



Colorado Access to  
Justice Commission

# Annual Report 2020

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Commission





# About the Commission

The Colorado Access to Justice Commission is made up of twenty voting members appointed by organizations committed to the integrity and accessibility of our civil justice system, including the Colorado Supreme Court, the Colorado Bar Association, Colorado's statewide legal aid programs and the State's political branches. On any given day, thousands of Coloradans face civil legal problems that, when left unresolved, can have devastating personal consequences and create significant and costly societal problems. The Commission works to develop policy, create solutions, and support the development of resources so that all Coloradans have the information, tools and services necessary to solve their civil legal problems fairly, quickly, and economically.



# Mission & Work

To carry out our mission, the Commission engages in a variety of activities that we conduct on our own or in collaboration with a network of other organizations concerned with access to justice. We sponsor Access to Justice Committees across the state that undertake activities to support equal access to justice in their local communities. We work to improve services for persons facing a legal problem without a lawyer and for non-English-speaking litigants. We promote rule changes to improve access to the courts and ensure procedural fairness and work to increase the scope and effectiveness of pro bono legal services. We also support efforts to increase funding for civil legal aid.

Our work is guided by a Strategic Action Plan adopted in 2018 by the Commission after a year-long, intensive statewide planning process that involved the Commission's partners, including the Supreme Court, the Colorado Bar Association, the State Court Administrators Office, the Legal Aid Foundation, local Access to Justice Committees, Colorado Legal Services and other access to justice stakeholders throughout the state. This Annual Report describes the work of the Commission, which is largely carried out through our standing and ad hoc committees, as well as the Access to Justice Committees that operate in nearly all of Colorado's 22 judicial districts. The Report also reflects our partners' efforts undertaken consistent with the Strategic Plan.

The importance of the Commission's work became all the more clear in 2020 in the face of the two historic challenges faced by the state and the nation. The first was the COVID-19 pandemic that exposed and exacerbated systemic inequities that in turn have increased the need for legal assistance. The second was the dramatically increased recognition of racial inequality that deleteriously affects our legal, political and economic systems and that calls for redress.



# Enhancing the Structure & Operations of the Commission

The Colorado Access to Justice Commission had a busy year carrying out our mission. Consistent with the Strategic Action Plan, significant time and energy were spent on the internal structure of the Commission, clarifying roles and expectations and revitalizing our committee structure. Bylaw amendments were approved to create several ex officio positions, opening up opportunities for additional appointments to improve our geographical diversity. Committee charters were drafted and approved and clear committee expectations were developed.

Significant time and energy were also spent to secure funding for a dedicated staff person for the Commission. Since we were established in 2003, we have relied entirely on volunteers to accomplish our mission with some limited staff assistance from our appointing entities. The experience of access to justice commissions across the country make it clear that dedicated staff is essential if a commission is to realize its full potential. With the help of a generous, anonymous donor, the Colorado Bar Association and the Colorado Lawyer Trust Account Foundation, we are now able to hire a full-time executive director in 2021.



# 2020 Accomplishments

## Increased Access through Technology

The 2018 Strategic Action Plan set two objectives with regard to technology: *"1) To expand and coordinate the use of technology to enhance access to the courts and to services that respond to individuals' legal problems and to increase the efficiency and effectiveness of delivering those services; and 2) To enhance the capacity of the access to justice system to respond to the needs of isolated individuals, particularly in rural communities."*

COVID-19 dramatically amplified the central importance of technology to overcoming limitations on access to legal aid services and to the courts. Longstanding challenges to access affecting rural and racially isolated communities were markedly increased by pandemic related restrictions on in-person contact and on travel. Through our committees, the Commission worked with our collaborative partners: the Judicial Branch, Colorado Legal Services (CLS), the Colorado Bar Association (CBA) and local Access to Justice Committees as they implemented a variety of strategies to meet the challenge.

The work of the Commission included:

- Multiple law clinics and legal resource days designed to provide legal advice and information to persons without an attorney shifted to on-line services and pro bono programs pivoted to remote assistance.



