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**Colorado Access to Justice Commission**

**The Justice Crisis in Colorado**

**A Report on the  
Civil Legal Needs of the  
Indigent in Colorado**

**January 2008**

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*Manual Ramos, Director of Advocacy, Colorado Legal Services testifies to Boulder hearing panel: Justice Michael Bender, ATJ Commission Chair Constance Talmage, 20th Judicial District Court Chief Judge Roxanne Bailin.*

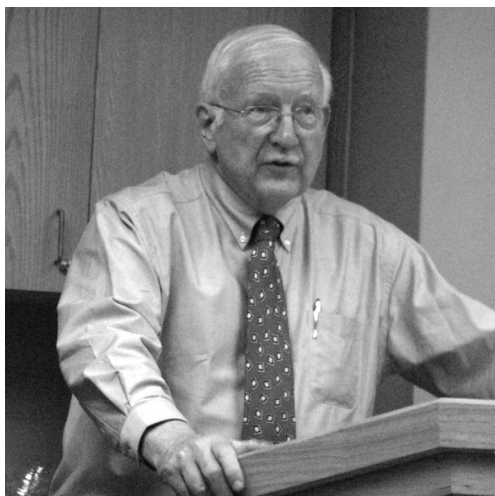
We were ably assisted at all stages of this effort by four University of Denver Sturm College of Law students: Adam Barnhurst, Christopher Kelly and Greg LeBouton attended all the hearings and prepared the first draft of the reports on the hearings; Amber Schrandt helped with editing the final report.

Finally, neither the hearings nor the report would have been possible without the tremendous support of the Colorado Bar Association, particularly the tireless and most talented assistance of Kathleen Schoen and Michael Valdez.

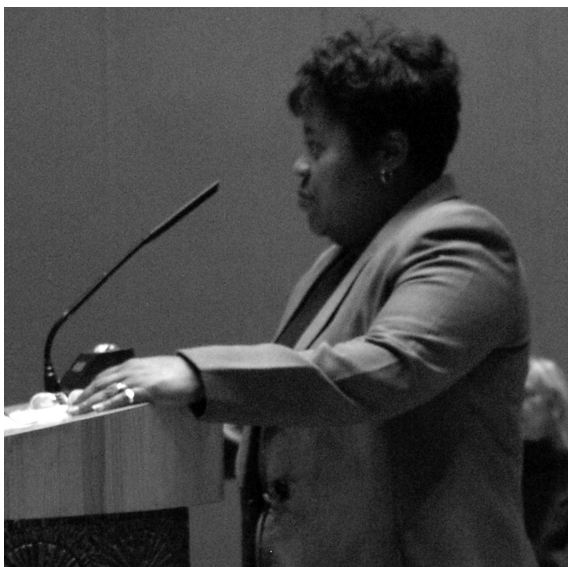
Thank you all.



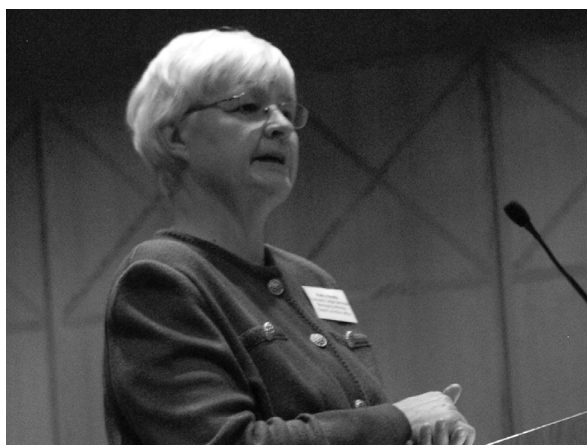
*Frederick Baumann, Access to Justice Commission Vice Chair; opens the Colorado Springs hearing, with panelist Senator John Morse, Richard Skorman, U.S. Senator Ken Salazar's Office, Representative Bob Gardner.*



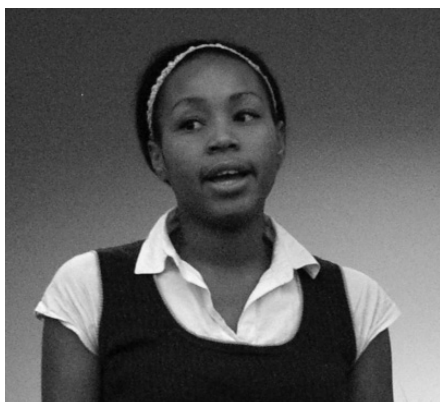
*David Butler, ATJ Commissioner, testifies in Durango.*



*Diane Postell, SafeHouse Denver, testifies at Denver hearing.*



*Kathleen Bolte, Grand Junction Managing Attorney, Colorado Legal Services, testifies at Grand Junction hearing.*



*Sequya Stevens testifies at Colorado Springs hearing.*



*Connie Talmage, Chair of Access to Justice Commission, welcomes panelist and witnesses to Denver hearing.*

## **Executive Summary**

Colorado faces a serious crisis in civil legal representation of the indigent. Many Coloradans who need legal assistance to secure and maintain health care, housing, custody or other necessities do not receive help because there are too few lawyers at Colorado Legal Services, Colorado's statewide legal aid program. The Colorado General Assembly's annual funding for civil legal services for the poor is limited to a \$500,000 appropriation to provide legal services to victims of family violence. Not only is this level of state funding well below the national average, it has not increased since 2002.

During 2007, the Colorado Access to Justice Commission held ten hearings throughout the state to assess the civil legal needs of the indigent in Colorado. Hearings were held in Delta, Durango, Grand Junction, Colorado Springs, Pueblo, Fort Collins, Greeley, Breckenridge, Boulder, and Denver. Invited panelist who participated in the hearings included members of the Legislature, representatives of other elected officials, Colorado Supreme Court justices, Colorado Court of Appeals judges, District and County Court judges, Bar Association leaders, and members of the statewide Access to Justice Commission and local Access to Justice committees. Testimony was provided by legal services clients, low income individuals with legal needs who did not receive legal assistance, attorneys who provide civil legal services to the poor, judges, and employees of organizations that serve the indigent.

The most significant findings from the hearings include:

- **Lack of access to legal services.** Low income individuals do not automatically have access to free legal assistance in civil matters, as they do in virtually all serious criminal matters in Colorado.
- **Lack of Legal Aid attorneys.** Most civil legal assistance for the indigent is provided by Colorado Legal Services (CLS). Over the last 20+ years, the number of CLS lawyers has been cut in half, while the number of low income people has increased by almost 75%. In 1980, there was one legal service attorney for every 4,839 eligible clients. Today there is one CLS attorney for every 16,890 eligible individuals. As a result, most low income individuals in Colorado are unable to obtain civil legal assistance when they need it. It is estimated that only one indigent person in five who needs civil legal help will receive some legal assistance.
- **Colorado funding is inadequate to meet the need.** Colorado's only state funding for civil legal services is a \$500,000 appropriation to provide civil legal services to victims of family violence. The amount of this funding has not increased since July 1, 2002. Colorado ranks 40th in state funding for civil legal services for the indigent, and would need to provide another \$1.82 million in state funding to reach the national average.
- **Burdens on the court.** Individuals who do not have lawyers present a special challenge for judges and make it difficult for them to administer justice. Judges cannot represent parties, and often do not get all the information from unrepresented parties that they need to make a correct and just decision. The situation is exacerbated when one of the parties is represented by an attorney and the other is not.
- **Volunteer attorneys cannot meet the need.** The Colorado Supreme Court has made great efforts to encourage participation by private attorneys in meeting the legal needs of the poor and has implemented programs designed to assist parties who do not have lawyers. The private bar also plays a significant role in providing legal services for low income individuals. However, assistance by volunteer lawyers is no substitute for an adequately funded system necessary to provide civil legal services to the indigent.

- **Attorney representation is crucial for many domestic violence victims and their children.** The impact of not having a lawyer can be devastating. For example, it has been documented that the availability of a lawyer is one of the most important factors in determining whether a victim of domestic violence and her children will return to an abusive relationship. Access to legal services can prevent more severe and costly legal and societal problems, saving lives and money in the long run.

This report includes a summary of each of the ten hearings (see Appendices C through L) and provides detailed information on the civil legal needs of the indigent in Colorado. The Colorado Access to Justice Commission urges the Colorado Legislature, the Governor, and the Colorado Supreme Court to take immediate action to address the justice crisis outlined in this report.

## **Recommendations**

**1. Establish a plan to provide civil legal services for the indigent.** First and foremost, the State of Colorado should establish a four-year plan to substantially increase funding for Colorado Legal Services. The goal should be, at a minimum, to place Colorado at the average level of state funding for civil legal services programs for the poor. Beyond that, however, the goal should be to provide sufficient funding so that the civil legal needs of Colorado's indigent throughout the state can be met. Colorado must provide assistance to address legal issues involving the basic human needs of housing, health care, safety, sustenance, and child custody, through a network of CLS attorneys and pro bono programs.

**2. Increase salaries and benefits of Legal Services Attorneys to make them comparable to other public sector lawyers.** The increased funding should bring salaries and benefits for CLS employees to the same level as other public sector law offices (Public Defender's Office, District Attorney's Offices, or the Colorado Attorney General's Office). This funding will enable CLS to attract and retain lawyers who can provide high quality legal services in civil cases involving Colorado's low income citizens.

**3. Promote participation by the private bar in pro bono legal services.** The Colorado Access to Justice Commission should continue to work with the Colorado Supreme Court, the Colorado Bar Association, local bar associations, and other entities to promote and encourage increased pro bono service by private attorneys throughout the state. Such additional pro bono services will supplement the legal assistance provided to low income Coloradans through CLS.

**4. Improve services for pro se litigants.** The Colorado Supreme Court, along with the Colorado Access to Justice Commission, should continue to improve services for unrepresented litigants, including increasing the number of family facilitators and pro se offices, which are necessary to ensure effective access to the legal system.

**5. Improve access to the legal system.** The Colorado Supreme Court, along with the Colorado Access to Justice Commission, should continue to improve access to the courts for all litigants and assure that the provision of legal services is more user friendly, particularly for people with disabilities, people who are not fluent in English, and people unfamiliar with computers and other forms of modern technology.

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# The Justice Crisis in Colorado

## A Report on the Civil Legal Needs of the Indigent in Colorado

January 2008

*Equal justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.*

U.S. Supreme Court Justice Lewis Powell, Jr.

### Introduction

“Without the civil legal assistance program, there would be virtually no access to civil justice for low income persons in the United States, and the goal of equal justice for all would be only a distant dream.”<sup>1</sup> Colorado Legal Services (CLS) provides free high quality civil legal advice and representation to low-income persons throughout the state of Colorado. Approximately 692,000 (15%) Coloradans are financially eligible for free legal services from CLS.<sup>2</sup> Low-income households may experience three or more legal problems per year,<sup>3</sup> and most of their legal issues involve basic human needs: **housing, health care, safety, sustenance, and child custody.**<sup>4</sup> Due to a lack of available resources and limited awareness of the legal nature of problems, only one in five legal issues experienced by poor people is addressed with the assistance of a legal services lawyer or a pro bono private lawyer.<sup>5</sup> In many cases, lawyers can identify and resolve legal issues without going to court or can resolve court cases more efficiently and fairly than persons representing themselves. The provision of legal services helps stabilize families, saves taxpayers money, reduces the number of cases clogging the courts, and helps people move toward self-sufficiency and full participation in society.

While the number of poor people is increasing, the capacity of civil legal assistance programs to assist those in need is shrinking. “(T)here is only one legal aid lawyer per 6,861 poor people in the United States compared to one lawyer providing civil legal services for every 525 people in the general population.”<sup>6</sup> The statistics in Colorado are even more discouraging. In 1978 there were 82 lawyers employed in the Colorado legal aid system.<sup>7</sup> Today, CLS employs 41 lawyers, a total of one lawyer for every 16,890 individuals who qualify.<sup>8</sup> During that period, Colorado’s eligible population (persons who earn less than 125% of poverty level) has skyrocketed from 396,775 in 1980 to 692,505 in 2005, a 74.5% increase.<sup>9</sup> There is a widening gap between the need for legal services and the resources available to meet that need.

*Compared to 1 lawyer for every 525 in general population, there is only 1 legal aid lawyer for every 16,890 qualified Coloradans.*

*Access to legal services is a major factor in the ability of a domestic violence victim to leave an abusive relationship.*

“Explaining the Recent Decline in Domestic Violence”  
(see endnote 13)

To assess the extent of the met and unmet legal needs of the poor in Colorado, the Colorado Access to Justice Commission<sup>10</sup> (ATJ Commission), in cooperation with the Local Access to Justice Committees<sup>11</sup> (Local ATJ committees), conducted hearings throughout the state. In October and November 2007, ten hearings were held.<sup>12</sup> Hearing panelists included State Legislators, Colorado Supreme Court Justices and Court of Appeals Judges, District and County Court Judges, Bar Association leaders, and members of the ATJ Commission. Testimony was provided by judges, clients, individuals who could not obtain legal services, lawyers and representatives of nonprofits that serve the indigent. In addition to providing information about the met and unmet legal needs of low income people in Colorado, testimony addressed the specific needs of individual communities and areas of the state.

Among the themes that emerged from the testimony presented at the ten Access to Justice hearings throughout the state was the tremendous unmet need for legal services for poor people. Even in those areas in which CLS has an office, one of every two prospective clients is turned away because of lack of resources. At safehouses to assist victims of domestic violence, many women are unable to obtain legal representation, and sometimes return to abusive relationships. While private attorneys performing pro bono service have helped to fill the gap, they are increasingly unable to do so.

*Delta attorney Aaron Clay testified that, "While the number of attorneys in the Seventh Judicial District has remained fairly constant, the number of poor people needing legal assistance has increased significantly."*

Another theme that became apparent during the hearings is that efforts to use technology to expand the scope of limited resources have had only partial success. Many poor people are less educated, unfamiliar with the legal system and legal jargon, do not own a computer, and do not know how to use one. Thus, witnesses throughout the state emphasized the need for having an attorney or a neutral person, similar to a family court facilitator, who could help poor people navigate the barriers they encounter in the legal system. Additionally, many witnesses testified about the close relationship between civil and criminal legal problems, and that solving civil problems could save the state and other entities hundreds of thousands of dollars. For example, one witness testified that when a husband is incarcerated on charges of domestic violence, his wife, as a result of lost family income, may face eviction. The effect can be homelessness, and a dependency and neglect proceeding that could result in the termination of the wife's parental rights. Legal representation in this situation may assist the wife in obtaining an alternative to returning to an abusive relationship, as well as help to stabilize the family.

The hearings also emphasized the impact on the judicial system of inadequate legal representation in civil cases. County and District Court judges testified of the difficulties in presiding over cases when one or both parties are pro se litigants. In such circumstances, the judges must be impartial, but do not always believe that they are presented with all relevant information on which to decide cases before them.



This report documents the findings from the ATJ hearings. We hope it will help Colorado's policy makers understand the extent of the justice crisis in Colorado and develop initiatives to better meet the need for civil legal services for Colorado's poor and vulnerable populations.

## Legal Needs of Low Income People

The civil legal issues and needs of low income people most often involve basic human needs: assistance with safety from abusive relationships, access to health care, habitable and safe housing, and income maintenance [child support, food stamps, Social Security, Temporary Assistance to Needy Families (TANF)]. These basic human needs are the foundation for becoming a fully participating member of society. For instance, "(b)ecause legal services help (victims of domestic violence) with practical matters such as protective orders, custody, and child support they . . . actually present women with real, long-term alternatives to their (abusive) relationship."<sup>13</sup> This was echoed by domestic violence victims and service providers in every hearing. Judge Jonathan Walker, an El Paso County Court Judge, noted that as a public defender he saw hundreds of domestic violence cases. For every domestic violence conviction there is a victim, and often children, who need civil legal assistance with safety and survival issues (housing and income maintenance).

**Ft. Collins:** Annie wants out of a domestic violence relationship. She was initially turned down CLS because she does not meet the poverty guidelines. Her husband drained their joint bank account and her options are limited. 27 years in an abusive relationship is enough. She could file as a pro se litigant . . . but she fears for her safety. She will try to file on her own, but knows that without representation, she is leaving herself in a potentially very dangerous and violent situation. If additional funding is approved, perhaps more women like her will be helped.

When the legal need of a low-income person is not addressed, a host of other legal problems often result. For example, inability to obtain proper health care can result in loss of employment, loss of housing, or the loss of custody of children. Critical issues in Colorado affecting the provision of legal services include rapid population growth, a high rate of foreclosures, inadequate and unaffordable low-income housing, high minority drop-out rates in high schools, a limited Medicaid program and lack of available health care in some rural areas.<sup>14</sup> These issues are even more grave for many of Colorado's vulnerable populations, including people with disabilities, those with mental illnesses, AIDS victims, and the elderly. According to Victoria Lutz, executive director of the Crossroads Safehouse of Fort Collins, "With legal representation, more women could cost the state less down the line. For example, they would go off welfare and food stamps. There is also a huge medical cost associated with domestic violence, and legal



Judge Martha Minot, County Court, La Plata County, testifies at Durango hearing.

*For pro se litigants, court can be overwhelming and intimidating, and they are often too scared to ask any questions. Because the pace of the county court is very fast, it is an environment where pro se litigants tend to lose.*

Judge Martha Minot, La Plata County Judge, at Durango hearing.

*“What does justice mean? There is a limit on what judges can do. Often, indigent litigants depend on what their neighbors or friends advise rather than rules of evidence.”*

Judge Robert Lowenbach, District Court Judge, 19th Judicial District, at Greeley hearing.

help will cut down that cost as well.”<sup>15</sup> The price children pay who are involved in these situations is too high as well. They have poor health, untapped potential, and the cycle repeats if there is no legal help.

There is a large gap between the number of low income people needing civil legal services and the availability of that service. Alice Willis, a homeless shelter case manager in Pueblo, testified that only one in ten people she refers to CLS actually will receive help from CLS. At the Breckenridge hearing, Pat Craig from the Northwest Colorado Legal Services Project testified that more than 90% of those who apply for assistance are unable to be helped by the program because of insufficient resources. Similarly, Art Jacobs, CLS Managing Attorney in Durango, testified that his office now has two attorneys but would need ten to meet the civil legal needs of low income people in the Sixth Judicial District.<sup>16</sup> This inability to keep up with the demand was echoed by local bar association leaders. Mike Hockersmith, Board Chair of Uncompahgre Volunteer Legal Services (Seventh Judicial District Bar Association sponsored pro bono program), stated that the program can no longer keep up with the number of low income people needing assistance. He testified that local private lawyers are struggling to provide pro bono assistance necessary to meet the needs of low income clients, while trying to maintain their private practices.

Many other factors serve to deny poor people access to justice. Every low income person who testified at the hearings discussed the complexity of the law and the court system, legal paperwork, and legal procedures that made it difficult or impossible for them to resolve their legal problems. Judges testified that working with unrepresented litigants demands more judicial time. Even more importantly, judges noted that unrepresented litigants often do not present the court with adequate and proper evidence for the court to rule in the best interests of the parties.<sup>17</sup> For example, Judge Roxanne Bailin, Chief District Court Judge, Twentieth Judicial District (Boulder), testified that, at the end of an apparently amicable dissolution of marriage hearing the wife raised her hand and asked, “Does it matter that he beats the children?” Without the wife having asked that question, the judge’s ruling would have put the children in danger. Judges are conflicted by the need to remain impartial and not help either party, while also serving the ends of justice.

**Denver:** Ms. Rozhon is a CLS client, who received notice of a lien on her home. Years before that she had been financially struggling when a credit card company obtained a judgment against her. With the resulting interest and penalties, she owed \$20,000. The credit card company was demanding that she make payments that exceeded her income. She asked the credit card company to postpone her payments until she finished school and completed her accounting degree. The credit card company refused. Colorado Legal Services helped her file Chapter 13 bankruptcy. She has now completed her Chapter 13 debt payment plan and is back on track. She believes she could not have accomplished this without the help of Colorado Legal Services.

## Provision of Legal Services

Over the last forty years, efforts have been made to create an integrated and comprehensive civil legal services system. Nationally, the federally funded Legal Services Corporation is the largest funder of civil legal services to the poor. In Colorado, the Legal Services Corporation-funded program is Colorado Legal Services (CLS) and its efforts are supplemented by a multitude of court and private programs.

### *Eligibility for Legal Services*

To be eligible for assistance from CLS and most other similar programs, a person's income, with few exceptions, must be less than 125% of the federal poverty level and the legal problem must fall within the type of legal issues handled by CLS.<sup>18</sup> Under current federal standards, an individual's gross annual income must be less than \$12,763 per year (or less than \$7/hour for 7 hours per day/5 days per week). The gross annual income for a family of four must be less than \$25,813.<sup>19</sup> This compares to self-sufficiency incomes<sup>20</sup> of \$48,065 needed by two adults with two children (one in preschool and one in school) to live in Denver without public or private assistance; or the \$35,463 needed in Alamosa; or the \$44,762 needed in Eagle County.

#### **CLS Eligibility**

CLS applicants must be income-eligible:

- Gross family income within 125% of federal poverty guidelines (200% with exceptions).
- For an individual, \$12,763 annually.
- For a family of four, gross annual income cannot exceed \$25,813 on an annual basis.

#### **Example**

- Person works 7 hours/day at \$7 per hour = eligible for services.
- Person earns more than \$49/day = not eligible (above government-set income eligibility guidelines).

