highways and railroad lines. This infrastructure is referred to as the “middle mile.” Many rural areas require connection from this middle mile backbone to individual residences and businesses. The end-user connection (via copper, satellite, microwave, hardwire, etc.) is known as the “last mile.” The last mile must yield enough subscriber dollars to entice private enterprise to invest in that infrastructure. The last mile is frequently missing because it is not economical based purely on private investment. The last mile, however, is necessary to make high-speed service possible.

The cost to deploy FCC minimum broadband infrastructure and connect this last mile using fiber cables is estimated to be \$40 billion—less than 1 percent of the federal government’s 2019 budget as currently proposed.⁷⁵ The proposed Resolution recommends deploying broadband infrastructure with a download speed of at least 100 megabits per second and an upload speed of at least 30 megabits per second to at least 98% of the United States population. These speeds were chosen to assure rural residents have proper high-speed Internet for the foreseeable future. Achieving minimum broadband deployment to the remaining 2% of the population is estimated to cost another \$40 billion based on the challenges associated with the extreme remoteness and/or topography of these areas.⁷⁶

V. History of Government Involvement in Utilities and Current Governmental Funding and Legislation

In the 1930s, many parts of rural America were left in the dark without electricity or telephone lines.⁷⁷ An electrical divide existed between rural and urban America. Due to a lack of return on investment, electrical and telephone companies were unwilling to lay the infrastructure necessary to connect these areas to the rest of the country. Similar to the creation of the transcontinental railroad of the prior century, the federal government eventually intervened in 1936 by creating and funding the Rural Electrification Administration.⁷⁸ Along with help from private utilities and cooperatives,

⁷⁵ H.R. 3994, 115th Cong. (2018) (requesting \$40 billion from 2018 to 2022 to expand broadband access to unserved areas).

⁷⁶ *Improving The Nation’s Digital Infrastructure*, FCC OFF. OF STRATEGIC PLANNING AND POL’Y ANALYSIS, 2-3 (Jan 17, 2017), https://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0119/DOC-343135A1.pdf (explaining that universal broadband service in the United States would cost approximately \$80 billion, but because of the shape of the cost curve, 98% coverage could be attained for approximately \$40 billion).

⁷⁷ Ronald R. Kline, *CONSUMERS IN THE COUNTRY: TECH. AND SOC. CHANGE IN RURAL AM.* 219 (2000); Christopher Ali, *We Need a National Rural Broadband Plan*, N.Y. TIMES (Feb. 6, 2009), <https://www.nytimes.com/2019/02/06/opinion/rural-broadband-fcc.html>.

⁷⁸ Kline, *supra* note 77, at 141; Rural Electrification Act of 1936, 7 U.S.C. § 901 et seq. (effective May 20, 1936).

rural electrification was finished in a remarkably short time. In nine years, more than nine thousand miles of line was laid, connecting 1.6 million new consumers.⁷⁹ From 1945 to 1954, the percentage of electrified farms grew from 48 to 93 percent, and the postwar years have been called “the climax of the great transformation of rural America.”⁸⁰

It is now time for the government to focus on the “fourth utility” and create and fund a program to deploy broadband infrastructure. The proposed Resolution from the Colorado Bar Association requests the ABA to urge Congress, state, local, territorial, and tribal legislatures to enact legislation and provide adequate funding for broadband expansion into rural America. Broadband should be a top priority for any future infrastructure legislation. Past efforts thus far from the government and private entities have not been particularly successful on a broad scale across the country. New legislation and funding will be necessary to complete the last mile and bridge the divide.

Following a 2008 release of broadband statistics, which suggested that the U.S. may be lagging in broadband, Congress passed the American Recovery and Reinvestment Act of 2009, requiring the FCC to draft a National Broadband Plan.⁸¹ In March 2010, the FCC released its 360-page plan, which set out a roadmap for extending broadband and maximizing its benefits.⁸² The Obama administration stated that universal broadband access was a top priority and such access was critical to America’s future.⁸³ A federal grant program to expand wireless Internet in rural areas looked helpful but is on hold while the FCC investigates whether carriers submitted incorrect data for the maps used to allocate funds.⁸⁴ More coordination, funding, and legislation need to be implemented.⁸⁵

More recently, on April 12, 2019, the White House and the FCC announced a \$20.4 billion “Rural Divide Opportunity Fund” to help connect up to four million rural homes and small businesses over the next decade.⁸⁶ The program would be part of a Universal Service Fund, an existing program from the prior administration. Although lacking details, the FCC intends to utilize a physical broadband base along with upcoming 5G technology to deliver high-speed Internet to rural communities.

