



COLORADO ACCESS TO JUSTICE COMMISSION

FINDINGS AND RECOMMENDATIONS
FOLLOWING THE 2021 STATEWIDE LISTEN & LEARN TOUR



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Executive Summary

The COVID-19 pandemic has put into stark relief the realities of what is known as the “justice gap”— the divide between people’s civil legal needs and the resources available to meet them. Coloradans increasingly face civil justice issues that impact vital human needs, like housing, safety, family, physical and mental health, and economic security. Most people must try to resolve these issues without legal help, despite being ill-equipped to navigate an unfamiliar and complex civil justice system alone.

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In 2021, [Colorado’s Access to Justice Commission \(ATJC\)](#) sought to capitalize on newfound comfort with virtual meeting platforms to conduct a statewide “listening tour.” Under the leadership of [Colorado Supreme Court Justice Melissa Hart](#), in her capacity as the Court’s ATJC Liaison, the ATJC spoke with community stakeholders in each of the state’s twenty-two judicial districts to understand the current challenges and identify working solutions for those seeking access to the civil justice system.

This Report examines the results of forty-one different Listen & Learn sessions and considers the voices of [519 community stakeholders](#) to highlight the most pressing civil legal issues Coloradans face as well as the consequences of inadequate assistance with resolving these issues. The Report also highlights solutions that a broad range of legal and community service providers have employed to accommodate emerging needs. Finally, it offers recommendations for how the many stakeholders committed to an equitable justice system can steward progress.

Findings On The Civil Justice Gap

Coloradans from all walks of life face daunting barriers to civil justice, including the complexity of legal matters and the often-prohibitive cost of legal assistance. For particularly vulnerable populations, these barriers can have especially destabilizing and compounding effects on their lives.

Vulnerable populations that participants mentioned included aging adults; people with disabilities; people of color; and people experiencing poverty, homelessness, mental health or addiction challenges, language and/or cultural barriers, and domestic violence.



The most prominent access-to-justice barriers identified:

- The complexity of the court system
- Distrust and fear of the legal system
- Scarcity of free civil legal aid
- Lack of affordable legal advice
- Underserved rural communities
- Technology challenges
- Language
- Court fees



Recommendations

Innovative solutions for bridging the civil justice gap must span the breadth of the gap itself. The following is a non-exhaustive list of ways that stakeholders in our civil justice system can individually and collectively help bridge the civil justice gap.

GENERAL ASSEMBLY

- Significantly increase legislative funding for Coloradans to access civil legal aid.
- Ensure adequate funding so Judicial Department infrastructure can support continued virtual court appearances as an enduring access-to-justice tool and not just a health and safety measure during the COVID-19 pandemic.
- Support and fund Judicial Department programs that increase access for limited English proficient (LEP) individuals, plain language materials, and resources for people with disabilities.
- Implement state-sponsored financial incentives — such as salary subsidies, tax credits, and loan repayment assistance programs — for lawyers who primarily serve rural Coloradans in communities with few lawyers.
- Prioritize legislation that directly promotes access to justice, for example, bills that make legal processes less onerous for self-represented parties.
- Incorporate plain language into bills that affect participation in the civil legal justice system.

JUDICIAL DEPARTMENT

- Ensure the availability of a remote appearance option for certain court proceedings. Even if an option for remote appearance is not required, each judicial officer should make remote appearance an option for certain proceedings.
- Continue developing and expanding technology infrastructure for virtual proceedings across Colorado.

- Offer training for judges and judicial staff in best practices for serving people experiencing trauma. Judges should seek out this and other training that will help them serve the public and self-represented litigants particularly.
- Continue efforts to make access to the courts more affordable through measures like simplifying *in forma pauperis*¹ eligibility and waiving electronic filing fees for self-represented litigants.
- Continue expanding simplified and standardized forms and procedures.
- Increase services for LEP individuals and for people with disabilities.
- Develop community-based, non-lawyer navigator² programs in the courts.
- Establish a licensed paraprofessional program so that legal advice can be provided at lower cost to consumers.
- Offer public guidance to clarify how non-lawyers can help self-represented litigants without fear of engaging in the unauthorized practice of law.

LAWYERS

- Take and fulfill the [Colorado Supreme Court's Pro Bono Recognition Program](#) pledge to dedicate fifty hours or more of pro bono legal services every year.
- Commit to supporting or providing affordable legal services such as unbundled, low bono, and sliding scale services.
- Dedicate a meaningful portion of your efforts to helping Coloradans in rural communities with few local lawyers.
- Join any of the robust and growing programs tackling the civil justice gap, like the [Virtual Pro Se Clinic](#), the [Colorado Lawyers Committee](#), [Metro Volunteer Lawyers](#), the [Colorado Federal Pro Se Clinic](#), other local bar association pro bono programs, and local access to justice committees.

¹ "In forma pauperis" (IFP) status is available to those who the court determines do not have the resources to pay filing fees.

² "Nonlawyer navigators" come from outside the state courts and help self-represented litigants with basic civil legal problems without providing legal advice and without formal legal credentials and training. Programs may be volunteer-based, government sponsored, or privately funded.

LAW SCHOOLS

- Encourage law students to do pro bono work through programs specifically focused on providing legal services to those unable to afford attorneys and to rural Coloradans.
- Expand incentive programs to encourage law students and recent graduates to open or join law practices in rural Colorado.

ACCESS TO JUSTICE ADVOCATES

- Collaborate with local community service providers in advocacy measures such as programming, outreach, and communication campaigns.
- Collaborate with [local libraries and librarians](#) to support self-represented litigants.
- Promote low or no cost mediation and/or online dispute resolution programs in your judicial district for case types like eviction, small claims, and divorce.
- Promote the creation of eviction diversion programs.
- Coordinate with existing advocacy efforts for the expansion of public broadband, especially in rural Colorado.
- Organize an advocacy effort that engages [judicial nominating commissions](#) and [judicial performance commissions](#) as important decision-makers in ensuring that judicial officers are committed to access to justice.
- Serve in a leadership role on your [local access to justice committee](#).



Introduction

The “justice gap” – the divide between people’s civil legal needs and the resources available to meet those needs – is a significant problem in Colorado, and throughout the nation.³ While low-income individuals are often the focus of conversations about the civil justice gap, access to adequate legal resources is a problem that reaches well into the middle class, where many individuals find the cost of hiring a lawyer is more than they can afford. The result is a fundamental challenge to the ideal of equal justice under the law. Coloradans with legal problems connected to their most basic needs – housing, family, food security, health care, job security, immigration status, and safety, among others – are often left to navigate the exceedingly complex legal system without the help of an attorney.

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Since 2003, the [Colorado Access to Justice Commission](#) (“Commission” or “ATJC”) has been collaborating with organizations concerned about this gap to develop and support a range of tools to address it. That work has included advocacy for increased funding for [Colorado Legal Services \(CLS\)](#), which provides free legal advice and representation in civil matters to eligible low-income Coloradans; partnership with the Colorado Supreme Court to sustain and expand the court’s annual [Pro Bono Recognition Program](#), which recognizes law firms and other entities that provide the recommended fifty hours of pro bono legal services per Colorado attorney each year; and active engagement with the State Court Administrator’s Office to help develop plain language forms, online dispute resolution, expanded language access, and other measures that make courts more accessible.

³ See generally [Legal Servs. Corp., The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans 9 \(2017\)](#).