*As of 2005,  
692,505  
citizens are  
eligible for  
legal services  
in Colorado.*

Due to lack of funding and limitations imposed by Congress, CLS may represent clients in only certain types of cases. CLS limits the cases it accepts to: allocation of parental responsibilities and dissolution of marriage cases where there is domestic violence (not involving post-decree matters<sup>21</sup>), consumer law, income maintenance, public housing and foreclosure matters, access to health care, and some other limited types of cases. However, CLS is still not able to handle all the cases involving these issues and turns away at least one person for every case it accepts.<sup>22</sup> Even though the need is great, CLS is unable to provide representation to low income Coloradans in the following types of cases: most private evictions, divorces or custody actions not involving violence, child support and adoptions/guardianships, and consumer cases (identity theft, sales fraud, and defective goods).

*Persons served by CLS are disadvantaged not only financially, but in terms of negotiating the legal system. . . . These are the persons most at risk of losing basic needs.*

Kim Shropshire,  
Colorado Legal  
Services

Congress has added additional prohibitions on federally funded legal services, including CLS. CLS is prohibited from providing representation in fee-generating cases, class-action suits, cases on behalf of undocumented people (except where the person is a victim of a crime and is seeking protection), and most legislative and administrative advocacy.<sup>23</sup> Even with local pro bono programs trying to handle some of the cases that CLS can not, many low income people are not able to obtain legal assistance.

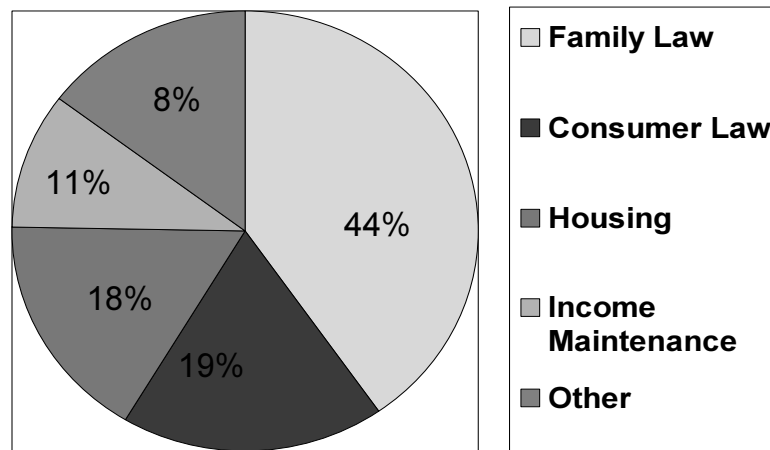
### **Colorado Legal Services**

*To provide meaningful access to high quality civil legal services in the pursuit of justice for as many low income persons and members of vulnerable populations throughout Colorado as possible.*

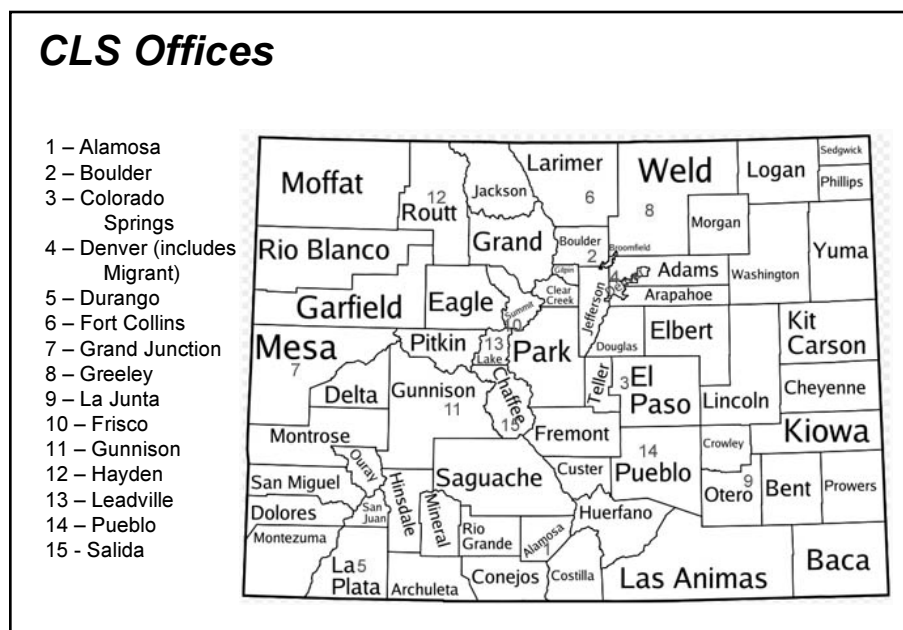
Mission statement for Colorado Legal Services

CLS was formed in 1999 with the merger of Colorado's then existing legal aid programs: the Legal Aid Society of Metropolitan Denver, Colorado Rural Legal Services, and Pikes Peak-Arkansas River Legal Aid. Forty-four percent of legal services provided by CLS involve family law issues (dissolution of marriage, child support, and parenting issues). Consumer law and housing represent 19% and 18% of CLS cases. Another 11% involve income maintenance (food stamps, Social Security, and Temporary Assistance to Needy Families). In 2006, CLS provided legal assistance to 6,632 eligible clients. Of those 5,011 were provided legal advice and brief services. CLS supplied full legal representation in extended actions to 1,621 poor and vulnerable Coloradans.<sup>24</sup>

### **Case Types Handled**



Several current and former legal service lawyers testified that in the late 1970s and the early 1980s there were twice as many lawyers serving Colorado's poor population, compared to the number of legal services lawyers helping the poor today. For instance, in 1972, there were 11 lawyers in the Colorado Springs office. That office now has only three lawyers. Due to budget cuts, eight CLS offices in the state (Trinidad, Montrose, Fort Morgan, Jefferson County, Arapahoe County, Adams County and two in Denver) have been closed and the number of lawyers has been reduced in the remaining offices, often resulting in one or two lawyers covering several counties.<sup>25</sup>



*“In 1980’s we had 5 legal aid lawyers in Trinidad. Today the office is closed.”*

Roxanne Bailin,  
 Chief Judge, 20th  
 Judicial District

Not only are there fewer legal services lawyers, but those lawyers’ salaries are far below other public interest legal positions. A beginning CLS lawyer’s salary is \$33,180, compared to \$47,436, the starting salary of the Colorado Public Defender’s Office (43% difference) or \$52,394, the starting salary of the Colorado Attorney General’s Office (58% difference). Further, CLS lawyers (and other employees) do not have a pension from the Public Employees Retirement Association (PERA) as do employees of the Public Defender’s Office and the Attorney General’s Office. Nor do they have any other type of employer paid pension. Consequently, the salary gap is even more severe. Because of these low salaries, many new lawyers, with college and law school debt approaching or exceeding \$100,000, cannot afford to accept a CLS position.

### ***Other Legal Service Programs and Efforts***

In Colorado, other legal service programs and efforts fill some of the gaps but cannot avert the justice crisis. The Colorado Supreme Court has made great efforts to encourage participation by private attorneys in meeting the legal needs of the poor. The Court has authorized continuing legal education credit for attorneys<sup>26</sup> who perform pro bono work and has adopted rules “unbundling” legal serv-

*Without the help of a lawyer, homeowners do not know defenses or alternatives to losing their home in foreclosure.*

Roberto Silva,  
Colorado Legal  
Services, Pueblo,  
Colorado

ices (permitting limited legal representation).<sup>27</sup> More recently, the Court adopted a rule making it easier for inactive and retired attorneys to represent the indigent (Second Season of Service)<sup>28</sup> and adopted a Model Pro Bono Policy for law firms and individuals<sup>29</sup> and actively recognized their contributions (the Supreme Court Pro Bono Initiative).<sup>30</sup> The Court has also implemented, but only on a limited basis, several programs, including pro se offices and family court facilitators,<sup>31</sup> designed to assist parties who do not have lawyers.

The private bar plays a significant role in providing legal services for low income individuals. Colorado lawyers are among the most generous in the country and contribute more than \$1.6 million annually to civil legal services.<sup>32</sup> In addition, lawyers donate thousands of hours to assist indigent clients with essential legal needs. By one estimate, the annual value of these contributed hours exceeds \$10 million.<sup>33</sup> In addition, local bar associations and access to justice committees provide legal assistance to as many people as they can,<sup>34</sup> the law schools offer legal clinics,<sup>35</sup> and there are a number of self-help programs<sup>36</sup> as well as private legal service programs that serve specific populations, such as children in the foster care system,<sup>37</sup> people with disabilities and the elderly.<sup>38</sup>

While these programs serve an important role, assistance provided by volunteer lawyers is no substitute for an adequately funded system necessary to provide civil legal services to the indigent. As numerous witnesses testified during the hearings, volunteer programs simply do not meet the civil legal needs of the poor.<sup>39</sup>

*Many of the problems that plague our society, such as abusive relationships and landlord-tenant issues, could be lessened if we could provide civil legal representation to larger numbers of people who otherwise do not have access to it, in the same manner as criminal defense. The best pro bono program in the world is unable to fill the legal justice gap that exists, and additional funding is the only way to fill that gap.*

Ed Nugent, Private Attorney, Grand Junction

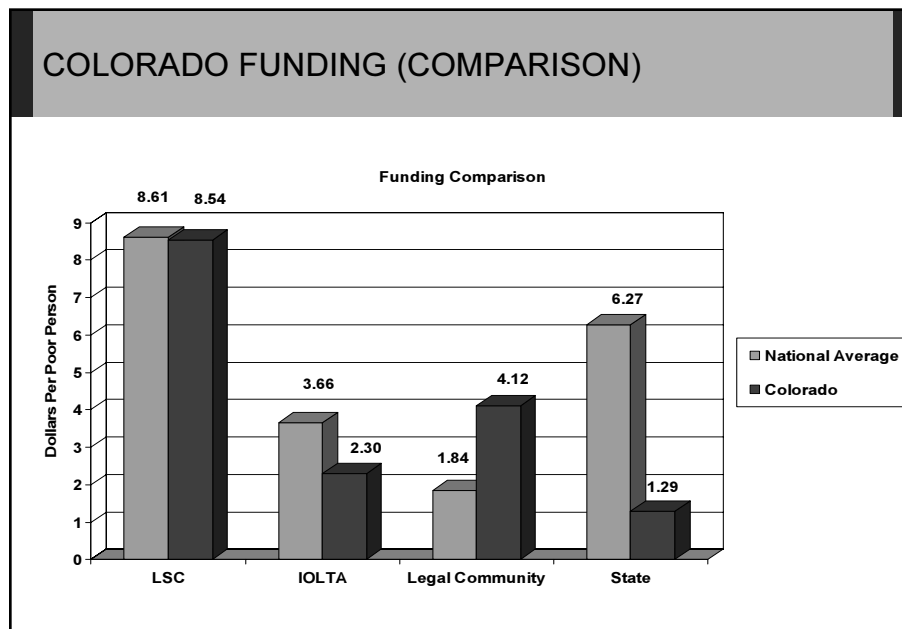
### ***Use of Technology***

In an attempt to provide as much help to as many low income people as possible, CLS, the courts, and local bar associations have employed technology to provide legal information,<sup>40</sup> self-help kiosks,<sup>41</sup> and video-conferencing to some rural Colorado locations.<sup>42</sup> CLS has been working with public libraries across the state to inform librarians about the legal information that can be accessed on the Internet.<sup>43</sup> However, testimony at the hearings revealed that technology has limited use since many low income persons are not familiar with computers, and are therefore, reluctant or unable to access information in this format.

## Financial Resources<sup>44</sup>

The total funding in Colorado for civil legal services for the indigent is approximately \$9.5 million, which amounts to \$24.32 per poor person. In terms of dollars per poor person, Colorado ranks 28th in the nation in overall funding.<sup>45</sup>

Only a very small percentage of Colorado's funding for civil legal services for the indigent is provided through state funds. Since July 1, 1999, the State of Colorado has provided a general fund appropriation through the Family Violence Justice Fund for civil legal services to victims of family violence. The initial state appropriation was increased to \$500,000 on July 1, 2002 and has not increased since.<sup>46</sup> As a result Colorado now ranks 40th in the nation in the amount of state funding for legal services, measured in terms of dollars per poor person. In contrast, Colorado is the eighth highest state in the country in per capita income.<sup>47</sup> For Colorado to become average in state funding, the state would need to increase its funding by \$1.82 million.



*Colorado appropriates \$1.29 per poor person for civil legal services, ranking 40th in the United States. The average state appropriation is \$6.27.*

## Conclusion

The justice crisis in Colorado is evident. There is one Colorado Legal Services lawyer for every 16,890 eligible low-income individuals. Colorado has half as many legal services attorneys as it did in 1980. The State of Colorado currently spends only \$1.29 per poor person on civil legal services. The salaries of legal services lawyers are well below those of Colorado Public Defenders and attorneys employed by the Colorado Attorney General, and the courts have had the resources to implement only limited programs to provide assistance to litigants who cannot afford a lawyer.

*If someone is turned away because there are no resources to help them, there are many ramifications such as homelessness, children being taken away, foster homes, and housing issues. There is a ripple effect socially.*

Molly Ryan,  
Colorado Legal  
Services

Ignoring the civil legal needs of the indigent in Colorado will not make them go away. Indeed, unmet legal needs increasingly burden our courts, result in greater homelessness, add to foreclosure rates, interrupt children's education, and exacerbate medical problems.

Addressing these legal needs will save significant costs for society. Legal services will stabilize families, reduce the number of cases clogging our courts, and help people move toward self-sufficiency and full participation in society.

Colorado needs a long-term plan to address this justice crisis. The elements of such a long term plan are contained in the following recommendations.

## Recommendations

**1. Establish a plan to provide civil legal services for the indigent.** First and foremost, the State of Colorado should establish a four-year plan to substantially increase funding for Colorado Legal Services. The goal should be, at a minimum, to place Colorado at the average level of state funding for civil legal services programs for the poor. Beyond that, however, the goal should be to provide sufficient funding so that the civil legal needs of Colorado's indigent throughout the state can be met. Colorado must provide assistance to address legal issues involving the basic human needs of housing, health care, safety, sustenance, and child custody, through a network of CLS attorneys and pro bono programs.

**2. Increase salaries and benefits of Legal Services Attorneys to make them comparable to other public sector lawyers.** The increased funding should bring salaries and benefits for CLS employees to the same level as other public sector law offices (Public Defender's Office, District Attorney's Offices, or the Colorado Attorney General's Office). This funding will enable CLS to attract and retain lawyers who can provide high quality legal services in civil cases involving Colorado's low income citizens.

**3. Promote participation by the private bar in pro bono legal services.** The Colorado Access to Justice Commission should continue to work with the Colorado Supreme Court, the Colorado Bar Association, local bar associations, and other entities to promote and encourage increased pro bono service by private attorneys throughout the state. Such additional pro bono services will supplement the legal assistance provided to low income Coloradans through CLS.

**4. Improve services for pro se litigants.** The Colorado Supreme Court, along with the Colorado Access to Justice Commission, should continue to improve services for unrepresented litigants, including increasing the number of family facilitators and pro se offices, which are necessary to ensure effective access to the legal system.



**5. Improve access to the legal system.** The Colorado Supreme Court, along with the Colorado Access to Justice Commission, should continue to improve access to the courts for all litigants and assure that the provision of legal services is more user friendly, particularly for people with disabilities, people who are not fluent in English, and people unfamiliar with computers and other forms of modern technology.

## **Endnotes**

1. Houseman and Perle, "Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States." Center of Law Social Policy, Washington, D.C., 2007, at p. 1.

2. These figures are based on 2005 estimates of the U.S. Census Bureau. See Appendix A for presentation by Colorado Legal Services at hearings. Eligibility for services by CLS is based on the Federal Poverty Guidelines which are determined by U.S. Department of Health and Human Services under the guidance of the Office of Management and Budget. The guidelines were established in 1963 and updated by a cost living index each year. The guidelines are based on the cost of food for a low-income family in 1955, with the assumption that families spend one-third of their income on food. The food budget is multiplied by three to come up with the level of poverty. Houseman, "Civil Legal Aid in the United States: An Update for 2007," Center for Law and Social Policy, August 2007, footnote 17, found at [http://www.clasp.org/publications/civil\\_legal\\_aid\\_2007.pdf](http://www.clasp.org/publications/civil_legal_aid_2007.pdf).

3. Documenting the Justice Gap, Legal Services Corporation, Washington, DC, September 2005, p.9.

4. In 2006, the American Bar Association unanimously approved a resolution urging state and federal governments to provide "legal counsel as a matter of right at public expense" to low-income persons in adversarial proceedings in five areas "where basic human needs are at stake." American Bar Association (ABA), "Report to the House of Delegates No. 112A" (2006), available at <http://www.abanet.org/legalservices/sclaid/downloads/06A112A.pdf>, (ABA Report) at 9.

5. Documenting the Justice Gap, Legal Services Corporation, Washington, DC, September 2005, p. 4.

6. Documenting the Justice Gap, Legal Services Corporation, Washington, DC, September 2005, p. 15.

7. Legal Service Corporation, "Narrative Program Directory," Washington, DC, July 1978.

8. Statement of Jonathan Asher, Executive Director, Colorado Legal Services.

9. Presentation by Colorado Legal Services at hearings. See Appendix A.

10. Formed in 2003, the Colorado Access to Justice Commission is composed of appointees from the Colorado Supreme Court, Colorado Bar Association, Colorado Governor, the President of the Colorado Senate, the Colorado Speaker of the House, the Colorado Lawyer Trust Account Foundation, the Colorado Legal Aid Foundation, and Colorado Legal Services. The mission of the Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. See Appendix M for additional information.

11. Judicial districts statewide have formed local access to justice committees to address the legal needs of the low income people in their district. There are currently 11 active committees (some encompassing several judicial districts) and 3 that are in the formation stage.

12. Hearings were held in Boulder (20th JD), Breckenridge (9th JD), Colorado Springs (4th JD), Delta (7th JD), Denver (2nd JD), Durango (6th JD), Fort Collins (8th JD), Greeley (19th JD), Grand Junction (21st JD), and Pueblo (10th JD).

13. Farmer and Tiefenthaler, "Explaining the Recent Decline in Domestic Violence," *Contemporary Economic Policy*, 21: 2, April 2003, pp. 158-172.

14. Presentation by Colorado Legal Services at hearings. See Appendix A.

15. Testimony of Victoria Lutz at Ft. Collins hearing. See Appendix I.

16. See Appendices for witness testimony.

17. As several judges testified, they must be neutral and cannot advocate for either party. They are bound to rule according to the evidence presented by the litigants.

18. See note 2.

19. Presentation by Colorado Legal Services at hearings. See Appendix A.

20. "Self-sufficiency . . . measures how much income is needed for a family of a given composition in a given place to adequately meet their basic needs without public or private assistance. (emphasis deleted)" Pierce, Diana, "The Self-Sufficiency Standard for Colorado 2004: A Family Needs Budget," Colorado Fiscal Policy Institute, April 2004, p. 1, 9-13.

21. Post decree cases are those involving the parties after the divorce decree has been issued by the court. These often involve the failure of one party to comply with the divorce decree with regard to paying child support, parenting time, or relocation of one parent.

22. Testimony of Jonathan Asher, Executive Director, Colorado Legal Services.

23. Presentation by Colorado Legal Services at hearings. See Appendix A.

24. Presentation by Colorado Legal Services at hearings. See Appendix A.

25. Testimony of Jonathan Asher, Executive Director, Colorado Legal Services. For instance, there are 1.75 lawyers in Durango, whose service area includes both Indian Reservations and the counties of La Plata, San Miguel, Archuleta, Dolores, and Montezuma.

26. Colorado Rules of Civil Procedure, Rule 260.8.

27. Colorado Rules of Professional Conduct, Rule 1.2(c).

28. Colorado Rules of Civil Procedure, Rule 223.

29. Colorado Rules of Professional Conduct, Rule 6.1.

30. 36 *The Colorado Lawyer* 98 (Sept. 2007), Colorado Supreme Court Pro Bono Legal Services Recognition Program.

31. Colorado Rules of Civil Procedure, Rule 16.2(c)(2)(C).

32. The legal community donates money for the provision of legal services to Colorado's low income population through direct contributions to the Legal Aid Foundation of Colorado, other legal services providers, and local bar association pro bono projects. For instance, each member of the Delta Bar Association contributes \$275 to the Association's pro bono project. Metro Volunteer Lawyers, the \$250,000 Denver metropolitan area pro bono project, is funded through the dues and fund raising efforts of the Denver, Arapahoe, Adams, First Judicial (Jefferson/Gilpin counties) and Douglas/Elbert Bar Associations. The funds contributed by lawyers for pro bono projects pay for the coordination and logistics of providing pro bono services. In addition, lawyers contributed \$1 million in 2005-2006 to the Legal Aid Foundation of Colorado, the funds going exclusively to CLS.

33. For instance, the Colorado Supreme Court sponsors a pro bono initiative whereby law firms and solo practitioners pledge 50 hours of pro bono work per attorney per year. It was estimated that \$10 million of pro bono legal service was provided by the 35 law firms who reported they had met their pledge in 2006. This represents a small percentage of the pro bono work provided by Colorado lawyers.

34. See Appendices C through L for a description of the current programs of the local access to justice committees. CLS and local bar associations fund pro bono programs to coordinate private attorneys handling cases for low income persons. For instance the Denver Bar Association funds Metro Volunteer Lawyers with a full-time director and 3 staff to provide pro bono referral and clinics. In addition, the Denver Access to Justice Committee coordinates clinics and "ask a lawyer" programs, including LawLine9, Legal Night at El Centro de San Juan Diego, Legal Night at Mi Casa, a Bankruptcy Clinic, a Child Support Enforcement Clinic, a Collections Clinic, and a Do Your Own Divorce Clinic. Other bar associations with similar programs include Delta Bar Association, Pueblo Bar Association, Mesa County Bar Association, Weld County Bar Association, and El Paso County Bar Association.

35. University of Denver Sturm School of Law and University of Colorado Law School offer clinics to assist low income people.