⁷⁹ Kline, *supra* note 77, at 220.

⁸⁰ *Id.* at 215, 219.

⁸¹ See *Connecting America: The National Broadband Plan*, *supra* note 2, at XI.

⁸² *Id.*

⁸³ Broadband: The Electricity of the 21st Century, The White House (Jan. 15, 2015), <https://obamawhitehouse.archives.gov/blog/2015/01/15/broadband-electricity-21st-century>.

⁸⁴ Izaguirre, *supra* note 1; Jenniver Levitz & Valerie Bauerlein, *Rural America is Stranded in the Dial-Up Age*, THE WALL ST. J. (June 15, 2017), *available at* <https://ecfsapi.fcc.gov/file/10920553313176/Filing%20articles%20group%204.pdf>.

⁸⁵ “Despite its importance, Federal resources supporting broadband expansion are poorly tracked with little coordination across agencies or departments that are doing this work, making it harder for our local businesses and community leaders to access them.” Press Release, Tonko Reintroduces House-Passed Bill to Increase Broadband Access in Underserved Areas (Apr. 4, 2019), *available at* <https://tonko.house.gov/news/documentsingle.aspx?DocumentID=839>.

⁸⁶ *Bridging The Digital Divide for All Americans*, FED. COMM. COMMISSION, <https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans> (last visited Apr. 21, 2019).

New 5G technology stands for the 5th Generation of digital cellular networks. The speed of 5G could be in the range of 200-634 Mbps, which would be significantly faster than the current 4G and could be widespread by 2020.⁸⁷ A broadband base, however, is still required as 5G mobile networks need fiber lines to cell sites, and will likely not be a solution for rural communities.⁸⁸ The nature of 5G infrastructure does not make sense in rural America, and will likely only be available in larger cities for the foreseeable future.⁸⁹

The Rural Divide Opportunity Fund is still in its infancy and proper oversight and adequate funding will be required. The inclusion of state and local governments⁹⁰ and cooperatives, research on the safety of future technology, the creation of accurate and up-to-date broadband maps, along with the accountability of participating private carriers⁹¹ will all be necessary in order to properly deliver high-speed Internet at a fair price to rural America.

A recent bill in Congress, House Bill 1328, called the Access Broadband Act, is relevant to this Resolution.⁹² This bill was first introduced last year (H.R. 3994),⁹³ where

⁸⁷ Don Clark, *What is 5G? Here's What You Need to Know About the New Cellular Network*, N.Y. TIMES (Dec. 31, 2018), <https://www.nytimes.com/2018/12/31/technology/personaltech/5g-what-you-need-to-know.html>; Jessica Dolcourt, *Testing Verizon's Early 5G Speeds Was a Mess, But I'm Still Excited about Our Data Future*, CBS INTERACTIVE INC. (Apr. 10, 2019), <https://www.cnet.com/news/home-security-systems-video-doorbells-user-privacy-data-security-abode-adt-comcast-nest-ring-simplisafe/>.

⁸⁸ Jon Brodtkin, *Ajit Pai Proposes \$20 Billion for "Up To" Gigabit-Speed Rural Broadband*, CONDE NAST (Apr. 12, 2019), <https://arstechnica.com/tech-policy/2019/04/ajit-pai-proposes-20-billion-for-up-to-gigabit-speed-rural-broadband/> ("The FCC said the home and business broadband buildout will 'help support future 5G technologies,' which may be a reference to the fact that mobile networks require plenty of fiber to provide bandwidth to cell sites."); Ali Breland, *Rural America Worries it Will Miss Out On 5G*, THE HILL (Sept. 26, 2018), <https://thehill.com/policy/technology/408416-rural-america-worries-it-will-miss-out-on-5g>.