In both 2007 and 2013, the ATJC conducted hearings to better understand and draw public attention to Coloradans’ unmet legal needs. In 2017, the Commission was awarded a “Justice for All” (JFA) grant by the National Center for State Courts with funding from the Public Welfare Foundation. This grant allowed the Commission to conduct an expansive survey of legal service providers and courts in Colorado, to inventory their efforts, and to host a summit attended by lawyers and Judicial Department employees from every corner of the state. As a result of the ideas and priorities generated through this process, the Commission approved a JFA Strategic Action Plan, detailing the measures that various stakeholders could take to continue to address the justice gap.

Over the past two years, the COVID-19 pandemic has brought the challenges of the justice gap into dramatic focus. It has also forced the justice system and service providers to innovate in ways that may offer long-term solutions to shrink the justice gap. In the winter of 2020, the Commission recognized that a second summit, similar to the successful 2017 meeting, would not be possible in the pandemic climate. Commissioners also recognized that society had adapted to online meeting formats that had not been the norm before the COVID-19 pandemic. With this in mind, the Commission decided to conduct a series of online meetings, reaching out to every part of Colorado to learn how the justice gap was experienced in diverse communities around the state.

This report summarizes the themes that emerged from this 2021 remote Listen & Learn Tour, identifying the access-to-justice challenges that remain in Colorado, including those that have emerged since the COVID-19 pandemic. It then discusses solutions to those challenges and offers recommendations for moving forward.

Methodology

The 2021 Listen & Learn Tour was designed to allow service providers around the state to share their knowledge and experiences regarding access-to-justice challenges. With support from members of local access to justice committees⁴, leaders of local bar associations, and CLS attorneys in different regions, the Commission began the project by creating local invitation lists comprised of each region's local community and legal service providers. Stakeholders were then invited to attend their community's virtual meetings and to share comments on access-to-justice barriers.

From March to September 2021, the Commission held forty-one virtual convenings, with an average of two virtual meetings in each of Colorado's twenty-two judicial districts.

A total of 295 Judicial Department representatives and legal service providers and 224 community service providers attended the meetings.⁵ Judicial representatives included judges, clerks, court executives, interpreters, self-represented litigant coordinators (SRLCs)⁶, family court facilitators (FCFs)⁷, and probation officers. Other legal service providers included local access to justice committee chairs, leadership from local bar associations, mediators, attorneys heavily involved in pro bono efforts, government attorneys, and legal aid attorneys.

Attending social service providers included a wide variety of civil servants and private sector stakeholders, including representatives from departments of human services; county commissioners and administrators; state legislators; court-appointed special advocates; educational and library professionals; agencies that support aging adults; and representatives of domestic violence organizations, immigration services, veteran services, religious organizations, disability services, homeless shelters, and behavioral and mental health services providers.

⁴ "Local access to justice committees" are region-specific committees made up of professionals and community members committed to creating tailored solutions that promote greater access to civil justice, such as legal aid clinics and resource fairs.

⁵ See *Listen & Learn Participants, Appendix A*.

⁶ "Self-represented litigant coordinators" help facilitate access to the courts by helping self-represented litigants. They may provide general information about court procedures, rules, and logistics; help self-represented litigants select the correct forms; provide some assistance with filling out court forms; answer general questions and provide other services consistent with Chief Justice Directive (CJD) 13-01.

⁷ "Family court facilitators" provide case management services and coordination in family-related matters, including domestic relations, domestic violence, dependency and neglect, and delinquency cases. They may provide information about domestic violence resources, assist in calculating child support, help parties understand court processes, and provide other services consistent with CJD 13-01.

Each convening began with brief introductory remarks by [Justice Melissa Hart](#) and [Commission Executive Director Elisa Overall](#). Participants then introduced themselves and shared what they believed to be the greatest civil access-to-justice barriers facing their constituents. Time permitting, participants also shared information on lessons learned during the COVID-19 pandemic and identified solutions that had proven successful in their communities. Each session lasted between sixty and ninety minutes. The Commission maintained detailed notes of each participant’s comments.⁸ Participant comments were then categorized and quantified by the types of barriers, legal topics, and client populations they mentioned.

After the final session of the Listen & Learn Tour, the Commission asked all attendees to participate in an online survey to share any additional thoughts on potential short-and long-term solutions and to provide information on any new access-to-justice efforts that had emerged in their region. The themes reported here are culled from both the conversations and the survey results.

Barriers

THE COMPLEXITY OF THE LEGAL SYSTEM

Participants repeatedly emphasized that individuals facing a civil legal problem frequently feel overwhelmed by the complex nature of both the law and court procedures. This is true not only for lay people with less education but even for people with advanced degrees, including lawyers.

Becky Casey, FCF and SRLC in Fremont County, described how these issues cascade: “The entire process is confusing and not understandable. The statutes are unreadable, and the forms are difficult to understand. People need help understanding how court works and how to prepare. Once in court, they are so intimidated by the process they don’t know what to say, or when to say it. Afterwards they feel like they didn’t get a chance to talk.” Arapahoe County Court Judge Michael Roche told the Commission, “It is very clear that the forms make people freeze and lock up because they are so difficult to understand.” As a result, he said, “it is rare that someone comes into my court who has read any of the documents other than the notice of hearing.” He does not blame the litigants. Rather, he urges, the forms need to be written in plain language.⁹

⁸ After each session, participants were given the option to remain anonymous in the notes that informed this report.

⁹ “Plain language” refers to materials that are easily understood by the intended audience.

Many participants, including several attorneys, experienced the same confusion. One senior judge expressed frustration with the complexity of the law and forms litigants must use, saying even he had to hire a lawyer to navigate a relatively straightforward civil legal issue. Ellen Giarratana, Managing Attorney with the [Colorado Center on Law and Policy](#), echoed this sentiment, explaining that the jargon and legalese in many documents like notices about public benefits, are hard to understand even for trained lawyers. Participants explained that for litigants who are illiterate or have minimal education, the expectation that they navigate a legal issue on their own is not realistic.

And the complexities that are hard for anyone trying to access the court system are even more significant for vulnerable populations such as aging adults and people suffering with addiction or mental health challenges.

“The entire process is so confusing that many people give up before even getting into court.”

— Beatriz García

Program Manager with Compañeros (Southwest Colorado)

People with limited English proficiency (LEPs) face even greater difficulties when attempting to resolve a legal issue. A service provider for [Centro de la Familia](#) in Colorado Springs, explained that there are fewer community services and resources for LEP individuals to begin with. In addition, they are often first-generation immigrants trying to navigate a foreign culture and other unfamiliar systems on top of having to decipher the American legal system. She explained that, sooner or later, many just give up. Moreover, when LEP individuals approach community organizations asking for help with court forms, non-lawyers working in those organizations are often unsure of how much assistance they can provide without engaging in the unauthorized practice of law. This limitation particularly concerns providers given that court documents must be completed in English.

Some participants described how this steep and nearly universal barrier has caused many of their clients to lose their cases by default. Participants shared stories of people losing their homes or custody of their children because, despite trying, they did not understand the court's requirements. “Every day, we see tenants who don't know that they need to go to court for these eviction cases and then they get default judgments entered against them,” said Carey Degenaro with the [COVID-19 Eviction Defense Project](#). She described how disheartened these tenants are “when they realize they will lose their home because they don't understand a system that clearly isn't geared toward everyday people; it's geared toward lawyers.”

DISTRUST AND FEAR OF THE LEGAL SYSTEM

Many who described this complexity also stressed that, as a result, people lose faith in the justice system as a whole. Legal and community service providers voiced the opinion that people are not wrong to conclude that the justice system is at times quite unjust. State Representative Mike Weissman, also a lawyer, noted unhappily that it seems self-represented litigants are not truly afforded a fair opportunity in our current civil justice system. One judge reflected with visible regret that self-represented litigants enter his courtroom with a strong sense of fatalism: “They view the courts as an arm of the haves, shaking down the have-nots. This does not lend itself to much faith in the judiciary.”