36. Colorado courts, local bar associations, and Colorado Legal Services offer legal information and forms on their websites, clinics, and ask-a-lawyer programs.

37. Rocky Mountain Children's Law Center is one such organization.

38. The Legal Center for People with Disabilities and the Elderly is one such organization.

39. Testimony: Patricia Craig (Breckenridge Hearing) and Aaron Clay (Delta Hearing).

40. Colorado Legal Services provides a website ([www.coloradolegalservices.org](http://www.coloradolegalservices.org)) with information for self represented litigants. The Colorado Judicial Branch provides self-help information on its webpage. ([www.courts.state.co.us](http://www.courts.state.co.us)). Several local bar associations include information on their websites for self represented litigants (Denver – [www.denbar.org](http://www.denbar.org)).

41. Colorado Legal Services piloted a program in four counties where self service kiosks were installed in the courthouse. These kiosks were designed to help self-represented litigants prepare their own court forms. The kiosks have had mixed success because litigants have had difficulty understanding the law and are therefore unable to properly fill out the forms. In addition, many self-represented litigants are unfamiliar with the use of technology, such as computers.

42. Colorado Legal Services is piloting a project in the northeast part of Colorado that allows a lawyer to use video conferencing to interview clients who live miles from the closest CLS office. This allows a legal service lawyer to spend more time in the office working on cases than in the car traveling long distances to interview clients.

43. Testimony of Aaron Clay, Delta Hearing.

44. The information about the amount of funding and comparisons to other states was calculated by the American Bar Association's Access to Justice Support Committee and is based primarily on year 2005 funding, the last year where a comparison can be made for all states. [www.abanet.org/legalservices/sclaid/atjresourcecenter/home.html](http://www.abanet.org/legalservices/sclaid/atjresourcecenter/home.html).

45. For a complete description of all funding in Colorado for civil legal services for the indigent, see Appendix B .

46. No funds were appropriated in FY2005 (July 1, 2004 to June 30, 2005).

47. See [www.census.gov/compendia/statab/tables/08s0659.xls#Data!A1](http://www.census.gov/compendia/statab/tables/08s0659.xls#Data!A1). IN 1979, Colorado ranked 14th in per capita income. In 2006, Colorado ranked 8th.



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# **Appendix A**

**Colorado Access to Justice Commission  
Slide Presentation on Colorado Legal Services**

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## **Appendix A**

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## Colorado Legal Services

Colorado Legal Services (CLS) mission statement.

*To provide meaningful access to high quality, civil legal services in the pursuit of justice for as many low income persons and members of vulnerable populations throughout Colorado as possible.*

### **Mission Statement**

*Colorado Legal Services formed on October 1, 1999 through the merger of –*

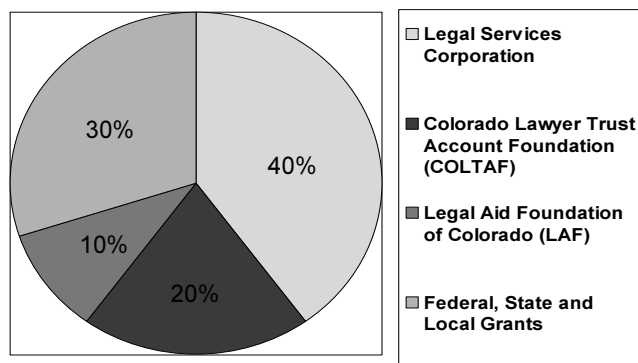
*The Legal Aid Society of Metropolitan Denver*

*Colorado Rural Legal Services, and*

*Pikes Peak Arkansas River Legal Aid*

The Legal Aid Society of Metropolitan Denver, Colorado Rural Legal Services and Pikes Peak Arkansas River Legal Aid, three existing federally funded programs consolidated (merged) to form Colorado Legal Services effective 10/1/99. CLS has been a single statewide program since then.

### CLS Funding Sources



CLS Funding: Slightly more than 40% comes from LSC. The Colorado Lawyer Trust Account Foundation (COLTAF) provides 20% of overall funding, and the Legal Aid Foundation of Colorado (LAF) provides another 10%. The remainder comes from federal, state, and local designated grants. For additional information, see Appendix B.

What is the Legal Services Corporation (LSC)?

*US Congress entrusts the Legal Services Corporation (LSC) to promote equal access to justice and to provide high-quality civil legal assistance to low-income Americans.*

#### **Legal Services Corporation**

#### **Legal Services Corporation**

- Congress created LSC in 1974.
- Each year, as part of the budget process, Congress funds LSC.
- LSC, in turn, funds 138 programs nationwide.
- Twenty-five states have a single, statewide program.
- Other states have multiple programs.
- LSC grants are based on the number of people living in poverty in a service area.

LSC funding for Colorado Legal Services and other civil legal programs.



***As a recipient of LSC funding,  
CLS can only handle certain kinds of cases:***

- Civil, not criminal cases.
- No fee-generating cases.
- No class actions.
- No representation of undocumented people, except victims of violent crime who are seeking certain protections.
- Limitations on legislative and administrative advocacy.

LSC Restrictions on the types of cases CLS can accept.

CLS applicants must be income-eligible:  
For an individual: \$1,064/month;  
\$12,763 annually. For a family of four,  
gross annual income cannot exceed  
\$2,151 per month or \$25,813 on an  
annual basis.

**Example:** an individual can work 7  
hours/day at \$7 per hour, and be eligible  
for CLS services. Earn more than that,  
and the individual is above federal  
government-set income eligibility  
guidelines.

***CLS Eligibility***

CLS applicants must be income-eligible:

- Gross family income within 125% of federal poverty guidelines (200% with exceptions).
- For an individual, \$12,763 annually.
- For a family of four, gross annual income cannot exceed \$25,813 on an annual basis.

***Example***

- Person works 7 hours/day at \$7 per hour = eligible for services.
- Person earns more than \$49/day = not eligible (above government-set income eligibility guidelines).

***Coloradans Eligible for CLS Services  
The Challenge***

About 11% of Coloradans are “poor,” according to  
the federal poverty guidelines.

**500,000 people statewide**

15% of Coloradans speak a language other than  
English at home.

**600,000 people statewide**

(although not all financially eligible)

Other vulnerable populations include people with  
disabilities, the elderly, Native Americans, and  
migrants.

How many people in CO are eligible for  
our services? The above chart was based  
on the 2000 census. Estimates from  
2005 suggest that the eligible poverty  
population increased from 500,000  
to 692,505.

### **Critical Issues in Colorado**

- Rapid population growth
- Very high rate of foreclosures
- Inadequate and unaffordable low-income housing stock
- High minority dropout rates in high schools
- Limited Medicaid program and little available healthcare in some rural areas

Critical legal issues in Colorado.

CLS has 15 offices statewide; about 40 attorneys. CLS serves the entire state. Some offices cover vast areas with just one or two attorneys: one in LaJunta for the entire southeast corner of state; one full-time and an additional part-time attorney in Durango for entire southwest corner, including the two Ute Indian reservations.

### **CLS Offices**

- 1 – Alamosa
- 2 – Boulder
- 3 – Colorado Springs
- 4 – Denver (includes Migrant)
- 5 – Durango
- 6 – Fort Collins
- 7 – Grand Junction
- 8 – Greeley
- 9 – La Junta
- 10 – Frisco
- 11 – Gunnison
- 12 – Hayden
- 13 – Leadville
- 14 – Pueblo
- 15 – Salida

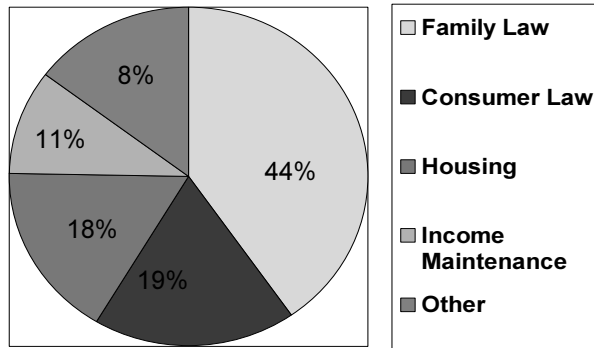


### **CLS Services in 2006**

- 6,632 eligible clients provided legal assistance
- 1,621 were provided full legal representation in an extended action
- 5,011 were provided legal advice or brief services

CLS services provided in 2006.

### Case Types Handled



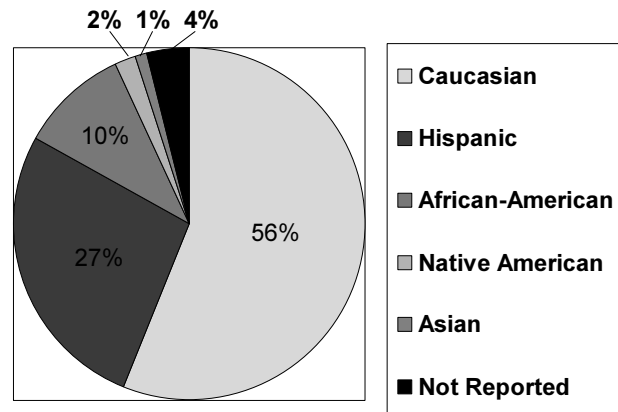
What kinds of cases does CLS handle?

44% Family Law  
19% Consumer Law  
18% Housing  
11% Income Maintenance  
8% Other

Individuals served by CLS: 56% of CLS clients were white; 27% were Hispanic; 10% were African-American; 2% Native American; Asian: 1%; and those who did not report ethnicity comprised 3% of total clients.

The vast majority were women - 3 of every 4 clients.

### CLS Clients



### CLS does not represent . . .

CLS advocates are forced to turn away all but the most emergent cases. Many DV victims without other serious issues are either referred to a pro bono attorney or are just given advice.

For some, that works well. For other, it does not.

Who doesn't CLS represent others?

Due to a lack of resources, CLS advocates are forced to turn away all but the most emergent cases: Domestic violence victims with kids at risk, or who are disabled, or elderly. Unfortunately, many domestic violence victims without other severity considerations are either referred to a pro bono attorney, or given pro se advice: clear instructions on how to represent themselves in court. For some that works well, for others, it does not.

### **Other Types of Cases**

**Evictions** – CLS represents many clients who live in subsidized housing, especially those with other severe circumstances (the disabled or elderly). Many private eviction applicants are given advice only and help in going through the court process on their own.

CLS attorneys handle **bankruptcies** to prevent foreclosure (mainly in Denver) because of special funding; and to help deal with other severe consumer debt, but mainly when disability or health issues are involved.

**Ensuring basic human needs**, such as social security disability and other access to essential health care and benefits.

Other types of cases: Evictions: CLS represents many clients who live in subsidized housing, especially those with other severe circumstances (the disabled or elderly), but many private eviction applicants are given advice only and help in going through the court process on their own. CLS attorneys handle bankruptcies to prevent foreclosure, but mainly in Denver, because of special funding; and to help deal with other severe consumer debt, mainly when disability or health issues are involved. Ensuring basic human needs: social security disability and other access to essential health care and benefits.

Substantive areas of law in which CLS does not provide representation due to lack of resources:

Most private evictions (although most offices will do an intake on a private eviction); most divorces or custody actions in which there is no violence; child support cases; adoptions and guardianships; many types of consumer cases — ID theft, sales fraud and defective goods (home, car, purchases of other consumer goods).

### **CLS does not provide representation for . . .**

- Most private evictions
- Most divorces or custody actions in which there is no violence
- Child support cases
- Adoptions/guardianships
- Consumer cases such as ID theft, sales fraud, and defective goods

### **The Justice Gap**

*“Nationally, 1 of every 2 eligible applicants for service is turned away because of lack of resources. Only one in five legal problems experienced by low-income people are addressed with the assistance of either a private attorney or a legal aid lawyer. There is one lawyer for every 525 people in the general US population; there is one legal aid lawyer for every 6,861 low-income people. More resources are needed.”*

**Documenting the Justice Gap in America**  
Legal Services Corporation, 2005

Documenting the Justice Gap in America.

### ***Technology Helps Bridge the Justice Gap***

- [www.ColoradoLegalServices.org](http://www.ColoradoLegalServices.org) – self-help legal information
- Self-help kiosks
- Online court forms preparation program for pro se litigants
- Videoconferencing linking remote Colorado locations to CLS offices

*CLS can't meet all legal needs of Colorado's low-income communities, but we are trying to expand our services through the effective use of technology.*

CLS' use of Technology to bridge the Justice Gap.

Support and collaboration for CLS staff attorneys and paralegals – private attorney (pro bono) programs throughout the state. Some pro bono programs are part of CLS itself (Boulder and the Northwest Colorado Legal Services Project), other Bar-sponsored programs are housed within CLS offices (Denver, CO Springs, Grand Junction and Durango); some are stand-alone pro bono programs (Greeley, Ft. Collins and Alamosa). These programs provide additional, much-needed, free legal resources for low-income persons throughout Colorado.

### ***Support and Collaboration for CLD Attorneys and Paralegals***

- Private attorney (pro bono) programs throughout the state.
- Some pro bono programs are part of CLS itself, other Bar-sponsored programs are housed within CLS offices; some are stand-alone pro bono programs.
- These programs provide additional, much-needed, free legal resources for low-income persons throughout Colorado.



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# **Appendix B**

## **Colorado Access to Justice Commission**

### **Slide Presentation on Funding\***

\*The information about the amount of funding and comparisons to other states was compiled and calculated by the American Bar Association's Resource Center for Access to Justice Initiatives, a project of the ABA Standing Committee on Legal Aid and Indigent Defendants. Most data is from the 2005FY, although LSC and state funding is for the 2006FY (using the last year in which a comparison can be made for all states).

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## ACCESS TO JUSTICE COMMISSION

COLORADO FUNDING FOR CIVIL LEGAL SERVICES  
Fall 2007

February 7, 2008

## FUNDING SOURCES

- Federal Funds
  - Legal Services Corp. (LSC)
- Interest on Lawyer Trust Accounts (IOLTA)
  - COLTAF
- Legal Community
  - Legal Aid Foundation
  - Local Bar Associations
- State Funds
  - Family Violence Justice Fund
- Other
  - United Ways
  - Federal Grants
  - Local Public Funds
  - Foundation Grants

Slide 2

### COLORADO FUNDING (TOTAL)

- \$9.5 million
- \$24.32 per poor person
- 28th among all states
- Funding ranges from high of \$76.30 (NJ) to low of \$9.55 (AL)
- Average expenditure is \$31.27
- CO would need to raise an additional \$2.7 million to become average

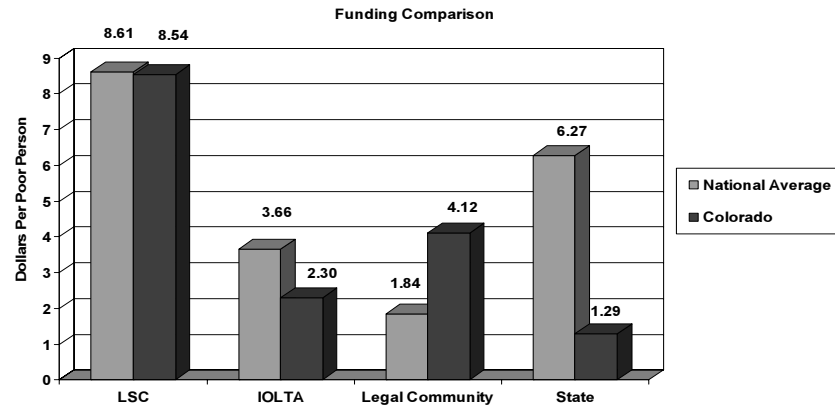
Slide 3

### COLORADO FUNDING (By Source)

- \$9.5 million total
- LSC: \$3.4 million
- COLTAF: \$.9 million
- Legal Community: \$1.6 million
- State: \$.5 million
- Other: \$3.1 million

Slide 4

## COLORADO FUNDING (COMPARISON)



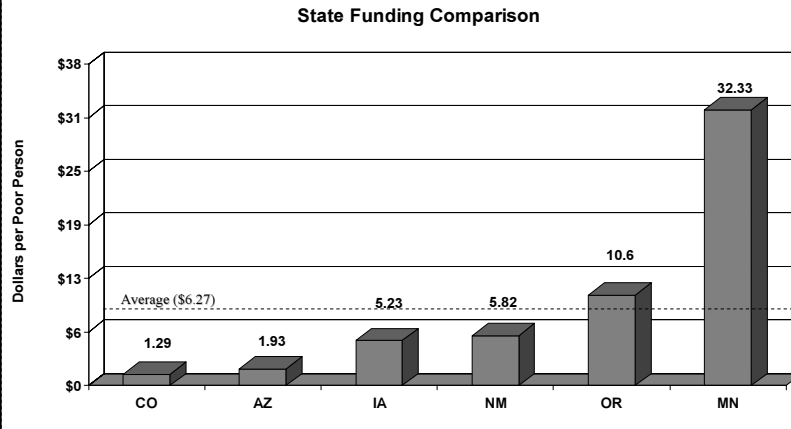
Slide 5

## COLORADO FUNDING (STATE)

- \$500,000 appropriation
  - Limited to family violence services
- \$1.29 per poor person
- 39th among all states
- Funding ranges from high of \$32.33 (MN) to \$0 (5 states)
- Average amount is \$6.27 per poor person
- CO would need an additional \$1.94 million to become average

Slide 6

## COLORADO STATE FUNDING (COMPARISON)



Slide 7

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# **Appendix C**

**Colorado Access to Justice Commission  
November 7, 2007  
Boulder, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and The  
Twentieth Judicial District Access to Justice Committee**

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## **Appendix C**

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## **Summary of Boulder Access to Justice Hearing**

The Boulder Access to Justice Hearing, held November 7, 2007, featured testimony by 9 witnesses, presenting evidence to a distinguished panel consisting of Representative Alice Madden, the Majority Leader of the Colorado House of Representatives, Michael Bender, Justice of the Colorado Supreme Court, Roxanne Bailin, Chief District Court Judge, 20th Judicial District; Denean Hill, Esq., President-Elect of the Boulder County Bar Association, and Connie Talmage, Esq., Chair of the Colorado Access to Justice Commission.

The witnesses described the tremendous unmet need for civil legal assistance for poor people in Boulder County. Witnesses detailed the legal problems of domestic violence victims, individuals with AIDS, grandparents caring for their grandchildren, people facing foreclosure on their homes, and people who are not receiving the benefits to which they are entitled. As an example, Audrey Zapp testified that Boulder County Legal Services (BCLS) found her a lawyer who twice secured pension benefits from the Veterans Administration after they had mistakenly been cut off.

Joel Hayes, the sole lawyer in the BCLS office, testified concerning the number of clients served and the pro bono assistance provided through the Boulder County Bar Association. Judge Roxanne Bailin testified about the challenges judges face when pro se litigants have difficulty and need help in presenting relevant information in court, and yet the judges must remain impartial. She stressed the value of legal representation for these individuals. Manuel Ramos of Colorado Legal Services (CLS) testified concerning CLS's services and statewide needs. He emphasized that CLS funding is not sufficient to avoid turning away many people who are under the federal poverty level and need legal assistance. Jim Peters, a member of the Colorado Access to Justice Commission, testified concerning funding of legal services in Colorado and compared the funding by the Colorado legislature to funding in other states.

## **Boulder Access to Justice Hearing Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Roxanne Bailin	Chief Judge, District Court, 20th Judicial District
Michael Bender	Justice, Colorado Supreme Court
Denean Hill	President-Elect, Boulder County Bar
Alice Madden	State Representative, House Majority Leader (D-Boulder)

## **Boulder Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Manuel Ramos	Attorney, Colorado Legal Services
Roxanne Bailin	Chief Judge, District Court, 20th Judicial District
Joel Hayes, Jr.	Managing Director, Boulder County Legal Services
Paul Bierbaum	Boulder County Aids Project
Tanya Shimer	Longmont Attorney
Audrey Zapp	Client, Boulder County Legal Services
Carmen Ramirez	Office of Longmont Community Relations
Laurel Hernden	Boulder County Immigrant Legal Center
Jim Peters	Commissioner and Resources Committee Member, Colorado Access to Justice Commission



## Summary of Witness Statements

### Attendance - 22

#### Manuel Ramos

Mr. Ramos is an attorney with Colorado Legal Services (CLS). He presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details are included in Appendix A.

**Question from Rep. Alice Madden:** What happens to the undocumented people who don't get help?

**Response:** If an undocumented person comes to us, and there is no violence involved we can't even give them legal advice. We can refer them to an agency that can help but nothing else. They are generally out of luck unless they have enough money to pay for help.

**Question from Rep. Alice Madden:** If the poverty level was raised to help more people, do you know how much more money they would need to service the extra people?

**Response:** No I don't know. We can't even help the people that we currently cover under the poverty level.

**Question from Justice Bender:** How many attorneys statewide do you have to serve these 6,000 cases a year?

**Response:** There are 40 lawyers. Many of our offices only have 1 lawyer.

**Question from Justice Bender-** What are some of the societal ramifications encountered by women or children who are victims of violent crimes and do not qualify for the services provided by CLS?

**Response:** We re-victimize the victim. They come looking for help and we have to shut the door on them. Their resources are very limited. They might have to stay in the abusive relationship. The education of the child is interrupted. If we can not assist with their basic issues, they will not be able to get the aid they need. Our attorneys have a hard time getting through the process of getting that aid, and it is even harder for a person who is not used to doing this sort of thing. They end up having to go on welfare and other governmental programs and end up costing taxpayers more money.

#### Roxanne Bailin

Judge Bailin is the Chief Judge of the District Court for the 20th Judicial District. She started her career as a lawyer working for Colorado Legal Services (CLS) in Trinidad. At the time she was there from 1974 to 1977, CLS had 5 lawyers in the Trinidad office, and they were always very busy. Now there isn't even an office in Trinidad.

