

Go Big or Go Home!

CBA Petitions ABA for \$40 Billion for
Broadband Infrastructure for Rural America

BY JOHN VAUGHT



The expression goes “Go big or go home.” We at the CBA are certainly not going home.

This is my third and final article in *Colorado Lawyer* on broadband infrastructure and the critical role that it plays in the practice of law and access to justice in rural Colorado and rural America.¹ “Approximately 24 million Americans lack broadband (high-speed Internet) access, 96% of whom live in rural areas.”² And more than half of Americans making less than \$20,000 per year have no connection to the Internet.³ Colorado is no different, and our technological deficiencies could soon result in a crippling inability to practice law in non-metro Colorado. Since becoming CBA president, I’ve been a staunch advocate of working with local bars, the private sector, and all levels of government to successfully transport the 50% of

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our membership practicing in outstate Colorado to this side of the digital divide.

Perhaps the closest comparison in American history is the distribution of electricity. Not only did home access to electrical power make tasks easier and modern inventions more accessible, it literally transformed this country. Broadband and the infrastructure to support its accessibility is equally transformative; in some rural areas, the town’s very existence depends on it. So that

brings us to why the CBA has determined to “go big” rather than “go home.”

With the help of our exceptional committee of ABA delegates and a retained consultant, we have determined that as many as 40 other states share our access to justice crisis because they too lack critical broadband infrastructure.

After recently visiting with our Congressional delegation in Washington, D.C. and meeting with other state bar leaders, Colorado stepped out of the crowd to lead an effort to “educate” Congress on the modern crisis facing not only rural Colorado, but rural America. The CBA, through its ABA delegate, has drafted a resolution, supported by an extensive report on the issues, to urge the ABA to influence Congress to appropriate nearly \$40 billion.⁴ That sum is the current best estimate to fund the installation of infrastructure necessary to distribute sufficient high-speed Internet to 98% of rural America.

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law in America. The success of this project will, of course, extend far beyond the practice of law. Libraries, hospitals, the practice of medicine, not to mention schools and other functions of government, depend on efficient and speedy communication and research systems. Moreover, adequate broadband infrastructure will open local, national, and international markets to rural America on a scale unseen before the digital age.

Many in government believe that this infrastructure expansion should be left to the private sector. But, in fact, since 2005 the private sector has been principally responsible for the stagnation that we have experienced in Colorado and elsewhere. The reason for the near-absence of infrastructure growth in rural areas is a product of “return on investment.” Where return on investment has been deemed inadequate in the eyes of the private sector, no expansion has occurred. Until broadband becomes a regulated utility or until government funds the expansion, no further material progress will be realized.

As a result, the CBA has taken great measures over the last 12 months to encourage broadband expansion, and this ABA resolution is the consummation of that yearlong CBA pilgrimage. I trust you are proud of the effort your state bar association has made to better the practice of law in this state and to ensure that access to justice remains a priority for years to come.

Farewell

Speaking of my presidency, this is my parting President’s Message. It has been an honor to captain the team of volunteers and staff that governs and administers the CBA.

We have built-out and moved to a new space. We have monitored, lobbied, and testified about state legislation that actually or potentially affects the practice and profession of law. And I have personally visited 29 local bar

associations, eaten almost as many chicken-fried steaks, given 17 major speeches, and assisted in the swearing-in of over 250 new Colorado lawyers.

Before July 1 of this year, I will have attended and chaired more than 35 committee meetings, participated in programs to help our veterans, helped prepare the ABA resolution, spent nearly a week in Washington, D.C. to lobby our Congressional delegation and, in June, will preside over my fourth CBA Board of Governors meeting, this time in Colorado Springs. While it has been a sometimes exhausting experience resulting in two speeding tickets and numerous other close calls, I have thoroughly enjoyed the incredible honor of serving our nearly 19,000 members throughout this state.

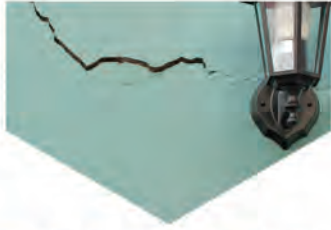
As I said when I ended my term as president of the Denver Bar Association in 2014–15: I am now standing in the CBA’s rearview mirror as it speeds forward in service to its members and to Colorado citizens who depend each and every day on the fair enforcement of the Rule of Law to guarantee their life, liberty, and happiness. From here, the CBA will continue to “go big,” and I will go home.

Thank you. 

NOTES

1. See also Vaught, “Expanding Broadband Connectivity in Colorado: Why It Matters and How to Help,” 47 *Colo. Law.* 4 (Oct. 2018), www.cobar.org/Portals/COBAR/TCL/October%202018/CL_Oct_Welcome_PM.pdf; Vaught, “Access to Justice—One Fiber Optic Cable at a Time,” 48 *Colo. Law.* 4 (Feb. 2019), www.cobar.org/Portals/COBAR/TCL/2019/February/Feb2018_CL_Welcome.pdf.
2. ABA Broadband Report (Apr. 2019) (citing the FCC’s 2018 Broadband Deployment Report (Feb. 2, 2018), www.fcc.gov/reports-research/reports/broadband-progress-reports/2018-broadband-deployment-report). Once finalized, the ABA Broadband Report and Resolution will be posted on the CBA website; they are currently on file with the author.
3. Vick, “The Digital Divide: A Quarter of the Nation is Without Broadband,” *Time* (Mar. 30, 2017), <http://time.com/4718032/the-digital-divide>.
4. ABA Broadband Report, *supra* note 2.

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