Shut-downs from the COVID-19 pandemic exacerbated these trust issues. Some court staff reported that reduced court hours decreased customer service. “This has eroded public confidence in the judicial system as a whole,” said Magistrate Marianne Tims of the 1st Judicial District, based in Jefferson County. Other participants described frustrated litigants, unable to tell from a court’s website whether the courthouse was open, who appeared in person only to learn that they could not enter the courthouse and would need to find a way to appear virtually.

“[People] view the courts as an arm of the haves, shaking down the have nots. This does not lend itself to much faith in the judiciary.”

— County Court Judge

Providers shared that, for many of their clients, engaging with the court system is a source of anxiety and trauma, particularly when their legal issue has already caused distress. Participants highlighted that a courthouse is an intimidating space for most laypeople. This is especially true for vulnerable populations such as those experiencing homelessness, mental health, or addiction issues. Mary Pat Bowen, Director of [Victim Services with the Park County Sheriff’s Office](#), explained that the people she works with quickly become overwhelmed with the process. “There is a need for legal advice on the front end to lighten the stress and let people know what is going to happen and what it will look like,” she said. Advocates and service providers emphasized that victims frequently feel intimidated, ignored, undermined, or retraumatized by the civil justice system.

Several service providers noted that the differences between the criminal and civil justice systems are difficult for the general public to appreciate: both processes occur in the same courthouse, in the same types of courtrooms, before identical looking and acting judges. Most people with direct or even indirect experience with a criminal case associate the justice system as a whole with fear of negative consequences. This fear carries over into their efforts to resolve civil matters. Given the overrepresentation of people of color in the criminal justice system, fear is more acute and pervasive for those communities.

Participants explained that this fear is also magnified for immigrant communities. Christian Luna-Leal with [Full Circle of Lake County](#) shared that for many immigrants the greatest access-to-justice barrier is fear of being deported. Beatriz García of [Compañeros: Four Corners Immigrant Resource Center](#) in Durango said that even clients with urgent needs and legitimate claims are too terrified to set foot in a courthouse. Much of that fear is a result of Immigration and Customs Enforcement (ICE) using courthouses to track down and detain immigrants. Although the General Assembly has enacted a law prohibiting civil arrests in courthouses,¹⁰ the fear engendered by past practice remains. Ms. García explained that it will take years if not generations for immigrants to lose the feeling that they are taking their chances going into a courthouse.



SCARCITY OF FREE LEGAL AID

Many participants stressed that, while legal aid attorneys provide valuable, life-altering assistance, there simply are not enough of them to meet the need. First, due to underfunding, the entire state of Colorado has a total of just 86.3 legal aid attorneys, or 0.66 legal aid attorneys for every 10,000 eligible residents, ranking it second-to-last among America's western states.¹¹ Colorado Legal Services (CLS) participants reported that they must turn away roughly half of those eligible who have applied for their services.

In addition to the shortage of legal aid lawyers for eligible people, participants emphasized that large groups of people in need are ineligible. To qualify for legal aid, one must make less than 125 percent of the Federal Poverty Guideline. This translates to an annual income of roughly \$16,100 for an individual or \$33,125 for a family of four. According to the 2020 census, fewer than nine percent of Coloradans are considered persons in poverty,¹² yet many more Coloradans cannot afford an attorney.

Moreover, CLS generally cannot represent people who are undocumented due to federal legislation. Legal service providers repeatedly shared their frustration with this restriction, stressing that it leaves a significant gap in services for these communities. Although the [Rocky Mountain Immigrant Advocacy Network](#) provides free legal services in immigration matters, Executive Director Mekela Goehring shared that its services are grossly underfunded: roughly 70 percent of those held at the immigration detention centers go unrepresented. And immigrant children frequently represent themselves before a judge, against a government attorney, in proceedings to determine whether they will be deported.

¹⁰ See § 13-1-403, C.R.S. (2021) (prohibiting civil arrests in courthouses and allowing judges to issue a writ of protection to those "going to, attending, or coming from a court proceeding.").

¹¹ See Nat'l Ctr. for Access to Justice, *Attorney Access: State Scores and Rankings, Just. Index (2020)*, <https://ncaj.org/state-rankings/2020/attorney-access> (last visited Jan. 29, 2022) (interactive chart).

¹² Quick Facts: Colorado, U.S. Census Bureau (2020), <https://www.census.gov/quickfacts/CO>.

LACK OF AFFORDABLE LEGAL ADVICE

All participants agreed that traditional legal services are not affordable, while limited scope representation¹³ and similar efforts are underutilized. Andrea Shahmardian, Family Court Facilitator (FCF) in Larimer and Jackson Counties, said she sees nontraditional legal services as a potential solution to the cost issue. “We really need more attorneys to offer unbundled services,” she said. But Ms. Shahmardian and other participants explained that it was hard to know whether lawyers would agree to unbundled services or similar affordable options.

Many participants noted the positive impact of pro bono legal services but explained that few attorneys provide such services in their communities and lamented the difficulties they encounter when trying to recruit pro bono lawyers. This challenge appears particularly significant in some rural areas where, participants reported, there are few attorneys and even fewer interested in performing pro bono work. And in areas where small contingents of attorneys offer the lion’s share of the region’s pro bono services, these attorneys described high levels of burnout.

“We really need more attorneys to offer unbundled services.”

— Andrea Shahmardian

Family Court Facilitator for the 8th Judicial District (Northern Colorado)

Notwithstanding the strong sense of frustration about the low numbers of attorneys offering pro bono services, participants also commended various robust pro bono projects and legal information clinics. No effort was more frequently mentioned than [Colorado’s Virtual Pro Se Clinic \(VPC\)](#), which came up in nearly every session. The VPC partners with libraries all over Colorado and allows library patrons to sign up for fifteen- to twenty-minute slots at monthly virtual clinics. During these sessions, attorneys offer guidance over Zoom, which the VPC has been using since 2013. The VPC also maintains a publicly available online library of self-help resources covering over sixty civil issues.¹⁴ Ric Morgan, founder and coordinator of the VPC, participated in several of the listening sessions, where he shared that the program recently served its 10,000th patron. Many participants highlighted the benefits of offering these services through the libraries and urged the creation of more models like the VPC.

¹³ “Limited scope representation” refers to the notion that an attorney and her client may agree that the attorney will handle part of a matter, rather than an entire case from start to finish. For example, the attorney may prepare certain forms, but the client will file them and represent herself in any hearings. This is also called “unbundling.”

¹⁴ See VPC, Checkerboard, www.checkerboard.co (last visited Jan. 29, 2022).

In almost every session, participants expressed frustration with the fact that only attorneys can provide legal advice. Several self-represented litigant coordinators (SRLCs) and family court facilitators (FCFs) shared that self-represented litigants become frustrated when they explain that they cannot provide “legal advice” but only “legal information,” which limits how much they feel they can help people who are struggling with complicated court forms and procedures. Many highlighted the value that a lower-cost paraprofessional—one who could give legal advice—would offer to low- and middle-income Coloradans struggling to navigate legal issues.

Community service providers also mentioned that many people need the most help when they are inside the courtroom and unsure about how to address judges or present their cases, but SRLCs and FCFs are not authorized to help litigants inside the courtroom. Many community service providers, like Deb Hamilton, law librarian with the [Pike’s Peak Library District](#), said they and their colleagues are eager for more training on how to help people outside of courts.