She has been a judge for 25 years, and can speak about trends during this time period. In the last 8 to 10 years there has been an extraordinary increase in the number of people who represent themselves in court. She estimates that as many as two-thirds of the people who appear in domestic relations cases do not have representation. In some areas like Boulder County, the courts have hired court facilitators to help usher people through the court process, but they are overloaded and can't do more than help people fill out the right paperwork. Many places in the state do not even have these facilitators to help.

Many of the people who appear pro se do not understand the court procedure. Many of these people are poor and do not speak English. Safehouses in the area help in some cases, but they cannot directly advocate for

these individuals. Most judges try to make sure these people are heard, but this is limited by the fact that judges must be impartial. Without an advocate many times the judge is left with having to make a decision with incomplete information. An example of this is a divorce case she handled recently. After both sides had testified and she had made her ruling, the wife then raised her hand and asked, "Does it matter that he beats the children?" She had missed this and if the women had not said anything she would have made a bad ruling. These individuals need lawyers to help them through this process.

Many people come in to fill out protection orders and can hardly write. Not all of them are poor people, but it is the poor who cannot afford to have a lawyer help them. Advocacy is critical to our system. In America we pride ourselves on settling our differences in the courtroom and not on the streets, but unfortunately a vast population is not able to take advantage of this.

### **Joel Hayes**

Mr. Hayes is the Managing Director of Boulder County Legal Services (BCLS). BCLS only covers Boulder County. They are a small office but are proud of the work they do. He has been with this office for 3 years. They are a combined legal service and pro bono office. They are on track this year to serve 700 clients. Most of their help comes from retired volunteers who interview their clients. The Boulder County Bar Association also helps them a lot in finding lawyers who will provide pro bono services. They expect to represent over 200 clients this year from help from the bar association. They expect to have over 3,800 hours of pro bono work done this year. That is over \$900,000 dollars in legal services provided by pro bono attorneys.

One service they offer is the pro se family law clinic. This helps clients with filling out forms and preparing them for court. They have attorneys come in two days a week to assist clients with their needs.

BCLS staff consists of three people, a receptionist who screens all clients, a pro bono coordinator and office manager and Mr. Hayes who is the only attorney. He spends about half of his time on casework. He is on track to help around 290 clients in court this year with their cases.

Over 40% of BCLS clients have family law issues; 22% of their clients have consumer problems, and although only 19% of their clients are senior citizens, 30% of their consumer problems are from senior citizens. Another 14% of their clients have housing problems.

If BCLS had more money they would be able to help more clients. They could put on more clinics for other issues such as post decree family issues, and consumer problems.

**Question from Justice Bender:** How do you decide when to turn away women in domestic violence cases?

**Response:** We always try and help at the beginning if they are financially eligible. The problems come when they can't get a pro bono attorney for them soon enough and the women decide not to follow through with the case against their abuser.

**Question from Roxanne Bailin:** Is it hard in many specialized cases to get an attorney that specializes in that area to help?

**Response:** Yes it is very hard, even here in Boulder where there is a lot of pro bono help. Domestic cases are easy to get help, but in other cases dealing with issues like public benefits it is very difficult since most attorneys don't deal with these areas in their private practices.

### **Paul Bierbaum**

Mr. Bierbaum works with the Boulder County AIDS Project. He first became involved with the organization in the early 1990s. At that time they had several hundred clients. He was attending several funerals a month for these individuals that had AIDS. There was a lot of discrimination towards these clients at that time, and they had a lot of issues that other poor people did not.

The Boulder County AIDS Project has no funding. Mr. Bierbaum calls in attorneys to help. Their goal has been to provide a pro bono attorney for every client. He has found that most of the clients are destitute and have huge medical expenses. To properly help these clients and other poor people more funding for legal services is needed. He thinks that at least \$2,500,000 is needed to help.

#### **Tanya Shimer**

Ms. Shimer is a private attorney in Longmont and has recently been a BCLS volunteer. She had a special interest during law school in access to justice. She worked for BCLS straight out of law school. To her surprise there was a myriad of low income people in the Boulder area that needed help and could not get it. They needed help with getting child support, restraining orders, and benefits to which they were entitled.

Ms. Shimer is amazed at how many people BCLS is able to help with just three people in the office. When one of them is out of the office the other two have to try and pick up the slack, despite already being overburdened with their own work. She volunteers there to try and help fill the gap in services rendered. BCLS receives on average 3,500 calls a year for help. Someone must return each of these calls, screen it, and, if the caller does qualify, schedule them in for a consultation.

**Question from Justice Bender:** How long does it usually take from the time they call to when they get help?

**Response:** BCLS does new cases on Tuesdays and Thursdays and tries to get to new clients within two to three weeks, unless the need is more urgent. BCLS tries to find resources for all those individuals who don't qualify for their services. BCLS generally meets with about 700 clients of the 3,500 that call in every year. For each of these clients, BCLS must put a file in their system and have an interview. The staff attorney must then decide what to do with the case. Since there is only one attorney in the office, if he is gone, nothing can take place until he returns. Much time is spent trying to contact lawyers to help the clients on a pro bono basis. People do not choose to be poor. With more funding BCLS would be able to help many more clients who are currently not able to receive any kind of help for their legal needs.

#### **Audrey Zapp**

Ms. Zapp is a resident of Boulder County and a CLS client. She is proud to be 82 years old. Her husband who passed away in 2001 was a World War II veteran who received a pension. He always told her not to worry when he died because the government would take care of her and pay her a pension. After her husband passed away she got a letter from the Veterans Affairs (VA) asking her to fill out a medical form. A few months later she got a letter saying she had been paid too much money and owed the VA several hundred dollars. When she wasn't able to pay, the VA withheld her pension. She had to rely on Social Security just to get by. She thought it would just be temporary but it wasn't.

After being referred by a friend, Ms. Zapp went to BCLS and it they were able to find a lawyer for her. The lawyer was able to help her fill out the correct forms and got her pension going again. When the problem happened again they once again got her pension going again. She has never seen such a compassionate group as those at BCLS. They don't just help, they care for their clients. She hopes they will be able to get more funding so they can help more people like her.

**Carmen Ramirez**

Ms. Ramirez is with the Office of Longmont Community Relations and has been in Boulder County for 16 years working with the Latino community. The Latino Community is not getting access to justice. They do not speak English and they don't know how the system works. They need help filling out legal forms. Imagine being in a courtroom if you barely speak English, have a 6th grade education, and have to stand in front of a judge without any help. It is hard to find pro bono help for these individuals since the cases can take a long time. She recently had a case that involved 29 men and took over 2 years to settle.

Many of the individuals needing help have been abused and if they can't get the legal help they need, have no choice but to stay in their abusive relationships. Ms. Ramirez personally went through this and it took her years to get out.

More and more of the population is aging and do not know how to get the benefits they need like Social Security. Others are losing their houses to foreclosure; they would not be losing their homes if they had legal help. There is also a great need for young parents to have access to justice. There is also a need for more clinics in Longmont to help clients there with their needs. All these people need help and without more funding they will not be able to assist them all.

**Laurel Hernden**

Ms. Hernden is with Boulder County Immigrant Legal Center. She has seen many people lose their immigrant status because they couldn't get an attorney. When this happens many of them go into hiding so they are not deported. Only attorneys are allowed to assist these individuals with their documents, but they do not always have access to a lawyer and are taken advantage of by predatory businesses that say they will help. Many times, notarios tell these individuals that they can help and provide legal assistance, but by law notarios are not allowed to help. BLCS tries to help, but they are not able to fill the gap that exists. The system is swamped with people needing help and more funding is needed.

**Jim Peters**

Mr. Peters is a member of the Colorado Access to Justice Commission and serves on the commission's Resource Committee. He described the sources of funding for Colorado Legal Services, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Peters explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and provides about \$1.29 per poor person per year. Colorado would need to increase funding by an additional \$1.82 million to become average as compared to other states. Additional details of this presentation are included in Appendix B.

**Twentieth Judicial District  
Access to Justice Committee Members**

<u>Name</u>	<u>Affiliation</u>
Kristina Hanssen	Magistrate, 20th Judicial District
Amy Waddle	Court Administrator, 20th Judicial District
Norma Sierra	Magistrate, 20th Judicial District
Fred Clifford	Magistrate, 20th Judicial District
Monica Haenselman	Family Court Facilitator, 20th Judicial District
Anne Tapp	Director, Safehouse Progressive Alliance
Julie Lee	Boulder Public Defender's Office
Erika Martinez	Boulder County Legal Services
Sue Parenteau (until '06)	
Carla O'Boyle	
Judy Fernandez	El Comite, Longmont
Marta Valenzuela Moreno	
Sean Stromberg	Court Interpreter, 20th Judicial District
Sue Taigman	Office of Dispute Resolution
Paul Bierbaum	Lawyer, ALS Committee and BCAP
Mike Rafik	Lawyer
Alex Garlin	Lawyer
Ken Kupfner	Boulder District Attorney's Office
Laurel Herndon	Director, Immigration Center of Boulder

## **Twentieth Judicial District Access to Justice Committee Recent Accomplishments**

- 2004 The committee conducted a diversity training for the community. Magistrate Regina Walters from El Paso County presented a full-day training to about 40 people from the probation department, police officers, lawyers and pro bono providers through the county.
- 2005 We focused on translating many of the court documents into Spanish to make it easier for Spanish speaking people to come to court. We also assisted the court when they installed the legal information kiosk. That wasn't as successful as hoped.
- 2006 The committee continued to address issues of the language barriers of those in court needing assistance.
- 2007 The committee worked with those helping immigrants in Boulder County. The court was very instrumental in helping change language barriers for the immigrants in jail and in criminal situations. The Boulder County Bar Association worked with the committee when they were creating their Law and Justice shows on Channel 8. The public television shows assist the lay person faced with common legal situations, unable to hire a lawyer and with difficulty understanding the legal system. To date the following shows have been completed: DUI, Family Law and Divorce, Buying Real Estate in Boulder County, Death and Dying: Estate Planning, Municipal Court in Boulder County, and Immigration. The segments are on the Channel 8 website and linked to the bar's website. [www.boulder-bar.org](http://www.boulder-bar.org) They are also available on DVD. They have been made available to all the ATJ committees throughout the state with the help of CLE Inc. of Colorado and the Colorado Bar Association.
- 2008 The committee is going to work with the probation department to help non-English speaking people, discussing accountability and compliance issues that seem to be problematic for the defendants, court personnel, and lawyers. We want to work on understanding the criteria for evaluation and accountability for the department staff.

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# **Appendix D**

**Access to Justice Hearing  
November 6, 2007  
Breckenridge, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Fifth Judicial District Access to Justice Committee**

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## **Appendix D**

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## **Summary of Breckenridge Access to Justice Hearing**

The Access to Justice Hearing held in Breckenridge on November 6, 2007, and co-sponsored by the Colorado Access to Justice Commission and the Fifth Judicial District Access to Justice Committee, featured testimony by eight witnesses: Molly Ryan, of Colorado Legal Services; Pat Craig, of the Northwest Colorado Legal Services Project; Greg Eckolls, a legal services client; County Court Judge Katharine Sullivan; John Clune, a private attorney who heads the Victim Justice Initiative; Deb Baldwin, a local service provider who works for Eagle County Resource Center; Xiomara Palma, a Resource Center client; and Diana Poole, of the Colorado Access to Justice Commission Resources Committee. Their testimony was heard by the forty-nine persons in attendance, including a panel of six: Dan Taubman, Judge, Colorado Court of Appeals and Colorado Access to Justice Member; Thomas Moorhead, District Judge, Fifth Judicial District; Michael Bender, Justice, Colorado Supreme Court; Colorado State Representative Dan Gibbs (D-Silverthorne); Attorney Inga Causey, Continental Divide Bar Association President; and Attorney Beth Pond, Co-Chair, Fifth Judicial District Access to Justice Committee.

The witness testimony highlighted the critical need for civil legal assistance for poor people in Breckenridge and the surrounding mountain area. Providers of services testified to the unmet needs of the poor and the great number of persons who are turned away because of insufficient resources to provide legal representation that would help address their needs. Clients who were able to obtain such representation testified to the dramatic impact assistance had had on their lives. There was also testimony from Judge Sullivan and Mr. Clune about the interrelationship between unmet civil needs and criminal problems, and the need for representation of the victims of crime. According to the witnesses, state funding for civil legal services for the poor is well below the national average.

## **Breckenridge Access to Justice Hearing Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Dan Taubman	Panel Chair; Member, Colorado Access to Justice Commission; Judge, Colorado Court of Appeals
Michael Bender	Justice, Colorado Supreme Court
Inga Causey	President, Continental Divide Bar Association
Dan Gibbs	State Representative (D-Silverthorne)
Thomas Moorhead	District Judge, 5th Judicial District Court
Beth Pond	Co-Chair, 5th Judicial District Access to Justice Committee

## **Breckenridge Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Molly Ryan	Colorado Legal Services
Pat Craig	Director, Northwest Colorado Legal Services Project
Greg Eckolls	Client, Colorado Legal Services
Katharine Sullivan	Judge, Eagle County Court
John Clune	Victim Justice Initiative
Deb Baldwin	Eagle County Resource Center
Xiomara Palma	Client, Eagle County Resource Center
Diana Poole	Commissioner and Resources Committee Member, Colorado Access to Justice Commission

## Summary of Witness Statements

### Attendance - 49

#### Molly Ryan

Ms. Ryan is an attorney with Colorado Legal Services (CLS). She presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details of this presentation are included in Appendix A.

**Question from Inga Causey:** Although Colorado is one of the richest states in the union, it is 27th in funds raised per indigent person. Why is that?

**Response:** That is part of the reason we are here. We believe that if we raise our state funding by \$2,000,000, we will only be average in relation to other states.

**Question from Inga Causey:** One of every two people are turned away from CLS. What percentage of people apply and are not eligible?

**Response:** We have never documented that in Colorado. Nation-wide the estimate is that only one in five eligible people who need legal services receive them.

**Question from Justice Michael Bender:** What are the ramifications of turning people away? How does it affect things such as public welfare, etc.?

**Response:** If someone is turned away because there are not resources to help them, there are many ramifications such as homelessness, children being taken away, foster homes, and housing issues. There is a ripple effect socially. People who have jobs lose them when they have to take on representation by themselves because pro se litigation is very time consuming.

**Question from Judge Thomas Moorhead:** What are VALE boards?

**Response:** VALE stands for Victims and Law Enforcement. They administer grant money provided by the judicial district to assist domestic violence victims who need counseling and assistance with civil legal representation.

**Question from Judge Thomas Moorhead:** People have real financial needs even though they are above eligibility guidelines because of the cost of living in mountain regions. Do you have an idea of how we serve this segment of the population?

**Response:** This is a legitimate issue. The local CLS office (Pat Craig) works with these issues everyday. Access to justice issues do not apply only to very low income individuals. They involve working class people who cannot afford a private attorney, especially in mountain regions where attorneys charge more. Our program could assist people in this area by providing services such as community education, and legal information regarding processes and technology.

**Question from Rep. Dan Gibbs:** There are many undocumented people in this area. What are the limitations for these people?

**Response:** Federal regulations prohibit federal money from being used to represent undocumented people unless they are victims of domestic violence and the legal assistance provided will ameliorate the effects of the domestic violence..

**Question from Rep. Dan Gibbs:** Have we seen any increase from the federal side?

**Response:** There are very small increases each year, but not even enough to keep up with the rate of inflation.

**Response from Judge Dan Taubman:** A justice gap study noted that current national funding is about 340 million dollars. If the federal amount had kept up with inflation since 1970, this amount would be well above 700 million dollars.

**Question from Judge Thomas Moorhead:** Do you have restrictions on billable hours you can assist an individual, and is it true that the state only pays \$500,000 from the judicial branch?

**Response:** The short answer is no; we do not have any hourly restriction. And actually the amount the state pays from the judicial branch is \$500,000, although approximately \$463,000 of that amount goes to CLS.

### **Pat Craig**

Ms. Craig works for Northwest Colorado Legal Services Project, which covers 21,000 square miles in 11 counties. Northwest came into existence because there were several mountain areas left over after others were taken care of by other legal service programs. All work is performed by pro bono attorneys, who volunteer their time and money. There are four offices, located in Hayden, Leadville, Breckenridge, and Gunnison. They deal only with civil legal problems that are categorized as severe. Most of these are domestic violence cases where children are at risk, or relate to service of elderly persons. On certain occasions they will also help in social security cases, evictions, loss of support, and landlord/tenant issues. There is a legal hotline which serves as the point of access for most people who contact them. Just last year there were 1,900 calls, with 1,000 of those being in this four county area. They also have legal advice clinics available in two counties. They often use the CLS website, which is helpful because people can now fill out an application online, where they used to go to the library. Cases involving elderly persons are covered by a special grant. Last year, 224 residents either received advice or representation. Local attorneys volunteered more than 1,200 hours of service, and had they charged, the value of their donation was over \$200,000. Every dollar donated to them was doubled in time by local attorneys, which signifies that they raised over \$100,000 locally last year. The largest grant for the legal aid service is \$10,000 and their smallest donation is \$50. The staff uses 10% of their total work time fundraising. They are trying to do all they can in terms of fundraising and promoting pro bono participation, but without additional funding, they will not be able to reach more people because they are maxed out.

There is a lot they are unable to do because of funding limitations. There are many family law problems involving domestic violence, and they are unable to take them all. There are only fifteen attorneys who deal with family law cases, and nineteen cases were closed last year. As the population increases, so does the need, and these fifteen attorneys cannot take on any more pro bono cases. There were 348 family law requests last year, and they will generally only take the case if children are at risk. The VALE board gave legal services a grant which allows them to contract attorneys at \$45 an hour. VALE funds are already expended this year, and they are trying to get by until next year.

Legal services in the area would like to have the resources to do other types of cases. For example, a CLS staff attorney in Grand Junction went to a senior center and a woman told her that she was the victim of a bone density scam. The older woman did not see this as a legal problem, but the attorney was able to help her get her money back. She would like to have the resources to do this sort of work in the area, such as community education, but they are stretched too thin. They only have four employees in an eleven county area. Money is already stretched as thin as possible.

**Question from Inga Causey:** Statistics show that only 9% of people who apply are actually helped. So is it true that over 90% of people are turned away?

**Response:** Yes, we are only able to help a small fraction of those who apply to us for legal aid.

**Question from Inga Causey:** What is the hardest case you have had to turn away?

**Response:** Domestic violence cases are the hardest to turn away. They are vulnerable people living in terrible situations.

**Question from Justice Michael Bender:** Do you keep track of the racial profile of applicants?

**Response:** Yes, there is a large Hispanic population in the area because of resorts.

### **Greg Eckolls**

Mr. Eckolls is a legal services client who suffered a head injury which causes him extreme difficulty with speech and movement of the left side of his body. He was in the hospital for six weeks and had no insurance and racked up huge medical bills. Before his discharge, the hospital tried to put him in a nursing home at the age of 42. Medicaid would have paid for this care, but he wanted to get better without this, so he applied for social security benefits which would have helped him with his bills. He was denied twice and was told it would take a year before his case could be heard. Creditors began calling and he explained his situation to them. He got a call from a collection agency informing him they had filed a lawsuit against him. He felt intimidated by them, and could not afford a lawyer to represent him. The secretary for the lawyer working on his social security case told him about CLS. He contacted them and they got him a volunteer attorney. He figured out a payment plan before trial, and they really helped him out a lot. He now is able to get back on his feet.

### **Judge Katharine Sullivan**

Judge Sullivan is a County Court Judge in Eagle County. She discussed her experience as a county court judge in an effort to help the panel understand the severity of the access to justice gap. She handles between 6,000 and 7,000 cases per year. Not all are eligible for free legal services, but the ones that bother her most are the evictions and restraining orders which usually involve indigent victims. She most often sees a lack of knowledge and information among these people, and they are very intimidated to come to court. Coming to court is a big event in people's lives. She does not think that there is good accessibility to legal representation for indigent people. For example, she did not know that there is a legal service clinic in Eagle County because it is not advertised. They need to advertise this more so people can be informed. As a private attorney, she knows how it feels when people fail to show up for important court cases which may severely affect their lives, so they must advertise more.

There is a \$13,000 limit to be eligible for legal services. In a mountain area such as this where the cost of living is so high, this limit is not reasonable. One cannot live here for that, and Representative Gibbs can help this eligibility number increase. Judges want court to be a less scary place, but it is difficult. They need to have information available to inform people who come to the front desk when clinics are available and provide website information for legal assistance and advice.

Family law cases are the most difficult. There is a huge transition in the lives of women who are fleeing a violent relationship. They are unable to pay bills, provide daycare, or secure meaningful employment, and are forced to return to abusive relationships. So while CLS does not deal with criminal cases, these family issues lead to criminal acts. If a woman needs a permanent restraining order or divorce, she must be represented so she is not evicted. This representation is vital, and can only occur if there is more funding. Overall, these types of cases can have many more ramifications that can be stopped at their inception with the help and support of legal representation. We, as a rich state, have less funding for legal representation than an average state, which is a shame. The cost to the system is significant if these legal issues are not addressed when they start. Money could be saved down the line. For example, evicted kids have to go to foster care where much more money is spent. The ramifications and ripple effect make no sense.

**Question from Inga Causey:** It is interesting that pro se litigants are lost when they do not have representation. Could you discuss that a little more?

**Response:** This is a very true statement. For example, many people in the Hispanic population do not even show up. The courts know that probably criminal activity is going on as well, so when they do not show up for civil actions, they are lost. It is overwhelming to see how many default judgments the judge enters against a victim when that victim needs the help more than anybody.

**Question from Dan Taubman:** What percentage of attorneys volunteer their time for these types of cases?

**Response:** Judge Sullivan is not sure because not a lot of attorneys in her court tell her if they are working pro bono. It would be so helpful for her as a judge to have attorneys representing the litigants in her court to make the process efficient and worthwhile.