⁸⁹ Shara Tibken, *Why 5G is Out of Reach for More People Than You Think*, CBS INTERACTIVE INC. (Oct. 25, 2018), <https://www.cnet.com/news/why-5gs-out-of-reach-for-more-people-than-you-think/> ("The key spectrum needed for 5G only covers short distances, runs into problems when there's even a tree in the way and requires lots of expensive towers installed close to each other.").

⁹⁰ Kendra Chamberlain, *Municipal Broadband is Roadblocked or Outlawed in 26 States*, BROADBANDNOW (Apr. 17, 2019), <https://broadbandnow.com/report/municipal-broadband-roadblocks> ("There are now 26 states with laws on the books that either roadblock or ban outright municipally-owned broadband networks.").

⁹¹ See *What Every County Commissioner Needs to Know About Broadband*, *supra* note 2, at 2 ("It has become obvious to most rural leaders that deferring to private industry or "leaving it up to the market" is not a course of action likely to result in better service, and that more direct involvement is needed at the local level.").

⁹² Access Broadband Act, H.R. 1328, 116th Cong. (2019). The Access Broadband Act was first introduced in 2017 and failed to pass the House. This bill is significantly different than the "Leading Infrastructure for Tomorrow's America Act," H.R. 2479, which contains some of the same language as this Resolution. H.R. 2479, 115th Cong. (2017). The "Leading Infrastructure for Tomorrow's America Act" was a massive infrastructure bill that mandated the expansion of broadband (as well as improvements to many other areas such as drinking water, natural gas, clean energy, and hospital infrastructure.), including minimum broadband speeds and asking for \$40 billion over five years. H.R. 2479 failed to pass the House.

⁹³ H.R. 3994, 115th Cong. (2018).

it passed the House but failed to move forward in the Senate. The bill was re-introduced this year with a companion bill in the Senate (S. 1046).⁹⁴

The Access Broadband Act is a bipartisan act that would establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration. The act is primarily administrative in nature and calls for no additional funding. One of the current problems regarding federal broadband funding is the patchwork of agencies and applications handling the limited funds. The Office of Internet Connectivity and Growth would streamline the management of federal broadband resources and simplify the process for small businesses and local developers.

The act would also establish a single point of contact to tap into existing federal broadband resources, and only one application would need to be submitted to apply for all federal broadband support programs. The new office would conduct outreach, including holding workshops to help rural communities develop the best plan for their specific needs. Additional funding and the establishment of minimum broadband speeds in rural areas, however, will still need to be addressed.

VI. Conclusion

This resolution will allow ABA staff and members to educate Congress, state, local, territorial, and tribal legislatures about ensuring rural communities are not left behind in the digital age. Providing access to the fourth utility of high-speed Internet to rural communities is a nationwide issue that touches practically every sector of our economy from the legal profession, to healthcare, to the education of our children. The United Kingdom, Spain, Switzerland, and Finland all consider broadband service a “universal service obligation,” and ensure all their citizens have proper Internet access.⁹⁵ The United States should too. The digital divide needs to be bridged before Americans living in rural communities are left behind.

Respectfully Submitted,

John M. Vaught, President
Colorado Bar Association
August 2019

⁹⁴ Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act, S. 1046, 116th Cong. (2019).

⁹⁵ See Georgia Hutton, *A Universal Service Obligation (USO) for Broadband*, HOUSE OF COMMONS LIBR. (June 5, 2018), available at <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8146>; *Universal Service Obligation For Broadband Internet*, CESIFO (March 2011), <https://www.cesifo-group.de/DocDL/dicereport311-db1.pdf>.

GENERAL INFORMATION FORM

Submitting Entity: Colorado Bar Association

Submitted By: John M. Vaught, Colorado Bar Association President

1. Summary of Resolution

The Resolution calls for the American Bar Association to adopt policy urging federal, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure at least 98% of the United States population has proper broadband access (high-speed internet). The policy would call for a download speed of at least 100 megabits per second and an upload speed of at least 30 megabits per second across the country. Slow or non-existent broadband access is a major issue in many rural communities throughout the United States, affecting practically every field including the legal profession. Without proper high-speed internet, attorneys and self-represented litigants in rural areas face extremely high barriers, and these communities cannot attract new lawyers. The result is a pressing access to justice issue. Federal, state, and local funding, legislation, and oversight is necessary to successfully bridge this digital divide.