Several participants suggested that mediation could reduce costs in housing disputes, family law cases, contract disputes, and small claims cases. Court personnel, judges, and other participants reported that mediation is becoming more common for such cases. Participants described the many benefits of programs for reduced-cost mediation, which some district courts offer, or free mediation, as modeled by La Plata and Boulder counties in eviction cases. Several participants noted that mediation would be more effective if there were a way to reach parties before a lawsuit is filed, when it may be easier to resolve a dispute.

UNDERSERVED RURAL COMMUNITIES

With roughly two-thirds of the virtual Listen & Learn sessions in rural Colorado, the Commission heard resoundingly that very few lawyers are available outside many of Colorado’s metro areas. As one family court facilitator put it, “we can’t refer people to attorneys when there are no attorneys.” He went on to share that in the very rural courthouse he serves, 80-85 percent of the civil litigants are self-represented.

Participants reported that, in rural areas, often one or a handful of legal aid attorneys must cover large geographic areas. Rural legal aid attorneys explained that they struggle to make sure people across the vast regions they serve are aware of their services, and they reported having to make hard decisions about which cases to take and the extent of any involvement in a matter. For example, Jeanna Baitlon runs a one-person CLS office in Salida that serves the 11th Judicial District, covering Chaffee, Custer, Fremont, and Park counties. Because of the volume of demand, size, and topographical challenges of the region she serves, she estimated that about 85 percent of her legal practice consists of offering limited legal advice, as opposed to providing full legal representation for qualifying individuals.

Participants who have wrestled unsuccessfully with the challenge of legal deserts—communities without many or any attorneys—explained that the issue is complex. They have difficulty recruiting attorneys to practice in rural areas in part because those regions' economies are shrinking and populations are skewing older, making them less desirable for new younger transplants. Concerted efforts by Colorado's two law schools have been minimally effective, according to one career development staff member, who said even fellowships for relatively attractive rural government jobs for new lawyers cannot be filled. Wes Hassler, ATJC Commissioner, whose private firm in Pueblo has focused on recruiting and mentoring law students for years, conceded that even those his firm is able to recruit often eventually leave for better-paying jobs in larger cities.

Participants who organize pro bono programs described recent efforts to virtually connect urban attorneys with rural clients. More uniformity in court forms and processes across judicial districts would make recruiting attorneys to take on cases in rural areas easier.

Participants who organize pro bono programs, described some more recent efforts to virtually connect urban attorneys with rural clients. Some of these attempts have been successful, particularly where attorneys offer limited legal advice. Indeed, participants reported that attorneys are hesitant to take on larger scope representation, in part due to the vast differences across courtrooms. As Lauren Rafter of the [Colorado Poverty Law Project](#) explained, "pro bono attorneys from the metro areas are hesitant to take cases in the mountain towns because they don't know what the procedures of the court are going to be. They don't know what they're getting themselves into." Many participants emphasized that more uniformity in court forms and processes across judicial districts would make recruiting attorneys to take on cases in rural areas easier.

TECHNOLOGY CHALLENGES

Many participants pointed out that the COVID-19 pandemic has had a silver lining: virtual court appearances. One [Colorado Legal Services \(CLS\)](#) attorney who serves the vast southeastern corner of Colorado, which encompasses ten counties and two judicial districts, described having turned away an eligible client because the judge assigned to his case would not permit any virtual proceedings, and she could not drive the 3.5 hours each way to appear in person for a 15-minute scheduling hearing. Luckily, a different judge who was open to virtual appearances took over the case, allowing the CLS attorney to represent the client. Virtual court appearances also resolve profound access-to-justice barriers such as lack of transportation, the need to find childcare, missing work in order to appear in person, and safety fears for survivors seeking protection orders.

Despite the advantages of virtual court proceedings, many participants bemoaned the lack of broadband service in their regions—a fact underscored by regular interruptions to the listening sessions themselves, particularly those focused in rural areas. Indeed, rural participants were often forced to turn their video cameras off during virtual sessions to preserve bandwidth so they could at least hear and participate by audio.

Participants reported that many Coloradans cannot afford high speed wireless internet or adequate cellular data plans and that, in rural areas, broadband is often scarce or entirely unavailable. This lack of widespread broadband significantly impeded the otherwise overwhelmingly welcome advent of virtual court proceedings. Bob Kreiman, Court Executive for the 3rd Judicial District, which covers Las Animas and Huerfano counties, pointed out that judges and attorneys tend to be more open to virtual appearances when litigants can appear with their videos on, rather than just over audio. Lack of broadband access also frustrates the effectiveness of other access-to-justice solutions, such as virtual mediation and clinics, e-filing, and online self-help tools.

“We truly live in a tech desert. Broadband is scarce and many people don’t have access to a computer.”

— Kate Johnson

Self-Represented Litigant Coordinator for the 3rd Judicial District (Southern Colorado)

In addition, participants stressed that when it comes to technology, the populations they serve vary widely in access and literacy. Kate Johnson, SRLC in Huerfano and Las Animas counties, explained that the communities she serves “live in a tech desert.” Similarly, Lisa Ault, Clerk of Court for Sedgwick and Phillips counties, shared that “people don’t have access to computers.” Many who do not have computers may try using smart phones (if they have them) to access things like forms and instructions but quickly realize the fonts are too small and they would need a printer to fill out and sign the forms anyway. Yet most courthouses do not have computers or printers for litigants to use. Frustrated judicial staff described the absurdity of having to send self-represented litigants away from the courthouse and to the local library to access the technology they need to participate in the court system. Moreover, unlike many public-serving government centers, Colorado courthouses do not have publicly accessible wireless service.

Participants also shared that WebEx, Colorado’s current platform for virtual court appearances, is suboptimal for LEP individuals and people with disabilities. Daniel Quinlan, an interpreter who covers Southwest Colorado, explained that, compared to other platforms, WebEx is ill-suited for simultaneous interpretation, which is necessary for court appearances. Similarly, deaf and blind advocates described WebEx as “unusable.” One ombudsman with [Vintage](#), a nonprofit organization that assists aging adults, explained that “while COVID has improved some access due to technology, it has decreased access for the hearing and visually impaired.”

Technology also presents challenges for immigrant communities and older individuals. Nelly Navarro and Reid Petersen with [Comunidad Integrada](#), which serves northwest Colorado, described some hidden cultural barriers that prevent immigrants from using the same tools that many take for granted. For example, the courts’ automated phone systems are not usable for many immigrants, including English speakers, as the options and sequences are not culturally intuitive. And one participant with the City of Longmont’s [Community Neighborhood Resources Department](#) described spending much of her time trying to help elderly community members use the computer to access legal forms and information.

LANGUAGE

Nearly all participants with experience assisting those with limited English proficiency (LEPs) with civil legal issues agreed that language access is one of the most pronounced barriers to access to justice. This is because nearly all the existing access-to-justice resources, from self-help materials to court and legal services, are either in English only or are not reliably accessible for LEP individuals.

The Judicial Department's website is almost entirely in English, and basic information, instructions, and forms are immediately available only in English or Spanish. While the Judicial Department has a service that translates forms, it is not widely known, and the forms must be completed in English. Likewise, nearly all self-help materials are in English only. As one immigrant advocate explained, "with so many resources that are only in English, [it can be] difficult for people to even look for help. It creates stress that often leads people to give up."

Participants frequently pointed out that inside courtrooms, spoken interpretation services are largely available, with some wait, for those who request language services. This is a major and welcome improvement from years past. However, sometimes litigants want legal advice from the interpreters, but court interpreters like other judicial employees, cannot provide legal advice. Court interpreters have a very different role than people think. They cannot advocate, guide, or explain. They cannot help litigants better understand legal issues, though such restraints do not exist for community interpreters. And service providers who work with LEP individuals frequently pointed to a widespread lack of interpretation services outside the courtroom. Existing services such as the Language Line, they explain, are so expensive they are not practical solutions. Moreover, municipal courts still lack language access services, as various judges, clerks, and residents emphatically noted.