**Question from Justice Michael Bender:** Are there public defenders to represent individuals on criminal charges?

**Response:** Yes there are. That is why CLS does not help with criminal matters.

**Question from Dan Taubman:** Is the problem of foreclosures reflected in the cases you see?

**Response:** The bottom line is yes. Banks have not been swift on foreclosing so there are issues when people are unable to pay and they leave the house prior to formal foreclosure. When the banks do not go in right away, pipes burst and there are huge problems. Medical bills and their associated cost is the biggest problem with foreclosure.

### **John Clune**

Mr. Clune is a private attorney and heads the Victim Justice Initiative. Mr. Clune worked in the DA's office for six years and then went into representing victims. He initially did a lot of pro bono work. After doing this for a few years, he realized he needed to open a law firm helping victims of criminal activity. He has a staff of four, but he is the only attorney, and while his cases are fee generating, much of what he does is pro bono.

Mr. Clune practices tort litigation for victims. He has found that crime normally happens because civil issues are not taken care of, such as housing, education, and employment issues. Dealing with a defendant is very hard for victims. Pro bono work is amazing, and is the front line of crime victim representation. However, there are limitations on this representation. Private firms work in combination with non-profit organizations because there are no limitations on criminal issues. One-third of his cases are pro bono, and that is all he can handle at a time. Overall, additional funding to even pay a little on a reduced basis for victims would open the door for them and other firms to take on more cases.

Mr. Clune sees many overwhelming access to justice problems every day. For example, when dealing with housing issues, he has seen where a criminal perpetrator is in jail and leaves the family without means to pay rent. The landlord finally orders the family to leave, and Mr. Clune has been able to intercede and get them into an equitable situation where they can go to another apartment or housing without being thrown out into the street first. In one case, a woman was raped and was evicted while in the hospital. He called the landlord, who was initially unreasonable, and he gave the landlord some solutions. Generally, the landlord then cooperates because an attorney is calling him. His advocates do a lot of this type of calling.

Employment issues are also rampant in the work he does. One woman saw a convenience store shooting and was traumatized. The day following the shooting she was unable to go to work. She called her employer, who then fired her. Mr. Clune talked to the employer and was able to count the missing time as FMLA or sick pay. Legal services that practice this sort of intervention are important because outside pressures can be devastating to a victim's ability to stay in an area. If the victim is forced to leave, this can devastate the prosecution

of a guilty defendant and the criminal system as a whole. Court further traumatizes criminal victims, but representation can help them. For example, when a rape victim and the rapist go to school together, the court system does not deal with that in ways that legal representation can.

Mr. Clune next discussed the growing need for legal representation and the number of people they have to turn away. He noted that it is staggering how many people they have to turn away because they do not have the staff to handle the burden. Between 60-70% are turned away, and many more than that do not even bother calling because they know that they will not qualify. He could hire at least five or six more attorneys to handle all the need that exists. He is encouraged by the meeting occurring this night, but believes we must figure out how to handle the need from a financial viewpoint. It is critical to get a system in place, even if it is reduced pay contracts.

**Comment from Dan Taubman:** He has heard lots of testimony throughout the meetings he has attended, but Mr. Clune and Judge Sullivan are the first ones to discuss civil and criminal problems combined with possible solutions.

**Question from Inga Causey:** Is criminal victim representation an area that we have not thought of providing legal services?

**Response:** We have virtually forgotten it. Victims need help through the system, beneficial to them and to the system. Civil issues collateral to crime is an issue we have not dealt with. Historically we have said that this is one of the unfortunate sides of the system. We focus on getting a therapist for the victim, but there are actually legal issues that need to be addressed.

### **Deb Baldwin**

Ms. Baldwin is a local service provider who works for Eagle County Resource Center and deals primarily with domestic violence victims. One of the areas they are concentrating on more and more is legal advocacy, which is a sensitive area because they are not attorneys. They cannot manage without attorneys and neither can their clients. Ms. Baldwin has so many situations she could discuss but she will only talk about a few.

In one instance, Ms. Baldwin took in a woman and her child into the shelter over the weekend. The woman was not documented and had suffered much abuse but was very educated. After years of abuse, she decided to get out of the relationship, and thus filed for divorce. She was in the shelter so when the husband was served with notice, she would not be around. She felt that she and her children would be safe for the first time in their lives. Her four-year-old, who would barely eat because of fear, finally fed herself for the first time because she felt safe in the shelter. Ms. Baldwin found out that the children had suffered severe physical abuse. The father had pulled the children out of school and told them if they told anyone about the child abuse, he would hurt them. The husband had spent all of the family's savings on bailing himself out of jail and then hiring an attorney. If not for the help of John Clune, whom Ms. Baldwin called, the victim would not have had an attorney and the husband would have had one.

In another instance, a woman who had been sexually abused by her husband came into a clinic at their office where volunteer attorneys come in to give advice. She did not think what he had done was a crime, but they were able to tell her that it was. Eagle County Resource Center is not allowed to file papers and do other things that only an attorney can do. Attorneys are needed to do this, which requires legal services funding that does not currently exist. If not for volunteer attorneys in the community, the center would not be able to help their victims at all legally.

The legal needs are tremendous. Out of the 39 legal clients they helped in October, only five got full legal representation. One was helped through legal aid, and the other four were assisted by pro bono attorneys. Of the 39 clients, there are probably twice that number that they are unable to help at all.

**Xiomara Palma**

Ms. Palma is a resource center client who stated that she is the voice of mistreated and abused women and children. In July, Ms. Palma found out that her husband was sexually molesting their thirteen year-old daughter, which came as a huge shock. She took all of her children, two of whom were witnesses to the sexual assaults and were beaten physically by the father, and fled. If not for the resource center and legal resources such as John Clune, she would not be here today. There needs to be adequate funding to provide assistance for people like her who are in terrible situations. Without legal aid, she would not be able to get through the divorce and pending financial difficulties because she is now a single mom with six kids who works full time. She is an immigrant from Honduras, now a citizen, but knows a lot of people that the legal system cannot reach because they are intimidated and are unable to afford services. She could not afford an attorney even if she made decent money because she has to provide for her children. John Clune made a huge difference in her life, for which she is eternally grateful. If the panel and those present at this meeting have a way to provide additional funding for legal aid resources, she now petitions that they do so.

**Diana Poole**

Ms. Poole is a member of the Colorado Access to Justice Commission and serves on the commission's Resource Committee. She described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Ms. Poole explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

**Question from Rep. Dan Gibbs:** When looking at state funding, how did that change from the downturn in the economy in 2001 and the other challenges faced?

**Response:** This fund was created in 1999 with \$250,000. It was increase to \$500,000 as of July 1, 2002 and has never been increased, although there was no funding in FY2005 (July 1, 2004 to June 30, 2005).



## **Breckenridge Access to Justice Hearing Media Coverage**

### **Meeting addresses legal services for low-income residents**

**BY NICOLE FORMOSA, Summit Daily News, Nov. 4, 2007**

Access to Justice public hearing

When: 6 to 8 p.m., Tuesday, Nov. 6

Where: Summit County Justice Center

Why: The purpose of the hearing is to gather information on the extent to which legal needs of disadvantaged persons in Lake, Summit, Clear Creek and Eagle counties are being met, and to identify opportunities for improvement.

SUMMIT COUNTY - A public hearing will be held at the Summit County Justice Center next week to help identify the any gaps in legal services to low-income citizens.

The hearing is one of several around the state organized by the Colorado Access to Justice Commission and local Access to Justice committees to evaluate the needs of different communities.

The Summit County hearing will focus specifically on the needs in Lake, Summit, Eagle and Clear Creek counties.

“Colorado is substantially below the national average in funding for legal services for poor people,” said Fred Baumann, Access to Justice resource committee chair. “We would need another \$2.5 million just to bring our state up to average. That’s a serious problem.”

The legal issues confronting Colorado’s poor most often include the basic human needs of shelter, sustenance, safety, health care and child custody. Their cases deal with issues like protection orders, domestic violence, medical benefits, social security and food stamps.

“Although we help a large number of low-income individuals and families facing legal problems, there are many more whom we cannot help despite their critical legal needs,” said Jon Asher, Colorado Legal Services director.

Nationally, less than 20 percent of the poor’s legal needs are addressed with a private attorney - pro bono or paid - or a legal-aid lawyer, according to a Legal Services Corporation report. There are 6,861 eligible low-income people for every legal-aid lawyer in the nation. In the general population, there is one attorney for every 525 people - more than 10 times the ratio of legal-aid attorneys to the population they serve.

Access to Justice Commission members include appointees by the governor, the Colorado Supreme Court, the president of the Senate, the speaker of the House and the Colorado Bar Association. Local Access to Justice Committee members are judges, lawyers, service providers and others interested in eliminating the barriers in the legal system for low-income individuals.

The Colorado Access to Justice Commission and local Access to Justice Committees will be conducting the hearings through the end of the month, and will include legal services clients and service providers, as well as members of the legal community.

Panelists at the Summit County hearing are:

The Hon. Gregory Hobbs, Colorado Supreme Court; The Hon. Daniel Taubman, Colorado Court of Appeals; Colorado; Rep. Dan Gibbs, D-Silverthorne; Molly Ryan, Colorado Legal Services; 5th Judicial District Court Judge Thomas Moorhead; Eagle County Court Judge Katherine Sullivan; Inga Causey, Continental Divide Bar Association President and Member Colorado Access to Justice Commission; Elizabeth Pierce-Durance , Member, 5th Judicial District Access to Justice Committee, Beth Pond, co-chair, 5th Judicial District Access to Justice Committee; Pat Craig, director of Northwest Legal Services; and John Clune, Victim Justice Initiative.



## **Legal advice for poor discussed**

Colorado Legal Service assisted about 6,600 people last year who qualified for the service

**BY NICOLE FORMOSA**

*Summit Daily News*

November 7, 2007

BRECKENRIDGE — When Silverthorne resident Greg Eckols suffered a head injury in 2005, he spent six weeks in the hospital recovering.

The medical bills quickly began piling up, and the 42-year-old, out of work due to his injury, filed for social security benefits, but was denied twice. Soon, the collection agencies started calling, then suing.

"I felt very intimidated by them," Eckols said. "I could not afford a lawyer to represent me."

Eckols' attorney in his social security claim (who wouldn't be paid unless Eckols won his suit) gave him the number for the nonprofit Colorado Legal Services, which provides civil legal assistance for low income people at low or no cost. A lawyer there was able to work out a payment plan with Eckols' creditors before the case went to trial.

"For this, I'm very grateful," Eckols told panelists during a two-hour Access to Justice hearing at the Summit County Courthouse on Tuesday evening, which aimed to identify gaps in the legal system for poor people.

Eckols was one of about 6,600 people to receive legal assistance through Colorado Legal Service (CLS) last year, but that's only a drop in the bucket compared with how many people in the state qualify for the services.

To be eligible, Colorado single residents must make below \$12,763 a year, or \$25,813 for a family of four, which constitutes 11 percent of the state's overall population, or 500,000 people, said Colorado Legal Services representative Molly Ryan.

"It's not hard to see when you have 40 attorneys (on the CLS staff) trying to handle the legal needs of a half-million people in the state, it's not understated to say there's a crushing need for more support," Ryan said.

Last year, Northwest Colorado Legal Services, a branch of CLS that covers Summit County, could only help 9 percent of its applicants, said Frisco-based administrator Pat Craig.

CLS takes only civil cases — criminal cases involving low-income people are handled by the public defender — and the majority of its caseload is family-related issues.

More than 50 percent of its clients are Caucasian; another 27 percent are Hispanic. CLS is only legally allowed to assist undocumented immigrants if they're victims of violent crimes seeking protection, Ryan said.

The state contributes just \$500,000 toward CLS' approximately \$7 million budget, \$2.5 million below the national average, Ryan said.

Because of limited resources, they often handle only the most emergent cases, and often turn away domestic violence cases if children aren't involved, Ryan said.

To make up for the gaps, Colorado Legal Service is turning to technology to assist more people, like offering more information on the website and setting up self-help kiosks.

Eagle County Judge Katherine Sullivan said most people in the High Country won't meet income requirements for CLS because it's impossible to live in the mountains on such meager wages, but people making just over the limit still need legal assistance and can't afford lawyer fees.

She said she sees a high percentage of default judgments because people are too intimidated or too overwhelmed to deal with the criminal justice system on their own, without legal representation.

Sullivan said part of the solution could be more attorneys offering up pro bono work, something she did as a private practice attorney before becoming a judge.

"They aren't always the easiest cases for sure, but in the end they're the most rewarding, and I know in my case they were the most interesting," Sullivan said.

Former 5th Judicial District prosecutor John Clune turned his volunteer work into a business called Victim Justice Initiative.

Much of Clune's business revolves around collateral legal issues as a direct result of a crime, such as housing or employment problems. For instance, if a family's single income earner is arrested and jailed for domestic violence, his wife and kids are often left facing eviction because they can't pay the rent.

While many of Clune's victims pay for his legal services — about one-third of his cases are pro bono — he still has to turn away 60 to 70 percent of the referrals he gets.

"The number of calls that we have to turn away is staggering of all types of cases ... because we just don't have the staff to do it," Clune said.

Tuesday's hearing in Breckenridge was one of 10 around the state held by the Access to Justice Commission — a joint venture between the Colorado Supreme Court and the Colorado Bar Association.

The Commission will compile a statewide report from all the hearings for use in asking for more money from the state legislature next session. The report will also be used to determine where needs are not being met in the state what programs could be created or expanded to help narrow the gaps, said commission member Inga Causey.

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# Vail Daily

## Legal bills another Eagle Co. cost struggle

Some victims of violence not poor enough for free lawyer, but can't afford private one

**STEVE LYNN**

Vail, CO Colorado

November 13, 2007

EAGLE COUNTY — Shelly's husband beat her during her marriage and when she wanted a divorce, she made too much money for a free attorney.

So Shelly, who calls herself well-educated and well-rounded, decided to represent herself when her husband filed for divorce and locked her out of her home, she said.

"I wasn't aware of my rights: I literally turned over everything," said Shelly, who asked to be identified by a pseudonym.

She lost her dog, her home, her antique Christmas ornaments, her baby pictures, and will never get them back, she said.

Like many other victims of domestic violence, though Shelly did not qualify for a free attorney, she also could not afford to get one herself. Typically, only a fraction of victims like Shelly get an attorney through the Eagle County Resource Center, which finds attorneys for victims of domestic violence and sexual assault, gives them shelter and helps them through their cases.

Five of 39 families who needed attorneys got one in October, said Deb Baldwin, housing coordinator and advocate for the Resource Center.

"This is a huge problem for us," Baldwin said.

In Eagle County, a victim must make no more than about \$12,000 each year to get a free attorney and no more than \$25,000 for a family of four, she said.

With the high cost of living in Eagle County, most victims do not have the money to pay attorney's fees, she said.

### ***The 'need' for an attorney***

A landlord once tried to evict a stay-at-home mother and her children from their home after her husband was jailed for domestic violence, said John Clune, an attorney who stepped in and got housing for the mother, who could not pay her rent. (Clune declined to elaborate on the case, citing attorney-client privilege.)

"That's not something the criminal prosecutor or the judge had the ability to deal with," Clune said.

"That's the kind of situation where victims need attorneys to intervene and deal with the landlord," he said.

The majority of Clune's clients who come to his Victim Justice Initiative offices in Edwards and Boulder are victims of domestic violence and sexual assault. He is one of two attorneys who regularly handle those cases in the Vail Valley and he said he has to turn away about half of the people who ask him for representation.



Lawyer Inga Causey, left, takes notes during a meeting with client Rosa Cereceres Friday in Edwards. Causey is one of two lawyers in the Vail Valley who regularly represent low-income clients for free in sexual assault and domestic violence cases.

**Dominique Taylor/Vail Daily**

Clune represents a third of his clients for free, he said.

“It’s still a small minority of lawyers who do this kind of work,” he said.

Victims need a private attorney when their cases are being prosecuted, said Inga Causey, the other local attorney who regularly handles these kinds of cases.

Because public prosecutors focus mostly on prosecuting defendants, private attorneys must teach victims how to successfully testify, make sure victims can keep their jobs and homes during legal proceedings and that those convicted of crimes pay victims’ restitution, such as medical bills, Clune and Causey said.

“All of those things can fall through the cracks with just a prosecutor and no victim representation,” Causey said.

Unlike private attorneys, prosecutors cannot handle disputes between victims and landlords and employers.

But prosecutors and victim’s advocates protect victims’ rights by spending “hours and hours” preparing them to testify during trials, Eagle County District Attorney Mark Hurlbert said. Prosecutors always seek restitution when the law calls for it, he said.

“A lot of what (Causey and Clune) are saying is covered by the D.A.’s Office and we don’t cost the victim anything,” Hurlbert said.

#### ***Statewide problem***

Penelope’s husband was arrested for allegedly molesting her daughter for almost two years. Penelope, who asked to be identified by a pseudonym, found out about the alleged abuse this year, she said.

“He was very abusive verbally and physically,” Penelope said about her husband. “I never expected something like that was happening.”

Penelope tried to get free legal representation, but was turned away because she made too much money. Penelope did not have enough money for an attorney, so Causey volunteered to help her.

“I feel secure and I know I’m going to be very well-represented — and my children, to get justice to them.”

About 40 attorneys in Colorado represent victims of domestic violence and sexual assault, said Kathleen Schoen, the Colorado Bar Association’s staffer for the Access to Justice Initiative.

Formed in 2003, the Access to Justice Initiative is a group of lawyers, judges and others trying to get funding to hire more lawyers to help crime victims because federal funding for those kinds of lawyers has been cut, Schoen said.

A local group of lawyers, judges and victims’ services officials met earlier this week in Breckenridge to discuss the problem in Eagle, Lake, Summit and Clear Creek counties.

The problem exists nationwide, attorneys said.

Less than one in five people who need an attorney for a civil case actually get one in the United States, according to a 2005 report from the Legal Services Corporation, a federal agency that provides legal representation to poor people.

“We’ve forgotten an element of our justice system, and that’s the rights of the victim and being able to preserve those rights,” Causey said.

*Staff Writer Steve Lynn can be reached at 748-2931 or [slynn@vaildaily.com](mailto:slynn@vaildaily.com).*

## **Fifth Judicial District Access to Justice Committee Members**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Christian Caslin	Local Private Attorney
Inga Causey	Local Private Attorney
Pat Craig	Director of Northwest Legal Services
Elizabeth Pierce-Durance	Local Private Attorney
Beth Pond	Research Attorney, Eagle County Combined Courts
Judge Richard Hart	Local Retired Judge

## **Fifth Judicial District Access to Justice Committee Recent Accomplishments**

- Prepared Resource Pamphlet in English (currently working on Spanish Translation). Pamphlet focuses on State-wide services and services in Eagle and Summit Counties.
- Created a Small Claims Court Mediation Program in Eagle County
- Working on the creation of a Pro Se Legal Clinic

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# **Appendix E**

**Access to Justice Hearing  
October 25, 2007  
Colorado Springs, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Fourth Judicial District Access to Justice Committee**

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## **Appendix E**

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## **Summary of Colorado Springs Access to Justice Hearing**

The Colorado Springs Access to Justice Hearing held on October, 25, 2007, featured testimony by eight witnesses, including County Court Judge Jonathan Walker, and Bruce Buell, a well-respected attorney in private practice. A distinguished panel of eight, including Sen. John Morse, Reps. Bob Gardner and Amy Stephens, Colorado Court of Appeals Judge Robert Hawthorne, El Paso County Chief District Judge Kirk Samelson, and Larry Gaddis, the President of the El Paso County Bar Association, listened attentively as the witnesses described the unmet need for civil legal assistance for poor people in El Paso County.

Witnesses detailed the types of problems encountered by the indigent, and the difficulties of proceeding without legal assistance. Steve Flynn described the very limited services that the El Paso County office of CLS was able to offer at its current staffing level of two attorneys. Judge Walker testified about the large number of poor people appearing in his court who are forced to proceed pro se in domestic relations matters, and described how providing legal assistance to poor people at this critical time of their lives would save resources in the long run. Tralita Martin described how hard it is for a pro se litigant to navigate the legal system, particularly when the opposing party is represented by counsel. Sequya Stevens described how some quick action by her CLS attorney allowed her to keep her home when the landlord attempted to wrongfully evict her. Mary Ann Corey described the difficulties in finding legal services for indigent Spanish-speaking clients in Colorado Springs, while Mary Ann Carter described how pro bono legal services can only fill a small part of the overall need.

Larry Gaddis, a Panelist, summed up the hearing by noting that in 1972, the Colorado Springs office of what is now CLS had a total of 11 attorneys. The two attorneys in the CLS office today cannot even come close to meeting the need of today's much greater indigent population.

## **Colorado Springs Access to Justice Commission Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Fred Baumann	Panel Chair; Vice Chair, Colorado Access to Justice Commission
Larry Gaddis	President, El Paso County Bar Association
Bob Gardner	State Representative (R-Colorado Springs)
Robert Hawthorne	Judge, Colorado Court of Appeals
John Morse	State Senator (D-Colorado Springs)
Kirk Samelson	Chief Judge, District Court, 4th Judicial District
Richard Skorman	U.S. Senator Ken Salazar's Office
Amy Stephens	State Representative (R-Colorado Springs)

## **Colorado Springs Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Jon Asher	Executive Director, Colorado Legal Services
Bruce Buell	Private Attorney; Member, Resource Committee, Colorado Access to Justice Commission
Steve Flynn	Staff Attorney, Colorado Springs Legal Services
Sequya Stevens	Client, Colorado Legal Services
Jonathan Walker	Judge, El Paso County Court
Tralita Martin	Client, TESSA
Mary Ann Carter	Centro de la Familia
Mary Ann Corey	Pro Bono Coordinator

## Summary of Witness Statements

### Attendance - 28

#### Jon Asher

Mr. Asher is the Executive Director of Colorado Legal Services (CLS). He presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details are included in Appendix A.