- Colorado Legal Services introduced a variety of ways for low-income persons in need of assistance to access services online, including implementation of an online advice chat, providing staff the option to fax legal documents online, increasing online document assembly capabilities for staff and clients, and providing staff e-signature software allow signature of documents online. CLS, in collaboration with the Judicial Branch and other community stakeholders, is also developing an online tool of a 360 tour of a virtual courthouse that will provide unrepresented litigants with information about court processes, personnel and the actual court experience.
- We monitored the pilot phase of e-filing for unrepresented litigants and prepared for broader implementation.
- We supported development of the Colorado Resource Network (a pilot project designed to implement key components of the Strategic Action plan and now operated under the auspices of the CBA) to help persons in need of assistance find the necessary help in both an urban and a rural judicial district – a service that will be expanded to other judicial districts.
- We investigated mobile court apps to determine their potential in improving access to justice.
- We monitored the development of the new Colorado Legal Help website that will connect unrepresented litigants to legal information, self-help resources and resources for legal representation.
- We worked with the Colorado Bar Association, Colorado Legal Services and others to develop statewide information on resources for unrepresented litigants – both tenants and landlords – who are dealing with evictions.



# Innovations in Delivery

The Strategic Action Plan identified several innovative strategies to increase the availability of services for persons needing assistance to resolve a legal problem. Those included: 1) support for increased limited scope or “unbundled” representation, 2) promotion of “incubators” to help public interest and low-cost law firms get started and 3) expansion of mediation and alternative dispute resolution. In furtherance of these objectives, we undertook several initiatives:

- Supported expansion of Legal Entrepreneurs for Justice, an incubator program that trains and mentors lawyers launching or transitioning to practices that address the needs of underserved legal consumers. See <https://www.lejco.org/>.
- Assisted the Paralegals and Legal Services (PALS) Committee in its continuing exploration of possible regulatory regimes for licensing qualified paraprofessionals to engage in the practice of law in certain defined contexts where most litigants are currently unrepresented.
- Investigated community justice centers to determine their potential in improving access to justice.
- Monitored the use of a parenting time online dispute resolution app, which is being piloted in several counties by the Office of Dispute Resolution together with Child Support Services.
- Monitored a project of the Metropolitan Volunteer Lawyers (MVL) to offer unbundled assistance to unrepresented litigants who have already filed their family law case.



- The Commission remained abreast of and supported efforts to ensure that all Coloradans have access to broadband because lack of a robust internet connection can impede access to counsel and the courts.

## Simplification and Standardization

The Strategic Action Plan highlighted the importance of simplification and standardization of forms and procedures throughout the state. It noted:

*“There was widespread agreement throughout the JFA Planning Process about the importance of simplification and uniformity of forms used in proceedings that have large numbers of litigants who represent themselves, such as in family law, landlord-tenant and collections. Confusion about what is required and duplication of requests for certain kinds of information were identified as being impediments to unrepresented litigants proceeding successfully in their cases, causing frustration for the litigants and delays and inefficiency for the courts. The value of simplification to address this need is self-evident. Uniformity across judicial districts was recognized as being key to the simplification process for obvious reasons.”*

A number of initiatives were undertaken to meet this objective in 2020.

- In response to an eviction crisis, exacerbated by the pandemic, recommendations were developed for uniform changes in County Court Procedures and associated forms and to develop standard, virtual eviction and collection processes for use throughout the state.



- Through the Commission’s committees, we developed recommendations to the Supreme Court to standardize procedures related to fee waivers for indigent litigants and to protect the procedural rights of parents in termination of parental rights proceedings and in dependency and neglect cases.
- We worked to develop a standardized statewide model for county court websites and continued to work closely with the courts to ensure that appropriate information and resources are provided to unrepresented litigants.

## Plain Language

The “stark reality” that in many high-volume areas of litigation most parties are not represented by an attorney highlighted the need to prioritize the translation of forms and written procedures from legalese into plain language easily understood by unrepresented litigants.

- In response, through the Court Committee, we supported and monitored the efforts of the State Court Administrator’s Office to translate selected court forms into plain language, focusing first on domestic relations forms and then on probate forms.