2. Approval by Submitting Entity

The Colorado Bar Association Board of Governors approved this Resolution on May 7, 2019. The following organizations have also approved co-sponsorship of this Resolution: the State Bar of Montana on May 3, 2019; the ABA Tort Trial & Insurance Practice Section on May 4, 2019; the ABA Standing Committee on the Delivery of Legal Services on May 24, 2019; and the ABA Solo, Small Firm, and General Practice Division on May 4, 2019.

3. Has this or a similar resolution been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

This Resolution compliments Resolution 12A10B by helping address access to justice in rural communities through improvements in broadband access. Resolution 01AM105A addresses the need for access to technology in underserved communities. This Resolution relates to 01AM105A but provides a more modern and specific solution. This Resolution also supports ABA policy favoring access to justice, such as 06A112A and 06A112B, which support civil legal aid and the right to counsel.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?

N/A.

6. Status of Legislation. (If applicable)

House Bill 1328, called the Access Broadband Act, was first introduced last year, where it passed the House but failed to move forward in the Senate. The bill was re-introduced this year with a companion bill in the Senate, S. 1046. The Access Broadband Act is a bipartisan act that would establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration. This new office would streamline the management of federal broadband resources and simplify the process for small businesses and local developers to apply for government grants.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

The policy would allow ABA staff and members to educate federal, state, local, territorial, and tribal legislatures to appropriate adequate funding to ensure that the future of our American rural communities includes access to justice for each of its citizens. Additionally, adopting this policy would permit the ABA president to speak on behalf of this cause, as well as provide ABA support for legislation.

8. Cost to the Association. (Both direct and indirect costs)

None.

9. Disclosure of Interest. (If applicable)

None.

10. Referrals.

This Resolution is in the process of being referred to the bar associations for all 50 states as well as the following ABA entities that may have an interest in the subject matter:

Center for Professional Responsibility
Coalition on Racial and Ethnic Justice
Commission on Hispanic Legal Rights and Responsibilities
Commission on Immigration
Commission on Racial and Ethnic Diversity in the Profession
Commission on Sexual Orientation and Gender Identity

Commission on Women
Commission on Youth at Risk
Criminal Justice Section
Delivery of Legal Services Standing Committee
Family Law Section
Judicial Division
Legal Aid and Indigent Defendants Standing Committee
Pro Bono and Public Service Standing Committee
Section of Litigation
Solo, Small Firm and General Practice Division
Tort Trial & Insurance Practice Section
Young Lawyers Division

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

John M. Vaught
President, Colorado Bar Association
1290 Broadway, 17th Fl.
Denver, Colorado 80203
Tel: 303-244-1876
vaught@wtotrial.com

12. Contact Name and Address Information. (Who will present the Resolution with Report to the House? Please include best contact information to use when on-site at the meeting. *Be aware that this information will be available to anyone who views the House of Delegates agenda online.*)

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EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution calls for the American Bar Association to adopt policy urging federal, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States.

2. Summary of the Issue that the Resolution Addresses

Approximately 24 million Americans lack the bare minimum broadband speeds according to the Federal Communications Commission, 96% of whom live in rural areas. These individuals lack access to high-speed broadband at a rate four times higher than the national average. Non-metro-area attorneys cannot thrive without the ability to communicate and file documents electronically in their practices. Rural communities are struggling to attract new attorneys and the attorneys practicing in many of those areas are aging out. Self-represented litigants also need to be able to prosecute and defend their cases in rural communities. The ABA consistently hears concerns regarding the rising costs of legal services and the availability of lawyers in certain areas is limited. As a result, more and more people are forced to appear *pro se*. These individuals need the ability to download forms from courts' websites and communicate with organizations that provide assistance. Not having the ability to do so creates an unnecessary burden on people who are already less likely to receive justice.

3. Please Explain How the Proposed Policy Position Will Address the Issue

Deploying broadband infrastructure promotes access to justice by removing the electronic barrier of inadequate internet service affecting attorneys and self-represented litigants in rural areas. Reliable high-speed internet in rural communities will help bridge the divide between rural and urban areas, giving lawyers and self-represented litigants the tools they need in today's digital world. Solving the digital divide will also have tremendous consequences outside the legal profession, including public safety, health care, education, and agriculture.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None identified.