In addition to these challenges, service providers and advocates statewide repeatedly noted that there are very few Spanish-speaking lawyers, especially in many rural areas of Colorado, and even fewer who speak less common languages. For example, Ricardo Perez of the [Hispanic Affairs Project](#), which covers nearly all of western Colorado, emphasized that there are only two or three bilingual attorneys the whole region. Whereas privately retained attorneys often have staff able to interpret, the shortage of Spanish-speaking lawyers means many LEP individuals have virtually no chance of finding pro bono legal help.

COURT FEES

Participants also repeatedly identified court fees as a major barrier to access. As one county sheriff's officer explained, "filing fees are always an issue. To file a claim of physical assault or elder abuse, the cost is \$85. That initial cost actually keeps people from filing."

"Filing fees are always an issue. To file a claim of physical assault or elder abuse, the cost is \$85. That initial cost actually keeps people from filing."

— Deputy Sheriff

Additionally, issues with the process for determining fee waiver eligibility arose in many sessions. Participants described the process as lacking uniformity and often difficult to understand. One attorney described confronting dramatically different fee waiver eligibility requirements for nearly every judicial district and county in the Denver Metro Area. She further described sending clients into courthouses with all of the required forms and paperwork only to learn later that they were denied fee waivers due to a failure to present something not previously required nor listed on the court's webpage.

One district court judge wondered out loud, "why does waiving fees have to be so difficult? Why can't we have one automated process for people who get certain low-income benefits like SSI [Supplemental Security Income] or free and reduced lunch?"





Progress Since 2014

Following the Access to Justice Commission's 2013 Hearings, the Commission published a report, [Justice Crisis in Colorado 2014: Report of Civil Legal Needs in Colorado](#), which made several recommendations based on the findings resulting from the seven hearings conducted around the state. Those recommendations included several approaches to increased funding for civil legal aid, enhanced resources for self-represented litigants, and expanded provision of pro bono services by lawyers. In the ensuing years, many of the recommended actions have been taken. In particular, with regard to efforts to increase funding for civil legal aid:

In the ensuing years, many of the recommended actions have been taken. In particular, with regard to efforts to increase funding for civil legal aid:

- State legislative funding for civil legal aid has increased significantly. Between 2013 and 2014, the amount in the Family Violence Justice Fund more than doubled, reaching \$1 million. That amount doubled again in 2015 and, from 2016 through 2020, was at \$2.5 million. Due to COVID-19 cuts in 2021, the Fund was cut back to \$2 million, but in 2022 that amount was supplemented with \$750,000 additional support from American Rescue Plan Act ("ARPA") funds. In 2019, the General Assembly established the [Eviction Legal Defense Fund](#), with an initial appropriation of \$750,000. COVID-19 cuts in 2021 reduced that appropriation to \$600,000, which will be supplemented in 2022 with \$1.5 million in ARPA funding. Finally, in 2021, the General Assembly established an [Immigrant Legal Defense Fund](#) and provided \$100,000 to support that Fund.
- Amendments to Colorado Rule of Professional Conduct 1.15 were adopted in 2014, requiring interest rate comparability for Colorado Lawyer Trust Account Foundation (COLTAF) accounts. This requirement helps ensure that COLTAF accounts consistently receive the highest rate generally available to the bank's other customers on comparable non-COLTAF accounts. The impact of the comparability requirement varies with the interest rate cycle, but over time it should help maximize this important source of funding for civil legal aid.
- An amendment to Colorado Rule of Civil Procedure 23 was adopted in 2016, requiring that at least 50 percent of any class action residual funds be disbursed to COLTAF to support activities and programs that promote access to the civil justice system for low-income Colorado residents. To date, COLTAF has received two cy pres¹⁵ awards pursuant to this rule for a total of \$70,560.

¹⁵ "Cy pres awards" consist of unclaimed money from class action settlements after all class members have been paid.

- An amendment to Colorado’s Unclaimed Property Act was adopted in 2015, exempting funds held in COLTAF accounts from the provisions of the Act. Amendments to Colorado Rule of Professional Conduct 1.15B were approved in 2016, giving lawyers the option of remitting to COLTAF funds in their COLTAF accounts when, after reasonable efforts, the owner cannot be identified or, if identified, cannot be located. The only alternative to remitting such funds to COLTAF is for the lawyer to continue to hold those funds in a COLTAF account indefinitely. To date, COLTAF has received \$621,800 in unclaimed funds.

The Commission’s recommended steps for assisting self-represented litigants have also been taken, at least in part:

- Between 2014 and 2021, the number of self-represented litigant coordinators (SRLCs) in the state’s courthouses increased from 14 to 44, with at least one SRLC in every judicial district.
- Beginning in 2019 with a pilot effort in a few judicial districts, the Judicial Department has rolled out e-filing for self-represented litigants in domestic cases. As will be discussed further below, there is still much work to do with this and other technology efforts in the courts.

As for the 2014 Report recommendations for mobilizing private resources to help meet legal need:

- Significant work has been undertaken to encourage lawyers to expand pro bono services. This includes work to expand the number of law firms and lawyers who have taken the Colorado Supreme Court’s Pro Bono Pledge and who have met the Pledge’s 50-hour pro bono goal; development by Colorado Legal Services of programs that allow metro area lawyers to provide pro bono services to clients in rural parts of the state; and continued efforts by what is now the ATJC Delivery Committee to develop rule changes and other approaches that will increase pro bono services.
- The legal community has continued to encourage innovation that allows lawyers to provide cost-effective representation of moderate means clients. Of note, initiatives such as the [Colorado Bar Association’s \(CBA’s\) Modern Law Practice Initiative](#) have championed affordable representation, offered Continuing Legal Education credits (CLEs) around the state, and helped establish the [CBA/CLE’s first Solo and Small Firm Practice Conference](#). And, beginning in 2018 Colorado became home to its first affordable law practice incubator, [Legal Entrepreneurs for Justice \(LEJ\)](#). LEJ, which is now housed in the [Colorado Attorney Mentoring Program](#), provides support and education for lawyers committed to running affordable law practices that service low- and moderate-income clients.
- Colorado has seen progress on civil access to justice in numerous other ways not directly connected to recommendations set out in the 2014 Report. Those will be highlighted in the following recommendations for future progress.

Recommendations for the Future

Based on what the ATJC heard during its Listen & Learn Tour with service providers throughout the state, the Commission recommends that the **General Assembly**:

Significantly increase legislative funding for low-income Coloradans to access civil legal aid. In 2021 and 2022, the increased appropriations due to the availability of ARPA funds will allow legal services providers to assist more Coloradans facing eviction and domestic violence and the harms attendant to these disruptive events. As ARPA funds cease to be available, the General Assembly should commit to raising funding for the Family Violence Justice Fund and the Eviction Legal Defense Fund to at least pre-COVID levels.

Ensure adequate funding so Judicial Department infrastructure can support continued virtual court appearances as an access-to-justice tool and not just a health and safety measure. COVID-19 highlighted the value of virtual court appearances not only as a health and safety measure but also as a significant access-to-justice tool. But it also highlighted the need for greater technology infrastructure within the Judicial Department to support, among other things, successful virtual proceedings, and that infrastructure will require funding.

Support and fund Judicial Department programs that increase access for LEP individuals, plain language materials, and resources for people with disabilities. A consistent theme emerged from the listening sessions: our courts need to be more accessible. Increasing the availability of materials in languages other than English; converting forms, instructions, and other resources such as web content into plain language; and ensuring that the courts work for Coloradans with disabilities are essential and resource intensive.