**Question from Judge Samuelson:** How many attorneys do you have across the state?

**Response:** 40

**Question from Judge Samuelson:** What is the total CLS budget?

**Response:** \$7.5 million. \$500,000 of that is currently funded by the Colorado Legislature.

#### Bruce Buell

Mr. Buell is a member of the Resource Committee of the Colorado Access to Justice Commission. He described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Buell explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

**Jon Asher Comments:** The \$9.5 million funding figure from the presentation is larger than what CLS gets because it includes child legal services and other services.

**Question from Judge Hawthorne:** Is there any way of calculating the value of the pro bono services that are contributed in Colorado?

**Response from Mr. Asher:** That is very hard to determine, since many attorneys do not report their pro bono hours. We do know that it is millions of dollars in the Denver metro area alone.

**Question from Judge Samuelson:** Does the majority of your funding go toward paying attorneys' salaries?

**Response from Mr. Asher:** Yes, our funding is used to finance all costs associated with the practice of law. CLS is experiencing difficulty in recruiting because the starting salary of \$33,500 is so low. The numbers of attorneys and the starting salary both have to be increased.

**Question from Rep. Gardner:** What is the average caseload for each CLS attorney?

**Response from Mr. Asher:** Most CLS attorneys handle about 50 open and active cases at one time.

**Question from the audience:** Why does CLS not handle class action lawsuits?

**Response from Mr. Asher:** Congress does not allow LSC funded programs like CLS to litigate class actions.

**Steve Flynn**

Mr. Flynn is a staff attorney with Colorado Legal Services (CLS) in the Colorado Springs office, which serves El Paso, Teller, and Lincoln Counties and shares Fremont, Chaffee and Park Counties. In El Paso County alone, 9% of the total population (52,000 people) live below the poverty level. The Colorado Springs CLS office has two attorneys, 3.6 paralegals, and two support staff. Although CLS has plans to hire two additional attorneys, the office continues to be short-staffed.

The Colorado Springs CLS office can only represent clients who are financially eligible, based on income at 125% of federal poverty level. Also, the Colorado Springs CLS office has a grant to serve clients 60 years old and over, but those people still have to be financially unable to hire an attorney. The poverty population, combined with the senior population, makes the number of eligible clients much more than 52,000.

The majority of CLS attorneys' time is spent dealing with family law issues, such as domestic violence protective orders, dissolution or parental rights allocation cases. Most family law cases are also pro se, so much time is dedicated to informing clients regarding courtroom procedure, through paralegals or small classes.

All cases are evaluated for merit. Due to its small staff, the CLS office does not represent a client unless CLS believes there is a reasonable chance that representation will give a better result to the client. For instance, in an eviction case where there is a defense, CLS will try to put an attorney on the case. When there does not appear to be a defense, CLS will instead advise on the process. Some meritorious cases are referred for pro bono representation, particularly in areas outside of CLS's expertise.

**Question from Sen. Morse:** Are most people denied because they are over income?

**Response:** Sometimes, and also because the matter concerns criminal issues, in which CLS is not allowed to provide representation. Other people come in to the CLS office with personal injury claims, which are referred out because those cases can be litigated by a private attorney if the case has merit.

**Question from Sen. Morse:** Would more funds help serve these people?

**Response:** Yes, we have priorities and sometimes we cannot even meet those priorities. With more funding, CLS can hire more attorneys and better serve the needs of its clients.

**Mary Anne Carter**

Ms. Carter works for Centro de la Familia, an organization that aims to strengthen families by developing cultural anchors and increasing community resources, resulting in stability and improved quality of life for Spanish-speaking, Native American and recent immigrant parents and children of Hispanic and Latino origin. The 12-year old organization provides vital services to the Colorado Springs community, including counseling for victims of sexual assault and domestic abuse. The organization also teaches classes on parenting and mental health. Ms. Carter feels the resources of the organization are spread too thin. She believes that access to legal counsel is very difficult for the most vulnerable population in Colorado Springs. Ms. Carter encouraged the Panel to consider increased funding, because even one additional attorney who could work with her organization on a weekly basis would dramatically improve the Spanish-speaking community's access to legal services.

**Jonathan Walker**

Jonathan Walker is an El Paso County Court Judge; before his appointment, Judge Walker served as a public defender for nine years. As a public defender he closed 350 felony cases a year, during the course of which he felt he was representing the person accused of a crime. In his experience, criminal cases often involve other parties not charged with a crime who needed representation just as much as the defendant. In many cases, those individuals go without representation because no legal services are available.

Judge Walker described common problems in domestic violence matters. One situation occurs when the abuser has been told by the court to move out of the family home, and the victim is stuck with the mortgage or household payments and is unable to maintain that lifestyle without child support and maintenance payments. Many victims of domestic violence need legal advice on how to get a temporary restraining order, a permanent restraining order, or a divorce. As it is right now, there is not enough money for these necessary clients to receive services. In Mr. Walker's division alone (which is one of eight in the county), 297 domestic violence cases were opened. In every case there is a victim and those victims usually have children.

Some systems are in place to provide necessary legal counsel, such as the guardian ad litem system to represent the children. But these limited services do not provide help to a mother on how to deal with bill collectors. In most cases, landlords will evict the victims of domestic violence because the landlord does not want such incidents in the building. Furthermore, there is an abundance of spouses who want to be divorced and do not have the ability to retain an attorney. The do-it-yourself divorce packets are extremely difficult for pro se litigants with no legal background to complete on their own.

Judge Walker concluded his remarks by stating that additional appropriations for legal services would provide significant benefit, both because of the direct benefit to the individual represented, and also because it would limit the "ripple effect" of not providing timely civil legal services. This "ripple effect" occurs because people who are unable to secure legal services promptly frequently get deeper and deeper in trouble, and these troubles also cost significant resources.

#### **Sequya Stevens**

Ms. Sequya Stevens is a CLS client. She was in a car accident and became very vulnerable because she was not able to work and not able to pay bills. Ms. Stevens' grandmother agreed to pay the housing bills, but when she tried to pay her outstanding balance, she was told it was too late. Ms. Stevens was told she would be evicted from her apartment, although she never received a 3 day notice of eviction, and her grandmother's payment was tendered to the landlord in the time permitted by law. Ms. Stevens did not know what to do, but she was given a list of services that could help her and she contacted CLS. After contacting CLS, she received immediate help to solve her housing problem. CLS managed to convince the landlord's attorney that the landlord lied about rent not being offered and the eviction case was dismissed as a result. Ms. Stevens said that without CLS's help, she would have had no idea what to do and she probably would have been evicted.

#### **Tralita Martin**

Ms. Martin is a single parent of three small children, who was living in poverty and was a victim of domestic violence. She moved to Colorado Springs with her children, ages 8, 6 and 4, to escape from her husband. However, her husband was represented by counsel, while she was unable to secure an attorney and proceeded pro se. She described how, over just a year-and-a-half, she attended more than twelve court appearances in front of five different judges and magistrates, all without the benefit of an attorney.

Ms. Martin could not afford to fight her husband through these various proceedings. She approached CLS, which could not take a post-decree matter, even though she felt her children were in danger. The Department of Social Services said they could not help her, despite the fact that if she did not win the court case, they would take the children away from her. TESSA, El Paso County's advocates for domestic violence, offered counseling, but could not offer legal help. CASA, the court appointed special advocates for children, was too full to take her family.

Ms. Martin stated that she was unable to find help for herself and her family. She was told it would cost \$10,000 in legal fees to hire a private attorney in an attempt to secure supervised visitation. She already had filed bankruptcy and could not afford to fight her husband and his lawyer. Ms. Martin concluded her remarks by noting that it is easy to say, "That is not my job." The legislature says it is up to the judiciary, and vice versa; it turns out that it is not anyone's job. She asked the Panel to do what it could to help secure powerful legal advocates for families facing situations like hers.

**Mary Anne Corey**

Ms. Corey is the pro bono coordinator for the Colorado Springs area. She works in cooperation with CLS to find pro bono attorneys for clients for whom CLS is unable to provide services. She encourages attorneys in private practice to participate in seminars, clinics, and to provide unbundled legal services to the indigent. Currently, 50 attorneys out of the 875 in Colorado Springs are active pro bono participants. She believes that the reason for this lack of participation is because many of the Colorado Spring private practice attorneys are unable to handle additional work on top of their private practices. Attorneys who do pro bono work will often take cases that appear to require a small amount of time, but end up with a larger commitment. Pro bono attorneys also help by providing clinics, or other group services, such as sitting down with divorce litigants for 30 minutes at a time to answer questions or help with the divorce forms. CLS does not handle post decree matters, and as a result there is a lack of services to help divorcees ensure payment of child support payment or maintenance. Ms. Corey is currently working on setting up a clinic for pro se litigants on post decree issues.

Ms. Corey collaborates with other agencies such as TESSA to help provide legal services to the indigent. For example, working in cooperation with CLS attorney Theresa Kilgore, she has started webcasts in both English and Spanish of the topics of how to take on a divorce case, contempt issues and consumer law issues.

Ms. Corey believes that Colorado Springs definitely needs funding for more services, especially for post decree matters. Ms. Corey stressed the importance of protecting children by providing legal assistance to the parents to ensure children have food, a roof over their heads and adequate parental supervision.

**Question from Rep. Gardner:** What is the average retainer for divorce in El Paso County?

**Response:** The lowest I know of is \$2,500. The hourly rate for attorneys who work in our clinic is \$200 and up.

**Question from Rep. Gardner:** What is the percent of pro se divorces litigated in Colorado Springs?

**Response:** I think approximately 2,000 of the 4,000 total divorces filed last year had at least one party proceeding pro se.

**Question from Judge Hawthorne:** The idea of using webcast for mass communication sounds great, but do the poor have computers?

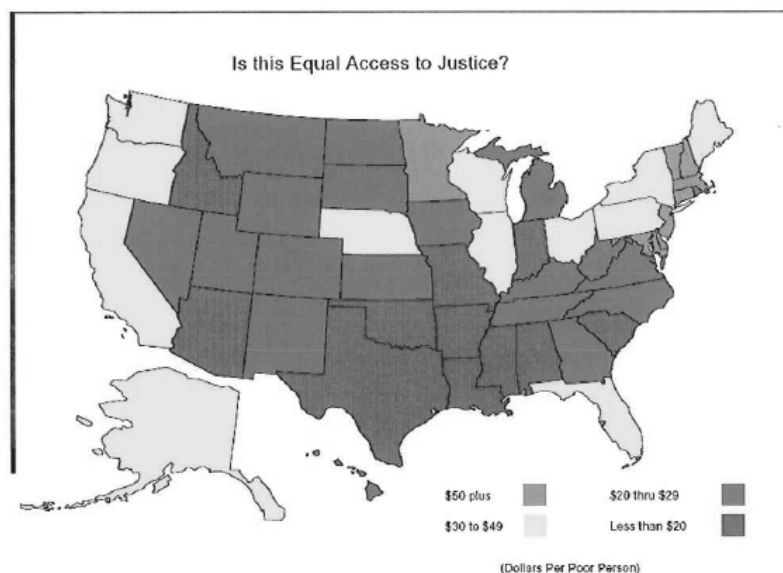
**Response:** I feel that there is adequate access for the poor to computer terminals. TESSA has a computer, as does CLS. Furthermore, Magistrate Hughes is currently working on a resource center in the courthouse that will have a computer. Finally, the public library has computers that the indigent can use.

**Comment by Larry Gaddis:** CLS in the past litigated divorces but since there have been cutbacks in funding, those services have been eliminated. As noted earlier, CLS currently has two attorneys in Colorado Springs and is hoping to add two more in the near future. In 1972, CLS had eleven attorneys! This shows that there currently is a tremendous need for additional funding for civil legal services in our community.

## Colorado Springs Access to Justice Hearing Invitation

Colorado Access to Justice Commission and  
Access to Justice Committee, 4th Judicial District

# Public Hearing

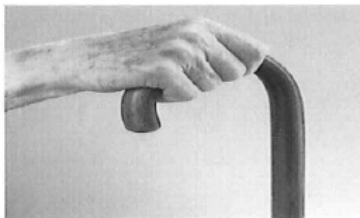


You're  
invited

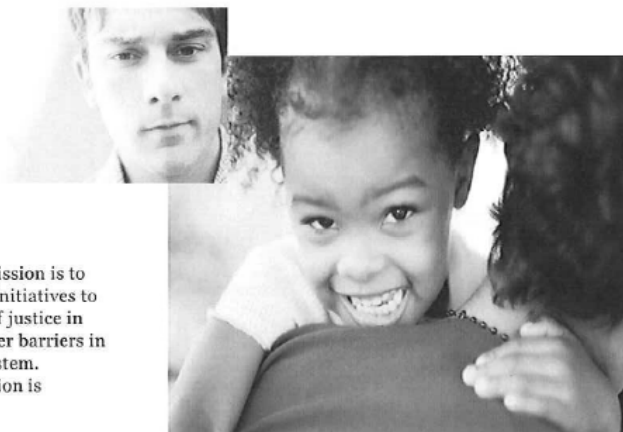
**October 25, 2007**  
**5—7 p.m.**

*Jury Room, W113*  
*El Paso Combined Courts*  
*270 S. Tejon Street*  
*Colorado Springs, CO*  
*80903*

A public hearing will be held to present information and discuss the civil legal needs of low-income people in Colorado. As the map above shows, Colorado spends less than \$29 per person for the legal needs of poor people in the state. Come listen and talk with local politicians, judges, lawyers, service providers, and others about eliminating barriers in the legal system for low-income individuals.



The mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. Additional information about the Commission is available at [www.ColoradoJustice.org](http://www.ColoradoJustice.org).



## **Colorado Springs Access to Justice Media Coverage**

### **Help for low-income to get court access**

THE GAZETTE

October 24, 2007 - 12:14AM

A meeting to help low-income people get better access to Colorado's civil court system is scheduled for 5 to 7 p.m. Thursday.

The public meeting at the Terry R. Harris Judicial Complex, 270 S. Tejon St., is being held by the Access to Justice Commission. It is part of a series of statewide meetings to determine the gaps in legal services for low-income people and communities that might need more assistance.

"Colorado is substantially below the national average in funding for legal services for poor people," said Fred Baumann, Access to Justice resource committee chairman. "We would need another \$2.5 million just to bring our state up to average. That's a serious problem."

The panel will be made up of judges, senators and congressmen. The witnesses will be people who work in organizations helping the poor and people who have suffered due to the lack of services available.

For more information, call Mary Ann Corey, pro-bono coordinator for the El Paso County Bar Association, at 719-473-9700.



### **Fourth Judicial District Access to Justice Committee Members**

<u>Name</u>	<u>Affiliation</u>
Steve Flynn	Attorney, Colorado Legal Services
Bruce Buell	Private Attorney
Edward Colt	Judge, 4th Judicial District Court
Chris Acker	Judge, El Paso County Court
Barbara Hughes	Magistrate
Ann Rotolo	Magistrate
Mary Ann Corey	Pro Bono Coordinator
Nicolle Rugh	Family Court Facilitator
Theresa Kilgore	Attorney, Colorado Legal Services
Mittie Prdraza	CASA of the Pikes Peak Region

### **Fourth Judicial District Access to Justice Committee Recent Accomplishments**

- Set up “Justice Corps” program where college students work at the courthouse to provide advice to pro se litigants
- Set up English and Spanish language webcasts for pro se litigants on topics including divorce, contempt issues, and consumer issues



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# **Appendix F**

**Access to Justice Hearing  
October 9, 2007  
Delta, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Seventh Judicial District Access to Justice Committee**

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## **Appendix F**

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## **Summary of Delta Access to Justice Hearing**

Thirty-four people, including panelists, Judge Dan Taubman of the Colorado Court of Appeals; Judge Charles Greenacre of the Delta District Court; Representative Steven King; Representative Raymond Rose; and Steve Schultz, President of the Delta County Bar Association, attended the first of ten Access to Justice hearings on October 9, 2007. The eight panelists, who also included Connie Talmage, Chair of the Colorado Access to Justice Commission, heard testimony from eleven witnesses, including a district court judge, three private attorneys, and three clients, regarding the need for increased civil legal assistance for low income people in the Seventh Judicial District.

Jon Asher, Executive Director of Colorado Legal Services, testified about the limited resources available to Colorado Legal Services and the tremendous need for increased resources. David Butler, a member of the Resource Committee of the Colorado Access to Justice Commission, testified that Colorado ranks fortieth among the states in the provision of state funding for civil legal services for the poor. He noted that Colorado would need to increase state funding by more than \$1.8 million just to bring Colorado up to the level of the average among the states.

Local pro bono attorneys Aaron Clay, Brad Kolman, Timoteo Gallegos, and Mike Hockersmith testified about the participation of virtually all private attorneys within the Seventh Judicial District in providing pro bono services. Clay noted that despite this outstanding level of participation, the number of private attorney in the judicial district has remained relatively constant, while the number of low income individuals in need of legal assistance has increased substantially over the years. According to Hockersmith, Uncompahgre Volunteer Legal Services operated on the assumption that all those in need of legal assistance would be able to get the services of a pro bono attorney when necessary, but that is no longer the case.

Clay also testified regarding the accomplishments of the local access to justice committee, which has involved a salutary coordination among the judiciary, local private attorneys, and members of community organizations. Its activities include the operation of a local Thursday Night Bar pro bono program in Gunnison, Montrose, and Delta.

## **Delta Access to Justice Hearing Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Sonya Blackburn	Secretary, 7th Judicial District Access to Justice Committee
Charles Greenacre	Judge, Delta District Court
Steve King	State Representative (R-Delta)
Amy Ondos	Member, 7th Judicial District Bar Association
Raymond Rose	State Representative (R-Delta)
Steve Schultz	President, Delta County Bar Association
Dan Taubman	Judge, Colorado Court of Appeals

## **Delta Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Jon Asher	Executive Director, Colorado Legal Services
Carol Viner	Attorney, Colorado Legal Services
Susan Hildebrand	Client, Colorado Legal Services
Aaron Clay	Member, 7th Judicial District Access to Justice Committee
Becky Ela	Director, Hilltop Community Resources
Brad Kolman	Board Member, Delta-Montrose Free Legal Services
Marlene Standlee	Client, Delta-Montrose Free Legal Services
Timoteo Gallegos	Private Attorney, Delta
Mike Hockersmith	Board Member, Uncompahgre Legal Services
Ann Adams	Client, Uncompahgre Legal Services
Jeff Herron	Judge, Montrose District Court
David Butler	Secretary, Colorado Access to Justice Commission

## Summary of Witness Statements

### Attendance - 34

#### Jon Asher

Mr. Asher is the Executive Director of Colorado Legal Services (CLS). He presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details are included in Appendix A.

**Question from Rep. Ray Rose:** How much does the federal government allocate towards the total budget of CLS?

**Response:** Last year, the federal allocation amounted to 3.3 million dollars, which was 40% of CLS' total funding.

#### Carol Viner

Ms. Viner is an attorney for CLS in the Seventh Judicial District, which includes Delta, Montrose, and Garfield Counties. CLS is spread very thin on the Western Slope due to lack of funding and resources, and in short, most services and efforts in the area involve a collaboration with pro bono programs in Montrose and Delta.

**Question from Judge Dan Taubman:** What percentage of low income people in Delta and Montrose were you able to serve last year?

**Response:** CLS was able to serve 30 people in those areas in 2006, while another 23 were turned away. In 2007, CLS served 35 clients while only 16 were turned away. The number of those who were turned away is low, however, because Delta and Montrose have pro bono programs with intake statistics. The local agencies, Delta-Montrose Free Legal Services and Uncompahgre Volunteer Legal Aid, receive the bulk of the applications for assistance.

**Question from Rep. Steve King:** What is the possibility of technological advances that will allow us to teleconference rather than having to travel long distances to provide services?

**Response:** CLS currently teleconferences quarterly meetings of the local access to justice committee. However, teleconferencing for client services is virtually impossible because attorneys must be present for trials and court hearings.

**Question from Rep. Steve King:** Are you able to conduct court proceedings by teleconference also?

**Response from Jon Asher:** They are beginning to pilot that, but at this point only in urban areas like Denver.

**Susan Hildebrand**

Ms. Hildebrand is a CLS client who moved to Montrose in 2005 and was in an abusive relationship with a Vietnam veteran suffering from post-traumatic stress disorder. Her son is severely handicapped, which prompted her desire to move to Grand Junction where better care is available. Her boyfriend became verbally abusive and threatened to kill her, and due to the rural area in which she lived, she feared for her life. She sought help from Tri-County Legal Resources, now Hilltop Community Resources, and it helped her fill out forms to obtain a protection order and attended court proceedings with her. She was completely ignorant of the legal process and was very grateful for the services provided.

She moved to Grand Junction and was forced to live in the Latimer House (a homeless shelter) while her son was placed in a nursing home. While she was attempting to obtain housing and employment, her abuser appealed the protection order and she began once again to fear for her family's safety because she could not afford legal representation for the appeal, but her abuser could. The Latimer House referred her to CLS, and the legal representation CLS provided helped save her life. Her abuser lost on appeal, and the protective order continues to be enforced. The abuser is now in jail.

**Aaron Clay**

Mr. Clay has been a private attorney in Delta since 1980, and was the pro bono coordinator for the Delta County Bar Association for eight years in the 1990s.

In 2002, the statewide Access to Justice Commission established a goal of starting a local access to justice committee in each of the 23 judicial districts in the state. The Committee for the Seventh Judicial District was established by a charter in early 2003. The charter is an agreement between the two bar associations and the chief judge, committing them to keeping the committee active and meaningful in promoting access to justice in this judicial district. He was chair of the committee for three years; Sandy Miller, Delta County Court Judge, is now the chair.