## Pro Bono

The Strategic Action Plan called for a campaign to increase the number of lawyers engaged in pro bono representation throughout the state. It noted: *“Pro bono lawyers are an important component of Colorado's efforts to respond to the access to justice needs of its inhabitants.”* While citing the significant efforts by state and local bar associations and active support of the Colorado Supreme Court, the Plan concluded that more could be done. *“There is significant room for sharing among the judicial districts of successful models for engaging pro bono lawyers. As in every state, support, recruitment, and retention of pro bono lawyers is an ongoing challenge.”* The Plan committed to addressing certain identified impediments and *“to continuing the state's ongoing efforts to engage volunteer attorneys in meeting access to justice needs.”*

To respond to this need, the Commission through our committees and in coordination with the Colorado Bar Association engaged in several initiatives:

- We continued to support the Colorado Supreme Court Pro Bono Legal Service Commitment and Recognition Program that recognizes law firms, solo practitioners and in-house counsel or government groups that have committed to an annual goal of 50 hours of pro bono legal services by their Colorado-licensed attorneys.
- We assisted in launching Succession to Service, a structured statewide program that pairs retired or soon-to-be-retired lawyers and judges with nonprofit organizations, courts, and other public interest entities to improve access to justice. See <https://successiontoservice.org/>.



- We participated with the Colorado Bar Association Ethics Committee in studying possible amendments to Colorado Rule of Professional Conduct 6.1, to address ambiguities and inconsistencies that may have the effect of discouraging pro bono service.
- We supported a project of the CBA to open a Bankruptcy Clinic at the Federal Pro Se Clinic, a project funded by US District Court through attorney registration fees.
- We investigated a number of innovations to determine their potential in improving access to justice, including voluntary or mandatory reporting of pro bono work.

## Resource Development and Communication

The Strategic Action Plan noted that: *“Colorado has not been as successful as other states in obtaining public monies to support the access to justice system – outside of strong support in the Judicial Branch for self-help activities. ... To increase funding from both public and private sources, there is a strong need for a solid communication strategy to make the public and decision-makers aware that all Coloradans have an interest in having a robust access to justice system in the state.”*



The Commission was active in seeking to respond to these challenges:

- Through the Resources Committee, we continued to work to sustain support in the legislature for state funding for legal aid through the Family Violence Justice Fund (FVJF) and the Eviction Legal Defense Fund (ELDF). Unfortunately, despite these efforts, state funding for these funds was cut, although temporary CARES Act funding made up for the cuts some of the lost funding. Efforts to restore and increase the funding will continue in the future.
- We developed an initial set of key messages that can be used both internally and externally regarding the work of the Commission and the importance of a robust, well-funded access to justice capacity.



# Looking Ahead

We look forward to building on what we have accomplished in 2020 to meet the new challenges we will face in 2021:

**Justice Melissa Hart, Justice of the Colorado Supreme Court and Member of the Access to Justice Commission**

*“2020 was a challenging year in many ways, and it included both new and existing impediments to access to justice in Colorado. Yet with great challenge comes great opportunity, and the Colorado Access to Justice Commission is dedicated to seizing on that opportunity. The Commission has begun a virtual Listen and Learn Tour of Colorado, with the goal of getting input from people in communities all across the state on our civil justice system challenges and possible solutions. We have already learned so much and, as we continue to gather information, we look forward to implementing what we learn from a broad range of Coloradans on how to expand access and enhance the quality of justice for all.”*

**Dick Gast, Chair of the Access to Justice Commission**

*“Building on the Commission's 2020 success stories, we are excited to begin 2021 by welcoming the Commission's very first Executive Director, Elisa Marie Overall. With the addition of a dedicated staff member, the Commission's foundational capacity to make an impact will grow. We look forward to this new chapter for the Commission and our work to improve access to justice throughout Colorado.”*

## 2020 Access to Justice Commissioners

<b>2020 Officers</b> Fred Baumann, Chair Diana Poole, Vice-Chair Richard Murray, Secretary	Jonathan Asher Fred Baumann Judge Susan Blanco Beth Crane Judge Adam Espinosa Dick Gast Justice Melissa Hart Wesley Hassler Brittany Kauffman Liz Krupa Claire Levy Judge Lino Lipinsky Jason Lynch Timothy Macdonald	Jackie Marro Magistrate Judge Kristen Mix Richard Murray Diana Poole Lauren Schmidt Kath Schoen Judge Tim Schutz Dave Stark Judge Dan Taubman Reenie Terjak Penny Wagner Sam Walker John Zakhem
<b>2021 Officers</b> Dick Gast, Chair Reenie Terjak, Vice-Chair Richard Murray, Secretary		