¹⁶ S.D. Codified Laws § 16-23-4; S.D. Codified Laws § 16-23-5 (2021).

¹⁷ Me. Stat. tit. 36, § 5219-ZZ (2021).

Implement state-sponsored financial incentives, such as salary subsidies, tax credits, and loan repayment assistance programs, for lawyers who primarily serve rural Coloradans in legal deserts. The listening tour highlighted the dearth of attorneys in many parts of rural Colorado and the reality that the problem is only getting worse. Other states have started offering financial incentives for attorneys who commit to practice in more rural communities. South Dakota, for example, offers a salary subsidy to lawyers who spend five years serving underserved rural communities.¹⁶ And Maine's legislature recently enacted a tax credit to encourage attorneys to commit to serving the state's rural populations.¹⁷

Prioritize legislation that directly promotes access to justice, for example, bills that make legal processes less onerous for self-represented parties.

Incorporate plain language into bills that affect participation in the civil legal system. Court forms and instructions are based on the language used in statutes. When statutes use plain language, it is easier for the courts to do so as well.

The Commission further recommends that judges and the **Judicial Department** should take the following measures:

Ensure the availability of a remote appearance option for certain court appearances. The experiences of litigants around the state during the COVID-19 pandemic were varied. Attendees at the listening sessions reported that remote proceedings allowed their clients to attend a 10-minute status conference without taking a day off of work or finding child care or transportation; permitted attorneys on the eastern plains to appear on behalf of clients who would have had to appear without representation because an in-person appearance would have meant a seven-hour roundtrip commute; let victims of domestic violence feel safer because they did not have to appear in the same space as their abusers; and offered innumerable other benefits. For certain kinds of judicial proceedings – particularly brief appearances that do not require the presentation of evidence – the courts should always offer an option for remote attendance. Ideally, the Judicial Department should standardize this option by specifying the types of proceedings for which a remote option would be required.

Continue developing and expanding technology infrastructure for virtual proceedings across Colorado. Virtual proceedings have been vital during the COVID-19 pandemic, and the experience demonstrated that their benefits exceeded health and safety, and expanded access to our court system. However, many courthouses still don't have the infrastructure to make remote proceedings as effective as they could be, which means that some Coloradans are better positioned to take advantage of the benefits of remote proceedings than others. Continued infrastructure support, particularly in rural parts of the state, is essential to making court proceedings accessible.

Offer training for judges and judicial staff in best practices for serving people experiencing trauma. Judges should receive this and other training that will help them serve the public and self-represented litigants particularly. One of the most consistently expressed barriers to accessing the courts is the intimidating and complicated nature of the system. When individuals are facing a civil justice need, they are almost certainly experiencing trauma, and the complexity of court processes exacerbates those feelings. Many participants in the listening tour reported that their clients had encounters with judges and judicial staff that might have been more successful with a trauma-informed approach.

Continue efforts to make access to the courts more affordable, through measures like simplifying *in forma pauperis* (IFP)¹⁸ eligibility and waiving electronic filing fees. For indigent Coloradans seeking to participate in the court system, the complexity of the process of seeking IFP status – and therefore being entitled to waive filing fees – is a significant barrier. In 2021, the courts began accepting proof of certain public assistance as evidence that an individual is entitled to proceed IFP. However, the types of public assistance that satisfy this waiver of the complex IFP requirements are very limited. The Judicial Department should expand this option so that any individual receiving any income-based government benefits can participate in court proceedings without paying filing fees.¹⁹ Another cost barrier presented by current Judicial Department processes is the requirement that anyone wishing to file documents electronically pay a \$12 processing fee by credit card for each filing. For indigent litigants and for those without a credit card, this fee is a significant impediment to participation in the civil justice system.

Continue expanding simplified and standardized forms and procedures. One consistent theme in every listening session was that the complexity of the legal system is overwhelming for self-represented litigants and the community service providers who try to help them. Converting court forms into plain language would help court users to better understand the forms and complete them more accurately. Using the same simplified forms in every court in the state would permit self-represented users who face legal needs in different jurisdictions – and the community service providers who help individuals in multiple jurisdictions – to navigate courts more easily and provide them equal access. The movement to increase the use of plain language materials and simplified processes in courts is a nationwide effort. In fact, the Conference of Chief Justices and the Conference of State Court Administrators in 2019 adopted a resolution “urg[ing] courts, when drafting policies, procedures, and protocols, as well as associated documents, forms, and other information, (1) to write in a manner that is clear, concise, and easily comprehensible to all court users; (2) to make them publicly available online and in physical locations where they are readily accessible to court users; and (3) where possible, to make them uniform statewide within the court system.”²⁰ Colorado’s Judicial Department has taken steps to meet these goals, for example, with a pilot plain language effort in domestic cases in the 1st, 5th, 12th, and 19th judicial districts. The Department should expand these efforts statewide, not only for domestic cases, but many other case types, including eviction and debt collection cases, in which most litigants are self-represented.

Increase services for LEP individuals and for people with disabilities. Although the complexity of the language and procedures in courts are impediments for every self-represented litigant, they present especially large challenges for LEP individuals and those with intellectual disabilities and certain physical disabilities. Judges and judicial staff should be educated about best practices for serving LEP individuals, such as the courts’ responsibilities regarding language access, the role of the managing court interpreter, and the basic policies and procedures of the Judicial Department’s language access program. The Judicial Department should investigate alternative virtual platforms to Webex, which is not effective for LEP individuals or individuals with disabilities.

¹⁸ “*In forma pauperis*” (IFP) status is available to those who the court determines do not have the resources to pay filing fees.

¹⁹ See, e.g., Conn. Gen. Stat. § 52-259b(b); Me. R. Civ. P. 91(a)(3); Minn. Stat. 563.01(3)(b); NMRA Rule 23-114(A)(1).

²⁰ See Conf. of Chief Justices & Conf. of State Ct. Administrators, Resolution 5, In Support of Implementation of Clear Communications and Streamlined Procedures in the Courts (July 31, 2019), <https://ccj.ncsc.org/~media/Microsites/Files/CCI/Resolutions/07312019-Implementation-Clear-Communications-Streamlined-Procedures.ashx>.

Develop community-based, non-lawyer navigator programs in the courts. Colorado's SRLCs and family court facilitators (FCFs) provide a remarkable service to self-represented people in the courts. SRLCs and FCFs, however, can only assist customers outside of the courtrooms. A growing number of courts around the country have utilized community navigators who can provide support in the courtroom, where self-represented litigants are often unsure and scared.²¹

Establish a licensed paraprofessional program so that legal advice can be provided at lower cost to consumers. The dearth of lawyers in rural communities and the overall cost of legal services was a consistent message in the listening sessions. In 2019, the Colorado Supreme Court directed the Attorney Regulation Advisory Committee to put together a proposal for the licensing and regulation of [Licensed Legal Paraprofessionals](#) who could provide services in certain domestic matters in which people are now overwhelmingly self-represented.²² The Court should approve that new, lower-cost category of legal services providers and should explore whether a similar model could be used in other case types.

Offer public guidance to clarify how non-lawyers can help self-represented litigants without fear of engaging in the unauthorized practice of law. One of the concerns that several community service providers raised is that they are fearful of helping people fill out legal forms because of concerns that they will be accused of engaging in unauthorized practice of law. Greater clarity on the kinds of assistance these community partners can provide without risking unauthorized practice would enable them to better help their clients.