The local committee is composed of two judges, a representative from each bar association, and representative from the Uncompahgre Volunteer Legal Aid, Delta-Montrose Free Legal Services, CLS, and Hilltop. The committee meets quarterly to discuss how to provide better access to justice to poor people in the area. It has no budget or staff, just volunteers interested in working on this issue.

Committee members discovered that one benefit was to bring together those people working on the same problems, so they could share ideas. For example, several pro bono attorneys had expressed frustration with their lack of skill in dealing with Social Security appeals. When this frustration was shared with committee members, the CLS representative immediately said that CLS had a specialist in these appeals, and that it could handle them quickly and efficiently. Pro bono attorneys could simply refer those cases to CLS and concentrate on issues more suited to their knowledge and practice areas.

As a small rural area, the Seventh Judicial District is blessed and cursed. It is blessed because most attorneys practicing here understand the need for pro bono representation and are willing to carry their share of the load. The Delta County Bar Association historically has had 100% participation in its pro bono program. It is cursed, however, because much of its population is poor, unable to pay for legal services, and a few attorneys must share the pro bono load. Delta County, with a high population of poor people, has only 13 attorneys who could take a contested divorce case. With CLS being short-staffed and with its nearest office in Grand Junction, the burden of providing these services falls on these few attorneys. As a result, the attorneys are burned out, and the clients suffer. The problem is exacerbated when pro se litigants appear in court without knowledge of court procedures or substantive law.

In conclusion, the local ATJ committee will continue to try to assist CLS and the other programs, and to coordinate ATJ issues. More attorneys and funds would be a tremendous help.



**Question from Judge Charles Greenacre:** How are websites helping indigent people in need of legal services?

**Response:** Low income people do not have adequate access to computers, and when they do, most do not know how to use them properly.

**Response from Jon Asher:** The CLS web coordinator has been teaching local librarians how to show people to use self-help forms, but this effort has not been very helpful because most low income people are not comfortable with computers.

**Question from Judge Charles Greenacre:** When taking both pro bono and CLS services into account, how many of the needs of poor people in Delta County are being met?

**Response:** It is very difficult to tell. The judges refer poor litigants to the different legal aid services available. If I had to guess, the two services serve six to ten English-speaking clients a week.

**Question from Sonya Blackburn:** There are problems with people getting out of jail and not being able to find jobs and housing. How can this be addressed in the future?

**Response:** There is no real solution to that problem currently in this area, because there are no halfway houses here. This is a very big problem.

### **Becky Ela**

Ms. Ela is the director of Hilltop Resources Center, a domestic violence program that has safe houses in Delta and Montrose for victims of domestic violence. Her organization provides volunteer support groups in English and Spanish. Ninety-five percent of the program's clients need legal help beyond what her organization can provide, typically in areas of custody, child support, and property issues. There is a significant problem of domestic violence victims returning to abusive relationships, sometimes because of the lack of available legal representation. During the past three years, she has noticed an increasing need for legal services in the domestic relations area. Clients in her program who do not have lawyers find the legal system and legal jargon intimidating and overwhelming. Also there are substantial unmet legal needs among undocumented clients, who often have no resources and are unable to obtain legal services.

### **Brad Kolman**

Mr. Kolman is a Board member of Delta-Montrose Free Legal Services (DMFLS). DMFLS is totally self-funded, which means that it solicits donations from local attorneys and businesses. Years ago a local attorney proposed the formation of the Delta County Bar Association, which was formed in part to better serve low income people who suffer from lack of representation in large part due to the lack of public transportation in the region.

Tom Nelson, a local attorney and pro bono coordinator, and Patty Bennett, director of the Uncompahgre Volunteer Legal Aid (UVLA), have been instrumental in serving low income clients in the area for years. Mr. Nelson holds clinics several times a week for those who qualify under the CLS financial eligibility standard. Those that they are unable to help are referred to CLS. In 2006, Mr. Nelson served 236 low income clients in Montrose and 292 in Delta.

While the personal efforts of local attorneys are helping, conflicts of interest and attorney retirement limit the number of clients who can be served. Free legal services in the area are funded in two ways. First, local bar association dues have been raised by \$275 a year to support the local pro bono programs. While these dues are high, local lawyers are committed to providing more services to low income people, and the majority has no problem with the increased expense. Other sources of funding are private donations, grants, and fundraising. Clerks from the Delta and Montrose courts have also shown their support for legal aid by encouraging support from the community.

Additional funds for legal aid would be beneficial in many ways. Few low income people have legal representation in court. Attorneys are able to give free legal advice, but are often unable to represent poor clients in court when they are most needed. Additional funding would provide for more attorneys to meet the legal needs of low income people. Furthermore, more funds would allow more low income individuals to obtain representation for emergency proceedings such as restraining orders. Increased resources would also provide for better and more efficient administration that will reduce the amount of time it takes to obtain legal representation. Individuals like Tom Nelson and Patty Bennett need more assistance in their efforts through additional funding.

**Question from Steve Schultz:** What types of legal services are the majority of low income people looking for?

**Response:** The majority of cases are domestic relations, domestic violence, and landlord-tenant issues.

### **Marlene Standlee**

Ms. Standlee is a single mother, with a sixteen-year-old mentally disabled son. DMFLS has provided legal services twice for her. Her ex-husband mentally abused her and her son, and without the assistance of DMFLS she would not have been able to file for divorce. Following the successful completion of the divorce, her ex-husband filed an action against her dealing with Social Security benefits for her son. The attorney working on her case filed an appeal and advised her to contact her state senator. The loss of the benefits, had she lost the appeal, would have forced her and her son onto the streets. When others ask for advice on legal matters, she refers them to legal aid. People in her situation often just need help with paperwork and filing. Tom Nelson was instrumental in her success story, and she owes her gratitude to DMFLS.

### **Timoteo Gallegos**

Mr. Gallegos is a private attorney in Delta. The need for access to justice for Spanish speakers in the region is significant. The “justice gap” is much broader and more severe for Spanish speakers than for other poor people. Spanish speakers in the Delta-Montrose region are much poorer on average than the rest of the population, although most of them are hard working. However, they typically have less access to what the rest of the poor population gets. This “justice gap” is broad for cultural and other reasons.

First, Spanish speakers are typically very conservative and avoid using government services and programs if possible. They are family oriented and prefer to solve economic and social problems internally. For example, the poor and rich alike are entitled to the benefits of bankruptcy, but few Spanish speakers take advantage of it. Bridging the “justice gap” will require education, and education is the key to advancing the plight of Spanish speakers in the area.

The services provided by legal aid to low-income individuals such as self-guided divorce forms and legal clinics are virtually of no use to Spanish-speaking people. They can not understand what is being said or written, so the need for funding to help with translation is growing. Court personnel in the area do an excellent job of helping Spanish speakers in any way they can, but additional funding and technology would greatly help bridge the “justice gap.” Technology can help, but there is no substitute for people. More court clerks and assistants who speak Spanish are needed, as well as attorneys that can serve their needs. Society often thinks about undocumented illegal aliens when contemplating Spanish speakers, but in the area the number of Spanish speakers who are documented and legal is rapidly growing, and we need to take their special needs into consideration.

**Question from Rep. Steve King:** How can we reach the most people in the Spanish speaking segment of the population?

**Response:** Divorce clinics and other legal help are good for English speakers, but unless those programs are presented in Spanish, we are missing that segment of the population. For example, Home Depot has “do-it-yourself” kiosks that teach people in both English and Spanish how to lay tile. This type of technology breaks the barrier, and makes Spanish speakers more comfortable and knowledgeable. Things such as this in the legal community would help.

**Question from Amy Ondos:** What are the disparities in Spanish-speaking legal aid staff compared to English speaking?

**Response:** I am the only Spanish-speaking attorney in the region, so we need more for sure. The local bar association in Delta is very good and tries to help low-income Spanish speakers, so locally there are some good pro bono services for Spanish speakers, but very few speak Spanish.

**Question from Sonya Blackburn:** Are Spanish speakers not confident about how to proceed in legal matters because they do not know about available resources, or because they just do not know how to get started?

**Response:** Spanish speakers mistrust the government and the judicial system, and this is why they attempt to resolve issues themselves many times. They lack the comfort and belief that they can succeed in the legal system. Education is the key for these people so that they know how the legal system works. These sources of education need to be in addition to attorneys.

### **Mike Hockersmith**

Mr. Hockersmith is a Board member of Uncompahgre Volunteer Legal Aid (UVLA) which exists to help the local low-income population with its legal needs. UVLA has attempted to provide seminars and clinics to help local groups that are in need. The attendance has not always been very high, in large part due to lack of public transportation in the area. Many of these clinics teach individuals how to take care of their own legal needs, such as filling out forms, and the correct way to comport oneself in a court proceeding.

As a testament to the dedication of local attorneys, 90-95% of the lawyers in the area are involved in pro bono work, an incredibly high number. Last year alone, private attorneys in Montrose worked on the cases of over 70 clients, 160 clients were given “do-it-yourself” help, and 72 clients were given quick advice. 80-85% of UVLA’s work involves domestic cases, with the remainder being evictions, wills, and simple estates. UVLA averages 60 contacts per month, and some of these contacts require hundreds of hours of legal representation. Last year, UVLA had new contacts from 651 people, 254 of whom did not qualify for the program. Reasons for disqualification include fee-generating, criminal, and traffic cases, and individuals whose incomes exceed the maximum income level.

There is a concern that there is burnout among local lawyers. There are too many clients and not enough attorneys to help them all. For 20 years, UVLA had been able to tell clients that if they needed an attorney they could get one, but this is no longer the case. The local lawyers are struggling to find a way to meet the needs of the low income clients, while maintaining their private practices.

Increased state funding is the only way to expand CLS programs and the aid it provides to those in need. Legal help greatly lifts the self-esteem of clients and helps improve their lives by getting them out of unjust and violent situations. Without adequate access to and representation in the judicial system, people will resort to other avenues that will have a much higher societal cost than additional funding would ever have.

**Question from Judge Charles Greenacre:** What about having clinics on video?

**Response:** That would be beneficial in explaining judicial procedures to potential litigants, but often people feel more comfortable talking with an attorney because of their different needs and questions.

**Question from Judge Charles Greenacre:** How do we make the judicial process understandable?

**Response from Jon Asher:** We have training available on the CLS website, including in Spanish. Technology is not the answer but it is a helpful aid.

**Question from Judge Charles Greenacre:** Is it helpful to have legal documents and forms available for pro se litigants to fill out?

**Response:** It is helpful, but not enough. Many low income clients do not know how to properly fill out the forms. These clients need to have the opportunity to meet with attorneys and take advantage of unbundling. Unbundling refers to the rule that makes it ethical for lawyers to fill out forms and give legal advice to clients without making formal appearances in court.

### **Ann Adams**

Ms. Adams was an Uncompahgre Volunteer Legal Aid client and is grateful for the life-changing legal services she received. Her husband became addicted to methamphetamine shortly after they were married. After her husband was sent to rehab, he was fired from his job and she was left to juggle raising four children. Meanwhile, her husband was selling everything they owned in order to satisfy his methamphetamine addiction. Facing foreclosure on their home, she feared that she might be forced to live on the streets with her children. To make the situation worse, her husband had assaulted their son while high on methamphetamine and marijuana. Her husband was arrested, and she decided to get a temporary restraining order to protect herself and her children. Since her husband had hired an attorney, she felt lost and helpless regarding the pending litigation because she did not have the means to pay for a lawyer. She then consulted Tom Nelson at UVLA about getting a divorce. Fortunately, Tom was able to get Don Hospenpillar, an attorney who specializes in divorce, to provide legal services that she would not have been able to afford. Furthermore, Bob White, another UVLA lawyer, settled the foreclosure proceeding to financially benefit her sufficiently to get her on her feet. Without these caring services, she would not have had the strength to go through with the divorce, and she shudders at the thought of what it would be like without these legal services available to those in her situation.

**Question from Judge Charles Greenacre:** From the services provided, were you ever informed about the emergency protection procedure, in which a judge could be contacted by a police officer so that a person could get a temporary restraining order after court hours?

**Response:** I faintly remember hearing something like that from Tom Nelson, but it is really valuable to have a system like that in place for victims of domestic violence.

### **Jeff Herron**

Judge Herron is a district court judge in Montrose. As a magistrate, he primarily heard family law cases involving pro se litigants. In contrast, district court litigants who appear before him now are frequently represented by counsel. All people have access to the court system, but without legal representation they may be severely handicapped in litigating their claims. The current legal services providers do excellent work for the indigent and are efficient and well prepared.

The legal services that exist for the poor in Delta are truly making a difference, and as a result, the judicial system does provide access to justice, although the system could be exponentially better with more funding. Over time, having attorneys to aid the indigent in civil cases will save the Colorado government money, because the judicial system is more efficient with attorney representation than with pro se litigants. Judge Herron encourages any type of increased funding to help legal services in the state of Colorado.

**Question from Rep. Steve King:** Unbundling seems to be a great idea to help many clients. Where did it originate and how long has it been enacted in Colorado?

**Response from Jon Asher:** The concept of unbundling came from California; the doctrine allowed people to get partial help or limited service from attorneys and the attorneys would not have the burden or liability of future representation. About five years ago, through the help of Daniel Taubman, the Colorado Supreme Court ruled that unbundling is ethical. As a result, Colorado now allows attorneys to engage in helping clients, by contracting with them to do limited service, such as filling out legal forms.

**David Butler**

Mr. Butler is the Secretary of the Colorado Access to Justice Commission and a member of the commission's Resource Committee. He described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Butler explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

## **Delta Access to Justice Hearing Invitation**

**Welcome to the Access to Justice Hearing**

**10/9/07**

**Delta Courthouse**

*Injustice anywhere is a threat to justice everywhere.  
We are caught in an inescapable network of mutuality,  
tied in a single garment of destiny.  
Whatever affects one directly, affects all indirectly.*

Martin Luther King, Jr.

Introduction of Panel Members by Connie Talmage, Chair,  
Colorado Access to Justice Commission

Introduction of Witnesses by Carol Viner, Colorado Legal Services

Witnesses (in order of testimony)

Jon Asher, Executive Director, Colorado Legal Services

Marlene Standlee, Delta-Montrose Free Legal Services Client

Ann Adams, Uncompahgre Legal Services Client

Susan Hildebrand, Colorado Legal Service Client

Hon. Jeff Herron, Montrose District Court Judge

Aaron Clay, Access to Justice committee member

Becky Ela, Hilltop Community Resources

Mike Hockersmith, Uncompahgre Legal Services Board Member

Brad Kolman, Delta-Montrose Free Legal Services Board Member

Timoteo Gallegos, attorney

Dave Butler, Access to Justice Resources Committee member

## **Press Release For the Delta Access to Justice Hearing**

The mission of the Access to Justice Commission is to develop, coordinate, and implement policy initiatives to expand the access to, as well as enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system.

The Colorado Access to Justice Commission (ATJ Commission) - in cooperation with the local Access to Justice Committees (ATJ committees) - is conducting hearings statewide on the successes and improvements needed to meet the legal needs of the poor people in Colorado. An audience of local media, lawyers, court personnel, local and state agencies, local nonprofit agencies, business community, low-income people, including clients, legal service providers is encouraged to attend.

A congressional style hearing- with speakers by invitation only- highly favors participation of the state legislators. A total of ten hearings will be held between August and November 2007. These hearings and resulting reports are believed by the ATJ Commission to be essential in assuring that the local legislatures understand the need for additional funding for legal services.

The purpose of the hearings is to gather information, including the specific needs of individual communities about the unmet needs and met needs of the low-income in Colorado.

This information will be compiled into a report and presented to the Colorado Legislature, the Colorado Supreme Court, and the Governor of Colorado. This is in support of a request that the Colorado Legislature increase state funding for legal services in Colorado.

The hearing for the Seventh Judicial District (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties) will be held on Tuesday- October 9, 2007 from 5-7 PM at the Delta County Courthouse (501 Palmer- Delta, Co) A reception will follow, ending at 8 PM.

For more information about the commission, please visit: [www.coloradojustice.org](http://www.coloradojustice.org).

## **Seventh Judicial District Access to Justice Committee Members**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Sandra Miller	Judge, Delta County Court; Chair, 7th Judicial District Access to Justice Committee
Patty Bennett	Pro bono Coordinator
Sonya Blackburn	Montrose Shelter Outreach
Aaron Clay	Private Attorney, Delta
Mike Hockersmith	Private Attorney, Montrose
Brad Kolman	Attorney, Delta County Attorney's Office
Tom Nelson	Coordinator, Delta Montrose Free Legal Services and Uncompahgre Volunteer Legal Aid
Any Ondos	Private Attorney, Montrose
Steven Patrick	Chief Judge, 7th Judicial District Court
James Schum	Judge, Montrose District Court
Candi Sparks	Pro bono Coordinator
Carol Viner	Attorney, Colorado Legal Services, Grand Junction

## **Seventh Judicial District Access to Justice Committee Recent Accomplishments**

- Thursday Night Bar once a month in Gunnison, Montrose, and Delta provides 15 minutes of free consultation on a first-come, first-served basis. This service is now becoming used quite often.
- Fundraisers to support the local pro bono programs, including a holiday dinner and Inns of Court.
- Workshops monthly on divorce and custody issues, and as needed on elder law, immigration, bankruptcy, estate planning, senior issues, and mobile home renting and selling.
- Continuation of a part-time pro bono coordinator in Delta and Montrose, who gives limited legal advice and refers cases to attorneys for further work.



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# **Appendix G**

**Access to Justice Hearing  
November 14, 2007  
Denver, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Denver Access to Justice Committee**

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## **Appendix G**

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## **Summary of Denver Access to Justice Hearing**

The Denver Access to Justice hearing, held November 14, 2007, featured testimony by nine witnesses, including Jon Asher, Executive Director of Colorado Legal Services, Denver County Court Presiding Judge Andrew Armatas, and representatives from local community organizations. A distinguished panel of ten, including Sen. Paula Sandoval, Rep. Cheri Jahn, the Speaker Pro Tempore of the Colorado House of Representatives, Trey Rogers, Counsel to Governor Ritter, Colorado Supreme Court Chief Justice Mary Mullarkey, and Denver Bar Association President Elsa Martinez-Tenreiro, listened attentively as the witnesses described the tremendous unmet need for civil legal assistance for poor people in the Denver metropolitan area. Thirty four people attended the hearing.

Witnesses detailed the legal problems of domestic violence victims and one at risk of losing her home. According to Jon Asher, CLS has to turn away one out of two potential clients and can only handle the most urgent of cases due to insufficient resources. Judge Armatas testified about the difficulties pro se litigants have in representing themselves and how they are disadvantaged as a result. Margaret Abrams from the District Attorney's Office testified that one of the biggest barriers facing a domestic violence victim in leaving her abuser is lack of access to legal services.

Many of the witnesses highlighted the magnitude of the problem when illustrating that, despite the significant pro bono contributions of the private bar and the efforts of many in the community, due to the increasing poverty population, the need for increased funding for legal services continues to remain a serious issue.

## **Denver Access to Justice Commission Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Andrew Armatas	Presiding Judge, Denver County Court
Greg Diamond	District Director, U.S. Representative Diane DeGette
Cheri Jahn	State Representative, Speaker Pro Tempore (D-Jefferson)
Ken Lane	Counsel, U.S. Senator Ken Salazar's Office
Elsa Martinez-Tenreiro	President, Denver Bar Association
Mary Mullarkey	Chief Justice, Colorado Supreme Court
Trey Rogers	Counsel to Governor Bill Ritter
Paula Sandoval	State Senator (D-Denver)
JoAnn Vogt	Judge, Colorado Court of Appeals

## **Denver Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Jon Asher	Executive Director, Colorado Legal Services
Jose Vasquez	Attorney, Colorado Legal Services
Rae Ann Rozhon	Client, Colorado Legal Services
Judge Andrew Armatas	Presiding Judge, Denver County Court
Dianne Van Voorhees	Executive Director, Metro Volunteer Lawyers
Ilene Lin Bloom	Chair, Denver Access to Justice Committee
Diane Postell	Director of Counseling and Advocacy, Safehouse Denver
Margaret Abrams	Program Coordinator, Domestic Violence Early Intervention Team, Denver District Attorney's Office
Meredith McBurney	Resource Development Consultant, American Bar Association

## **Summary of Witness Statements**

### **Attendance - 34**

#### **Jon Asher**

Mr. Asher is the Executive Director of Colorado Legal Services (CLS). He presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Only one in two eligible applicants are provided any kinds of services, and of those who are provided services, only one in 10 receive full representation. CLS is forced to turn away all but the most urgent cases. Additional details are included in Appendix A.

**Question from Ken Lane:** What type of consumer problems do your clients deal with?

**Response:** The consumer problems include bankruptcy cases and foreclosures. In some of the outlying areas of the state, many clients face consumer fraud issues.

#### **Jose Vasquez and Rae Ann Rozhon**

Mr. Vasquez is a Staff Attorney with the CLS office in Denver who assists homeowners dealing with foreclosures and other real estate disputes. He introduced one of his clients, Rae Ann Rozhon, who asked CLS for assistance after she received notice of a judgment lien against her home. Many years ago she was struggling financially and a credit card company obtained a judgment against her for more than \$20,000, which included several thousands of dollars in interest. The credit card company wanted her to make monthly payments that equaled more than she made in her job in one month. At the time, Ms. Rozhon was attending school for a degree in accounting and asked the credit card company to let her defer payments until after her graduation, but the company refused. Ms. Rozhon then went to CLS for assistance and Mr. Vasquez assisted her with the filing of a Chapter 13 bankruptcy. She has since been able to get herself back on track. Ms. Rozhon testified that she would have lost her home without the assistance of Mr. Vasquez and CLS.

