

LEGISLATIVE POLICY COMMITTEE GUIDELINES ON LEGISLATIVE POSITIONS

Introduction:

One of the primary goals of the CBA is to promote improvements in the administration of justice and advancements in jurisprudence. The CBA's Legislative Policy Committee (LPC) is a major part of this effort.

The CBA regularly takes positions on bills at the state legislature, and the LPC is charged with making the final determination on positions related to legislation on behalf of the association. These guidelines are directed toward state legislative activities and provide a guiding set of factors and principles for taking positions on legislation. When appropriate, this document may also be applied to help guide federal or local legislation as well.

Considerations for taking a position are intended as guidelines to be balanced. Generally, the CBA and the LPC should retain discretion when it comes to legislative involvement, purview and parameters.

Areas of Involvement:

On behalf of the CBA, the LPC should generally take a position on legislation related to the following:

Accuracy and Precision in Drafting

- The CBA should help ensure clarity in legislation. The CBA may do so even when it disagrees with the substance of proposed legislation, although there may be times when the LPC will not help clarify a bill to which the CBA would be opposed.

The Practice of Law

- The CBA should generally take positions on legislation that affects the practice of law, the business of lawyering, the court system, right to jury trials, lawyers' fees and lawyer-client relations.

CBA Competency and Expertise

- The CBA should generally take a position if the bill is within the core competency of the CBA and its sections.
- The CBA should generally take a position on legislation where we have unique or special expertise in the area of law, a specific legal argument, or legal angle that reflects CBA areas of expertise within the sections or committees.

Considerations of Members, Sections and Committees

- The CBA should generally take positions that, as much as possible, reflect the strong positions of sections and committees.
- The CBA should generally support legislation authored by sections or committees.
- The CBA will take into consideration if sections have conflicting positions.

Courts

- The CBA may take positions on legislation involving the structure and organization of federal, state and local courts in or affecting Colorado.
- The CBA may take positions on legislation involving the rules of practice, procedure and evidence in federal, state and local courts in or affecting Colorado.
- The CBA may take positions on legislation involving the allocation of and access to judicial resources, judicial compensation and benefits, selection and retention, and budget appropriations for the court system.

The Constitution of the United States and the State of Colorado

- The CBA should support legislation promoting a fair, impartial and independent judiciary.
- The CBA may take a position on legislation that relates to the public's interactions with the justice system, including but not limited to due process and equal protection.

Access to Justice

- The CBA should generally support legislation that improves access to the justice system by all persons.

CBA Strategic Plan and Values

- The CBA may take a position on legislation that reflects the current CBA mission, vision, values and goals within its strategic plan.

Other considerations to be taken into account:

Political

- The CBA will generally consider the political climate, and partisan motivation.
- The CBA may take a position where legislator/stakeholder relationships or engagement with other legislation may have an impact.
- The CBA may choose not to take a position when a bill, or a position will cast the CBA as partisan, or harm our reputation as fair, impartial and experts in the areas of law.

Impact

- The CBA may choose not to take a position if the bill is likely to be postponed indefinitely or otherwise not advance.
- The CBA may choose not take a position when our support or opposition will have no impact.

Requests

- The CBA will consider requests of the diversity bars, affinity organizations, other stakeholders or associations.

Positions available to the CBA include, but are not limited to:

- **Support** – the CBA supports the bill as drafted or as amended, and will work to support its passage.
- **Amend** – the CBA recommends changes to the bill to make it acceptable legislation and will work with partners or stakeholders to change the bill to an acceptable format.
- **Oppose** – the CBA objects to the bill in whole or part, and will work to defeat the legislation. This position may be the result of unsuccessful efforts to amend the bill.
- **Monitor** – the CBA will track the bill and work with section leadership to ensure that amendments will not negatively impact the bill.
- **No Position** – the CBA reviewed the legislation but will not engage.