The Commission recommends that the **University of Colorado Law School and the University of Denver, Sturm College of Law** take steps to address the civil justice gap, including:

Encourage law students to do pro bono work through programs specifically focused on providing legal services to those unable to afford attorneys and to rural Coloradans in legal deserts. If law students learn during law school about the ways they can serve high-need populations with their law degrees, they will be better positioned to pro bono service when they become attorneys and will have more knowledge about the programs available to enable them to do so.

Expand incentive programs to encourage law students and recent graduates to open or join law practices in legal deserts of rural Colorado. While current programs are not having the hoped-for success, continued and expanded attention to the needs of all Coloradans is essential to tackling the problem of legal deserts.

²¹ See generally Mary E. McClymont, *Justice Lab Geo. L. Ctr., Nonlawyer Navigators in State Courts: An Emerging Consensus 5* (2019), <https://napco4courtleaders.org/wp-content/uploads/2019/08/Nonlawyer-Navigators-in-State-Courts.pdf>.

²² *Licensed Legal Paraprofessionals: Program Plans and Updates*, Colo. Sup. Ct. Off. Att'y Regul. Couns., <https://coloradosupremecourt.com/AboutUs/PALS.asp> (last visited Jan. 25, 2022).

For **Colorado's lawyers**, the Commission recommends the following actions:

Take and fulfill the Colorado Supreme Court's Pro Bono Recognition Program pledge to dedicate fifty hours or more of pro bono legal services every year.

Each year, the Court recognizes those law firms, solo practitioners, and in-house counsel or government groups that have committed to the annual goal of providing fifty hours of pro bono legal services by their Colorado-licensed attorneys.²³ If every Colorado attorney provided this 50-hour service, thousands of Coloradans who must address their civil justice needs without legal assistance would be helped.

Commit to supporting or providing affordable legal services such as unbundled, low bono, and sliding scale services. Legal services are unaffordable for the vast majority of Coloradans. Recent years have seen an increased focus on how lawyers can make a good living while offering their services at more affordable rates and reaching clients who would otherwise go without legal advice.²⁴

Dedicate a meaningful portion of your efforts to helping rural Coloradans. The number of attorneys in most of rural Colorado is shrinking steadily, leaving many rural Coloradans without easy access to legal advice. Colorado Legal Services and other legal aid providers offer a range of virtual and in-person clinics around the state that offer opportunities for lawyers to help Coloradans outside metro areas.²⁵

Join any of the robust and growing programs tackling the civil justice gap. Lawyers can volunteer with programs like the [Virtual Pro Se Clinic](#), the [Colorado Lawyers Committee](#), [Metro Volunteer Lawyers](#), other local [bar association pro bono programs](#), and [local access to justice committees](#). Colorado's pro bono portal, [Succession to Service](#), is an easy online platform where attorneys, law students, and retired lawyers can find volunteer opportunities that fit their skills, interests, and availability.

Finally, the Commission recommends that **Access to Justice Advocates** take these steps:

Collaborate with local community service providers in advocacy measures such as programming, outreach, and communication campaigns. The listening sessions highlighted that there is a wide range of help available to Coloradans struggling with civil justice issues but that information about that help is not widely available. Research shows that people with civil justice issues often don't realize they might have a legal remedy that would help them address those issues.²⁶ Outreach and communication are essential to help inform people throughout the state about available resources.

²³ See *Colorado Supreme Court Pro Bono Legal Service Commitment and Recognition Program*, Colo. Jud. Branch, https://www.courts.state.co.us/Courts/Supreme_Court/Pro_Bono.cfm (last visited Jan. 25, 2022).

²⁴ See, e.g., *Modern Law Practice Initiative*, Colo. Bar Ass'n, <https://www.cobar.org/modernlawpractice> (last visited Jan. 25, 2022).

²⁵ See *Support for Colorado's Pro Bono Attorneys*, Colo. Legal Servs., <https://www.coloradolegalservices.org/node/6/support-colorado-attorneys-working-pro-bono-cases> (last visited Jan. 25, 2022).

²⁶ See, e.g., Rebecca Sandefur, *Civil Legal Needs and Public Legal Understanding* (2014), http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf.

Collaborate with libraries and librarians to support self-represented litigants.

People often initially turn to libraries for legal information. Since 2013, the Virtual Pro Se Clinic has taken advantage of that fact, partnering with libraries all across the state to offer virtual assistance to customers who schedule appointments to use library computers to meet with attorneys over Zoom.²⁷ Access to justice advocates should explore other ways to work with libraries to help Coloradans with civil justice needs.

Promote low- or no-cost mediation and/or online dispute resolution programs in your judicial district for case types like eviction, small claims, and divorce.

In some judicial districts, mediation is provided at no cost through city or county mediation services.²⁸ The Office of Dispute Resolution at the State Court Administrators Office also maintains a list of low-cost mediators who work around the state. Mediation can be a cost-effective and less complex way to resolve a legal issue. Expanding the availability of low- or no-cost mediation, particularly in rural communities, would offer access to this service to a broader range of Coloradans.

Promote the creation of eviction diversion programs. Many states have recently established successful eviction diversion programs that have helped tenants avoid the terrible consequences of losing their housing while working to ensure that landlords' concerns are addressed.²⁹ Several judicial officers have been exploring how to implement similar efforts in Colorado, but these efforts require community partnerships. Advocates of closing the justice gap should work to connect community service providers, courts, and other governmental entities to explore eviction diversion opportunities.

Coordinate with existing advocacy efforts for the expansion of public broadband, especially in rural Colorado. While participants in the listening sessions highlighted the benefits of remote proceedings for access to justice, they also noted that not all Coloradans can take advantage of remote options or otherwise access services because they do not have access to the necessary technology or to broadband.

Organize an advocacy effort that engages judicial nominating commissions and judicial performance commissions as critical decision-makers in ensuring access to justice. The judicial selection process in Colorado begins at the nominating commissions, where citizens interview candidates to recommend for judicial appointments. If commissioners understand the importance of access-to-justice concerns, they can question and recommend judicial applicants with these concerns in mind. Judicial performance commissions review judges and make recommendations about judicial retention. When these commissions are considering judges' performance, they should be reminded to consider judges' demonstrated commitment to a fair and accessible justice system as part of that evaluation.

Serve in a leadership role on your local access to justice committee. Nearly every region in Colorado has an active local access to justice committee eager for more motivated, passionate advocates to help organize locally-tailored community-driven solutions like legal information clinics, civic engagement campaigns, CLEs, and much more.

²⁷ See Ric N. Morgan, *The Virtual Pro Se Clinic Concept*, 43 *Colo. Lawyer* 77 (2014).

²⁸ See, e.g., *Community Mediation and Resolution Center, City of Boulder*, <https://bouldercolorado.gov/community-mediation-and-resolution-center> (last visited Jan. 25, 2022).

²⁹ See, e.g., *Some Eviction Diversion Programs Seeing Success*, Nat'l Ctr. for State Courts (July 21, 2021), <https://www.ncsc.org/information-and-resources/trending-topics/trending-topics-landing-pg/successful- eviction-diversion-programs>.



STATION
TRAVEL *by* TRAIN

UNION STATION

Conclusion

One clear message of the 2021 Listen & Learn Tour is that there is no shortage of community and legal service providers, Judicial Department staff, and judges in Colorado who are interested in finding ways to address existing access-to-justice barriers. But it is also clear that there is a long way to go in this effort, and it will require time and resources on many different fronts. Each of the barriers that participants mentioned during these listening sessions is alone enough to make accessing the civil justice system difficult, but the barriers don't operate in isolation. Instead, participants noted that the barriers build on each other. Solutions must similarly be interconnected and build on each other as we work to address these challenges. The recommendations included in this Report offer a non-exclusive set of steps that will move our state towards a civil justice system that provides meaningful access.

The Commission, too, has no small role to play. It will continue convening strategic partners to coordinate solutions, raising awareness about barriers to access, and advocating for civil legal aid. The Commission's strategic action plan for 2022-2023 will also include two focal initiatives: 1) advancing an online portal to guide Coloradans searching for help with legal issues to the information and assistance they need, and 2) supporting a coalition effort to expand the availability of legal services in rural legal deserts statewide. The voices of the 519 participants of the 2021 Listen & Learn Tour have helped underscore that Coloradans urgently need an army behind the effort to break down access-to-justice barriers. Despite the disparities and vulnerabilities exposed by the COVID-19 pandemic, stakeholders across Colorado have an unprecedented opportunity to work together in increasing meaningful access to justice in our state.

Appendix A: Listen & Learn Participants

Denver Metro Area (1st, 2nd, 17th, 18th Judicial Districts)

Johanny Alston

Participant Experience Specialist | The Action Center

Michelle Amico

Chief Judge | 18th Judicial District

Amber Hill Anderson

Mediator | Community Mediation Concepts

Beth Andersen-Filson

Attorney | Andersen Law PC

Angela Arkin

Arbiter | Judicial Arbiter Group, Inc.

Jean Arnold

Partner | Arnold & Arnold LLP

Jonathan Asher

Executive Director | Colorado Legal Services

Spencer Bailey

Housing Attorney | Colorado Poverty Law Project

Sally Boccella

Regional Director, Northern Colorado | US Senator John Hickenlooper

Lizbeth Campuzano

Employment Specialist | Servicios De La Raza

Michele Clark

President | Mediation Association of Colorado

Alisha Coombe

CEO | Colorado Children First

Carey DeGenaro

Director of Legal Services | Covid-19 Eviction Defense Project

Geneva DeHoyos

Self-Represented Litigant Coordinator | 17th Judicial District

Heidi Dobbins

Lead Legal Advocate | Family Tree

Leslie Ebert

Supervising Attorney - Housing Unit | Colorado Legal Services

Alicia Ehr

Language Access Manager | 2nd Judicial District

Adam Espinosa

District Court Judge | 2nd Judicial District

Jennifer Eyl

Executive Director | Project Safeguard

Beth Faragher

County Court Judge | Denver County Court

Casey Fazio

Library Program Associate | Denver Public Library

Wendy Ferrell

Executive Director | Denver Asset Building Coalition

Molly French

Technology Manager | Colorado Legal Services

Sara Garrido

County Court Judge | Jefferson County

Kimberly Gent

Attorney | Harris Family Law

Ellen Giarratana

Managing Attorney | Colorado Center on Law and Policy

Donna Gibbs

Court Liaison/Paralegal | Jefferson County Child Support Services

Mekela Goehring

Executive Director | Rocky Mountain Immigrant Advocacy Network

Diana Goldberg

Executive Director | SungateKids

Julie Gonzales

Senator | Colorado State Senate

Crystal Guthrie

Family Court Facilitator | 17th Judicial District

Jeffrey Hahn

Program Director | Family Tree

Bradly Halm

Self-Represented Litigant Coordinator | 18th Judicial District

Abby Hansen

Director of Counseling & Advocacy Services | Safehouse Denver

Valerie Harper

Family Court Facilitator | 18th Judicial District

Alec Harris

Partner | Armstrong Teasdale LLC
Sterling Harris Chief Deputy Director |
Colorado Organization for Victim Assistance

Michelle Haynes

Magistrate | 2nd Judicial District

Nikki Hernández

Outreach Coordinator | Colorado Address
Confidentiality Program

Leslie Herod

State Representative | Colorado General
Assembly

Kazi Houston

Legal Director | Rocky Mountain Victim Law
Center

Byron Howell

County Judge | 17th Judicial District

Karen Hubler

District Court Magistrate | 2nd Judicial District

Kristine Johnson

Mediator | Castle Rock Mediation

Maha Kamal

Principal Attorney | Colorado Family Law
Project

Colleen Kent

Managing Court Interpreter | Adams County
Combined Court

Leroy Kirby

County Court Judge | Adams County

Shana Kloek

Clerk of Court | 18th Judicial District

Patricia Kmita

Court Executive | 17th Judicial District

Olivia Kohrs

Attorney | Colorado Poverty Law Project

Kip Kolkmeier

Volunteer Mediator | Jefferson County

Tammy Kuennen

Professor of Law | University of Denver Sturm
College of Law

Heather Lang

Family Court Facilitator | 18th Judicial District

Janet Lee

Family Court Facilitator | 17th Judicial District

Emy López

Engagement Program Manager | Colorado
Bar Association

Andrew Lorensen

Director | Lincoln County Department of
Human Services

Lois Lupica

Director, Law + Innovation Lab | University of
Denver Sturm College of Law

Timothy Macdonald

Partner | Arnold & Porter

Michael Maday

Member, Board of Directors | Mediation
Association of Colorado

Michael Martínez

Chief Judge | 2nd Judicial District

Andy McCallin

Judge | 2nd Judicial District

Virginia McClerkin

Administrative Coordinator | Colorado Bar
Association

Terri Meredith

Clerk of Court - Gilpin County | 1st Judicial
District

Gale Miller

Judge (retired) | Member, Access to Justice
Commission Delivery Committee

Josefina Milliner

Executive Director | Advocates for Children
CASA

Simon Mole

Owner | Simon Mediation LLC

David Monroe

Legal Services Supervisor | Disability Law
Colorado

Ric Morgan

Coordinator | Virtual Pro Se Clinic (VPC)

Kacie Mulhern

Staff Attorney | Children's Law Center

Toni-Anne Nuñez

Director | Metro Volunteer Lawyers

Terry Nyberg

Family Court Facilitator | 18th Judicial District

Steve O'Dorisio

Commissioner | Adams County

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(3rd Judicial District)****Michael Aragon**

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Robert Kreiman

Court Executive | 3rd Judicial District

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Director | Area Agency on Aging, Region 14,
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Bob Major

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Dawn Mann

Magistrate | 3rd Judicial District County Court

Clay Mckisson

District Court Judge | 3rd Judicial District

John Mochel

County Court Judge | Las Animas County

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**Colorado Springs Area
(4th Judicial District)****Cindy Aubrey**

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Kristiana Huitron

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Lori Jarvis-Steinwert

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**Eagle, Summit, & Clear Creek Counties
(5th Judicial District)****Jenny Abbott**

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Joni Albers

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Court Executive | 5th Judicial District

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Judge | 5th Judicial District

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**Southwestern Colorado
(6th & 22nd Judicial Districts)****Tracy Blagg**

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Jim Denvir

County Court Judge, District Court Magistrate, Retired | Colorado Judicial Branch

Richard Gallegos

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Court Executive | 6th & 22nd Judicial Districts

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Caseworker I | San Miguel County Social Services

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(8th Judicial District)

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San Luis Valley
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Dr. Emma Martínez
Superintendent | South Conejos School District

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Jacque Frenier

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Douglas Short

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Meghan Francone

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Polly Gallagher

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James Garrecht

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Reference Librarian | Bud Werner Memorial Library

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Memorial Library

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Executive Director | RESADA

Vianey Veronica Martinez

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Lane Porter

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Bent, Otero and Crowley Counties

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(19th Judicial District)

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Allison Esser
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Lisa Taylor
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Vickie Taylor
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(20th Judicial District)

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County Court Judge | Boulder County

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Elizabeth Brodsky
County Court Judge | Boulder County

Linda Cooke
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Kristy Martinez
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Carolyn McLean
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| Safehouse Progressive Alliance for
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Zebulon Miracle

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Anna Stout

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