**Question from Ken Lane to Jose Vasquez:** What type of bankruptcy cases does your office usually handle?

**Response:** We usually handle Chapter 13 bankruptcy cases. Refinancing schemes have hurt many people in Colorado and they are not able to get the help they need. Some of the other CLS offices handle more Chapter 7 bankruptcy matters.

#### **Judge Andrew Armatas**

Judge Armatas is the Presiding Judge of the Denver County Court, which handles both the city and county cases. In 2006, there were 226,000 cases filed in Denver County Court, which included 18,000 misdemeanor cases, 36,000 civil cases, 7,000 small claims, 1,800 restraining orders, 6,000 juvenile cases, and 36,000 criminal cases. The number of cases continues to climb and Judge Armatas estimates that for 2007 the number of cases filed will be close to 250,000.

Judge Armatas testified regarding the overwhelming amount of eviction matters in Denver. The Denver County Court does not have the manpower to help all the unrepresented people that come in facing eviction problems and many of these individuals do not understand how the legal system works. The Denver County Court does have a payment plan office to help individuals pay off their fines and a landlord-tenant mediation center. According to Judge Armatas, it is unfortunate that these people do not have representation in the first place to help settle their cases.

Of the 1,800 protection orders filed in Denver County Court last year, at least 90% involved pro se litigants. Advocates from Project Safeguard assist people in filling out paperwork, but cannot provide legal advice. These pro se litigants do not understand the legal process, and are at a disadvantage. Although there are some programs to assist pro se litigants, Judge Armatas expressed his concern that he wishes there were more resources to educate the public about the consequences of going to court, and what they can expect when they are there and when they leave. The court has several programs to help those who come to court without representation.

#### **Dianne Van Voorhees**

Ms. Van Voorhees is the Executive Director of Metro Volunteer Lawyers, a Denver Bar Association sponsored program which matches pro bono attorneys with pro bono clients in all of the metro-Denver counties, including referrals for low fee representation. MVL handles many of the same types of cases as CLS, such as domestic violence, family issues, and consumer issues. MVL also administers the Family Law Court Program in several counties which assists pro se litigants on how to proceed with their cases. MVL has found that assisting with a small part of a case in a clinic setting is not an adequate substitute for a full-time attorney.

Ms. Van Voorhees sees several areas of limitation in her work at MVL. First, there is a serious staffing issue. MVL previously had six full-time staff, but now only have three full-time staff and one part-time staff. Last year, the MVL office managed 2,588 cases of which 324 were turned away because of financial disqualification or lack of merit. This information is not easily quantifiable however, because usually MVL only gives quick legal advice rather than representation. In addition, due to a lack of resources, there are not a sufficient amount of court interpreters for everyone who needs one. Technology is helpful overall, but there are not enough volunteers or technology to keep up with the demand for legal aid, and the volume of people MVL can assist is low compared to those who really need it.

Courts rely heavily on MVL's services. Judges subscribe to it, evidenced by the calls from individuals in chambers asking for referrals to pro bono attorneys. Metro Volunteer attempts to help as many people as possible, but it is impossible to provide an adequate level of assistance without further funds and resources.

**Question from Chief Justice Mary Mullarkey:** How many attorneys currently volunteer for MVL? I have heard that more people need services than in the past, but aren't there less volunteer attorneys now?

**Response:** I am not certain of the exact number but there are close to 900 volunteer attorneys on our panel.

This is a relative number because although 900 volunteers sounds like a lot, if each volunteer only takes one case per year, then many clients' needs are still not met.

**Question from Senator Paula Sandoval:** Can you estimate the number of hours your organization allocates per client?

**Response:** The answer depends on the pace of each individual case. Family law litigants do not agree very often, and so those cases take a lot of time. For example, my first case took four months and more than 25 hours. Asylum cases can take over a year from start to finish. Many types of cases can be quite a work load for a pro bono attorney.

**Ilene Bloom**

Ms. Bloom is the co-chair of the Denver Access to Justice Committee, which assesses the legal needs in the community and develops programs to address such needs. Currently the Denver Access to Justice Committee administers pro se clinics in the areas of small claims, bankruptcy, and family law, in both English and Spanish. All of the clinics are sponsored by the Denver Bar Association and presented by volunteer attorneys. Furthermore, Denver's Access to Justice Committee co-sponsors Legal Nights at Mi Casa and El Centro de San Juan Diego, where volunteer attorneys briefly meet with individuals one-on-one to provide general legal advice information and to refer people to the right legal aid or other organization that may be able to help further. Volunteer paralegals and interpreters are integral to achieving the goals of Legal Night. Every so often, the Legal Night administrators will attempt to match up Legal Night clients with a volunteer attorney after Legal Night.

Ms. Bloom is proud of the work done by the Denver Access to Justice Committee, but feels it is just a band-aid. All the legal aid organizations in Denver are understaffed and underserved, so despite the attempts to refer people to CLS or other legal aid organizations at Legal Nights, CLS more often than not has to turn them away. The legal aid organizations want to help, but it is difficult due to the lack of funding and staff, or the individual does not fit into the strict, outdated federal income guidelines.

Many people often return numerous times to either the pro se clinic or Legal Nights because ten or fifteen minutes with an attorney is not enough time. Individuals can better understand the process through a pro se clinic, but are still scared when they have to represent themselves. Another problem is that many of the individuals do not just have one legal problem, but several interrelated problems that become worse when they do not have access to an attorney.

Ms. Bloom testified that recently she was in the Colorado Legal Services intake office and saw three people turned away in a period less than fifteen minutes. It was clearly frustrating for everyone involved, both for the CLS attorney who had to turn the person away, and the client who basically has nowhere else to go for assistance.

**Diane Postell**

Ms. Postell is the Director of Counseling and Advocacy for Safehouse Denver, which primarily serves female victims of domestic violence. The shelter has 30 beds and generally allows for a 30-day stay for victims who need immediate assistance. Last year, the shelter served 1,300 clients, who stayed for a period of 60 days on average, and almost all of them needed legal assistance. During the victims' stay, the shelter provides job assistance so that these people can get back on their feet. The shelter also offers a small amount of legal services coordinated by two law student interns who assist with immigration legal services. Those two interns handle about six cases a year by getting the leg work done and then the case is handled by a pro bono attorney.

The process can take a very long time, during which the victims are in limbo trying to support their families with little or no income.

Last year alone, the shelter had to turn away 900 clients seeking housing services because there was not adequate space to house them. Furthermore, over half the people housed by Safehouse Denver do not get legal services they need. These victims are often forced into a vicious cycle that promotes homelessness and housing issues, collection issues, bankruptcy and bad credit. Legal services are essential to help guide these families through their legal problems. These people have already gone through a traumatic experience and sending domestic violence victims into the courtroom to represent themselves is very frightening. Safehouse Denver anticipates a decreasing amount of resources despite increasing need in the future.

**Question from Ken Lane:** What are the sources of funding for Safehouse Denver?

**Response:** Three percent of the shelter's funding is from federal grants and the rest is from private donors and corporations.

**Question from Rep. Cheri Jahn:** One of the barriers I see is getting all the different services like child services and food stamps. These people are living check to check. They don't have time to go and apply to each service. Is this issue being addressed?

**Response:** Currently, there is no place for "one-stop shopping", and that is a huge issue. We are working on a triage project which will allow indigent people to get services more quickly. We are trying to move all of the services into a judicial building so they are all in the same place.

### **Margaret Abrams**

Ms. Abrams is the program coordinator for the Domestic Violence Early Intervention Team at the Denver District Attorney's Office and has worked with domestic violence issues since 1981 in various areas. About 4,000 domestic violence cases were prosecuted last year through the District Attorney's Office. However, a staggering statistic, which is probably too high, demonstrates that only 60% of domestic violence cases even reach the justice system.

According to Ms. Abrams, the two biggest barriers for domestic violence victims to safely leave a relationship are 1) access to civil legal services, and 2) access to housing. A woman most needs civil legal services when she leaves an abusive relationship, and will more often than not return to that relationship if she does not have legal representation.

If there is an ability to tap pro bono services from attorneys, Colorado has tried them all. Colorado is one of the top states for numbers of attorney volunteers, but it is not enough. When a woman is told by her abuser that if she leaves she will lose her kids and be left on the street, she very likely will stay in or return to the relationship unless she has the guidance of legal representation.

There are several exciting things being planned for the future such as a triage center where agencies for the indigent organize into one central location. CLS is a key partner for this project, but the challenge is funding, and how resources can be stretched even thinner.

**Question from Rep. Cheri Jahn:** Has anyone looked at the best practices of other states?

**Response:** Yes, we have looked very closely at the one-stop shop coined as a family justice center. 18 have been established nation-wide. We have looked at those models to see how they do it.

**Question from Elsa Martinez-Tenreiro:** What sort of funding would be necessary to create this type of family justice center?

**Response:** Conversations with a variety of people show that the cost would vary depending on the type of space that can be acquired. Overall at this point it is difficult to pinpoint. The organizers have talked with corporations and city officials about space, but it is a work in progress.

**Question from Elsa Martinez-Tenreiro:** Would the family justice center provide assistance to current litigants who are pro se?

**Response:** It is certainly looking at the needs of people in this area. It is meant to triage the services that are needed. The goal is to get professionals talking together to get all the needs met.



**Meredith McBurney**

Ms. McBurney currently serves as a Resource Development Consultant for the American Bar Association. She described the sources of funding for Colorado Legal Services, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Ms. McBurney explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details are included in Appendix B.

**Question from Trey Rogers:** How does the state funding for legal services compare to past years?

**Response:** The initial amount of state funding was \$250,000 which was specifically earmarked for family violence matters. This amount has fluctuated some but has never exceeded \$500,000. In FY2005 (July 1, 2004 to June 30, 2005) there was no allocation whatsoever.

**Question from Ken Lane:** Is the state fund in Colorado a general fund?

**Response:** Colorado funds solely through appropriations. It is funded differently in different states. Some fund it through filing fee surcharges and many are just general appropriations.

## **Denver Access to Justice Hearing Invitation**

You're Invited: Denver ATJ Hearing

The Access to Justice Committee is sponsoring a hearing in Denver to determine the civil legal needs of low-income individuals in the community on Nov. 14, 3:30-5:30 p.m., at the Supreme Court Courtroom, 2 E. 14th Ave., fifth floor. The hearing will include Colorado Supreme Court Chief Justice Mary Mullarkey and Denver County Court Presiding Judge Andrew Armatas, as well as legal services clients and service providers, legislators, and other members of the legal community. There will be a reception after the hearing, so RSVP to Carolyn Gravit at [cgravit@cobar.org](mailto:cgravit@cobar.org) if you will be attending.

## Denver Access to Justice Post Hearing Press Release

November 15, 2007, For Immediate Release

Contacts: Matthew Willis, (303) 548-0060  
Ilene Bloom, (303) 886-9783

### Citizens Cry Out for More Legal Services

*Clients testify about the crisis facing Denver*

DENVER — Nov. 14, 2007 — Legal services clients and service providers, legislators and members of the legal community came together at the Colorado Supreme Court to discuss the Colorado's legal services crisis. The concern: a large number of low-income individuals and families facing legal problems are unable to get help, despite their critical legal needs.

"We are forced to turn away all but the most urgent cases," said Jon Asher, Colorado Legal Services director. "However, we try to make sure we can give those people we turn away as much advice as possible before they leave."

Legal Services client Rae Ann Rozhon testified that she would have lost her home without the help of Colorado Legal Services.

"We have served almost 1,300 clients this year, and almost all of them needed some sort of legal assistance," said Diane Postell, with Safehouse Denver. "Unfortunately, most of them don't have the means to find legal resources. We rely on Colorado Legal Services and Project SafeGuard to help, but that is still not enough. All we can do is give them advice and hope they can get help. Sending domestic violence victims in the courtroom to represent themselves and face their abusers alone is the last thing we want to see happen."

Denver County Court Presiding Judge Andrew Armatas expressed his concern about funding: "I wish we had more resources to educate the public about the consequences of going to court, and what they can expect when they are there and when they leave."

Meredith McBurney, American Bar Association resource development consultant explained the status of funding in Colorado, and talked about what is needed to bring the state up to average in legal services funding nationally.

"Colorado is not only behind in state funding, but in national funding overall," McBurney said. "This state is 28th among all states in legal services funding. We would need \$2.7 million to be average in the nation. We are trying everyday to find ways to reach that goal."

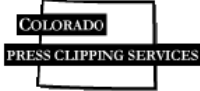
This hearing was the last in a series of hearings taking place across the state. The Access to Justice Commission will write a report to be given to Gov. Ritter and every legislator in the state when the legislative session begins in January. The commission plans to tell state government that Colorado is in desperate need of an increase in funding, and will ask that they help supply it.

The panelists for the Denver hearing were: Colorado Supreme Court Chief Justice Mary Mullarkey; Colorado Court of Appeals Judge JoAnn Vogt; Denver County Court Presiding Judge Andrew Armatas; Sen. Paula Sandoval; Rep. Cheri Jahn; Rep. Morgan Carroll; Trey Rogers, legal counsel to Gov. Ritter; Ken Lane, senior counsel to U.S. Sen. Ken Salazar; Greg Diamond, district director for Rep. Diana DeGette; Constance C. Talmage, Access to Justice Commission chair; and Denver Bar Association President Elsa Martinez Tenreiro.

###

***The mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. Additional information about the Commission is available at [www.ColoradoJustice.org](http://www.ColoradoJustice.org).***

## Denver Access to Justice Hearing Media Coverage



The I-70 Scout  
Strasburg, CO  
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11/20/2007  
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### 179,40,95, 395,183 **Residents call for additional legal services across the state**

DENVER — Legal service providers, judges, legislators and members of the community came together to discuss Colorado's legal services crisis. The concern: a large number of low-income individuals and families facing legal problems are unable to get help, despite their critical legal needs.

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## **Denver Access to Justice Committee Members**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Ilene Lin Bloom	Local Attorney, Committee Co-Chair
Matthew Willis	Local Attorney, Committee Co-Chair
Jonathan Asher	Executive Director, Colorado Legal Services
Alison Butler Daniels	Local Attorney
Christine Garrison	Local Attorney
Carolyn Gravit	Denver Bar Association
Elsa Martinez-Tenreiro	President, Denver Bar Association
Jon Nicholls	Local Attorney
Janet Price	Local Paralegal
Chris Rockers	Local Paralegal
Howard Rosenberg	Professor, University of Denver Sturm College of Law
Meghan Seck	Denver Bar Association
David Simmons	Local Attorney
Dianne Van Voorhees	Director, Metro Volunteer Lawyers
Mark Willis	Local Attorney

## **Denver Access to Justice Committee Recent Accomplishments**

- Monthly pro se legal clinics in the areas of family law (English and Spanish), small claims, collections, and bankruptcy
- Monthly “Legal Nights” where attorneys briefly meet one-on-one with individuals and provide brief legal advice, information, and referrals
- Organization of various pro bono trainings for volunteer attorneys
- Law Line 9 call in program for the public, held weekly
- Volunteer staffing of legal information booths at various community events such as the People’s Fair and Veterans’ Day Standdown



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# **Appendix H**

**Access to Justice Hearing  
October 10, 2007  
Durango, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Sixth Judicial District Access to Justice Committee**

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## **Appendix H**

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## **Summary of Durango Access to Justice Hearing**

Before a panel including David Liberman, President of the Southwest Colorado Bar Association; Judge Dan Taubman of the Colorado Court of Appeals; John Whitney, Regional Director of the Office of Representative John Salazar; and Ann Brown, Regional Director of the Office of Senator Ken Salazar, seven witnesses detailed the tremendous unmet need for civil legal assistance for poor people in the Sixth Judicial District. Arthur Jacobs, the Colorado Legal Services managing attorney in Durango, testified that his office now has two attorneys, but would need a total of ten to meet the civil legal needs of low income people in the district. Kim Jones, with Alternative Horizons, an organization which assists victims of domestic violence, testified that fear and intimidation discourage many women who are victims of domestic violence from obtaining legal representation, and that her organization now represents fewer battered women because a federal grant to provide legal representation was not renewed.

Lynne Sholler, chair of the local ATJ committee, testified about the committee's accomplishments, including preparation of the DVD entitled, "Know Your Rights," to assist defendants in criminal cases. The DVD was produced in both English and Spanish, and has been widely circulated to defendants in criminal cases, the public defender's office, and elsewhere.

## **Durango Access to Justice Hearing Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Dan Taubman	Panel Chair; Member, Colorado Access to Justice Commission, Judge, Colorado Court of Appeals
Susie Bonds	Member, 6th Judicial District Access to Justice Committee
Ann Brown	Regional Director, Office of U.S. Sen. Ken Salazar
David Butler	Secretary, Colorado Access to Justice Commission
David Liberman	President, Southwest Colorado Bar Association
Martha Minot	Judge, La Plata County Court
John Whitney	Regional Director, Office of Rep. John Salazar
Jeff Wilson	Judge, La Plata District Court

## **Durango Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Manuel Ramos	Director of Advocacy, Colorado Legal Services
Kim Shropshire	Attorney, Durango Colorado Legal Services
Martha Minot	Judge, La Plata County Court
Lynne Sholler	Chair, Sixth Judicial District Access to Justice Committee
Kim Jones	Alternative Horizons (Domestic Violence)
Eve Presler	Advocacy for La Plata (At-risk Families)
Arthur Jacobs	Managing Attorney, Durango Colorado Legal Services
David Butler	Secretary, Colorado Access to Justice Commission

## Summary of Witness Statements

### Attendance - 32

#### David Butler

Mr. Butler is the Secretary (and former Chair) of the Colorado Access to Justice Commission and serves on the commission's Resource Committee. He described the sources of funding for Colorado Legal Services, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Butler explained that Colorado's state funding now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details are included in Appendix A.

#### Manuel Ramos

Mr. Ramos is an attorney with Colorado Legal Services (CLS). He provided an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details are included in Appendix B.

**Question from Judge Dan Taubman:** What percentage of foreclosures involves people who are considered low-income?

**Response:** I do not have the exact numbers, but it occurs often.

**Question from Judge Dan Taubman:** When you represent people with mortgage problems, are you ever able to assist them in avoiding foreclosure?

**Response:** Yes, we have often helped people postpone or avoid foreclosure. CLS attorneys are well-versed in foreclosure proceedings, and are adept at challenging overreaching contracts and unconscionable deals.

**Question from John Whitney:** Has the qualifying poverty rate of 125% always been the threshold?

**Response:** Yes, as long as I can remember it has been at this level. Other states have experimented with variations of this percentage, but Colorado has used 125% for as long I can remember.

**Question from John Whitney:** Would it be beneficial to raise this percentage level?

**Response:** To answer that question, our organization needs more resources to fully understand the possibilities.

#### Kim Shropshire

Ms. Shropshire is a staff attorney with CLS in Durango. The persons served by CLS are disadvantaged not only financially but in terms of power in negotiating the legal system. Many of the clients suffer from mental illness, substance abuse issues, and social dysfunctions due to years of abuse, or chronic medical conditions which contribute to their poverty. These persons are the ones most at risk of losing basic needs, such as housing, food, basic medical care, and their rights relating to public assistance and custody issues. The Durango office serves eight counties and two Native American reservations in the area. There are only 1.75 lawyers to serve such a large area. Without more attorneys, a large percentage of the poor population will continue to be underserved.

The first successful client story is of a young man who was diagnosed with autism at the age of six. Despite his supplemental government income, he was deep into credit card debt. Apparently, his abusive step-father was using his personal information to fraudulently spend based on this autistic man's credit. He was forced by his father to sign credit cards under duress. The credit card companies sued and pursued a settlement even after being informed of the fraud and duress and that the young man was judgment-proof. After the man contacted CLS in Durango, CLS was able to get the lawsuits dismissed, thus relieving this disabled man from a debt he could not repay, and permitting him to continue his pursuit of independent living skills.

Another successful case regarded a forty-five year old man who suffered from severe schizophrenia. This man was a high school teacher, but as a result of his condition, lost his job. He had a severe episode of decompensation which resulted in him being arrested for indecent exposure. He was declared incompetent to stand trial, and was admitted for inpatient care to treat his mental illness for a period of six months. As a result of his entry into the criminal justice system, he accessed mental health services for the first time. He applied for, and was denied, Supplemental Security Income (SSI). CLS assisted him in appealing the denial. He won his appeal and received SSI, and subsequently, Medicaid. Because he is on Medicaid, he has access to regular treatment and care for his mental illness. Because he receives a monthly income, he can provide for basic needs such as housing and food.

### **Martha Minot**

Judge Minot is the La Plata County Court Judge who manages both a magistrate and county court docket. The county court alone handles over 7,100 cases, 40% of which are civil cases. The courts have encountered many pro se clients who are faced with evictions because they lack the ability to pay rent. These clients also cannot afford to pay a lawyer to represent their interests and inform them of their rights under the law. Landlords also are often ignorant of their legal duties. As a judge, she is unable to choose sides, and often feels uncomfortable telling either the landlord or the tenant that he or she is wrong. Lack of information, which an attorney could easily remedy, is a big problem.

For pro se litigants, court can be overwhelming and intimidating, and they are often too scared to ask any questions. Because of the fast pace of the county court, pro se litigants often lose there. The La Plata County Bar Association provides fifteen pro bono attorneys who serve as small claims court mediators and provide low income litigants insight on possible legal claims they may have. Without this help, most pro se litigants would come to court with invalid claims or claims "of the heart" that have little merit. In criminal cases, legal services provided to indigent people in Durango and the surrounding area is fairly good, but the civil legal services are in dire need of improvement.

In addition, county court cases often deal with debt collection issues. Debt is turned over to a debt collection company, and without the assistance of an attorney, people generally do not know or understand their rights under debt collection law. It is vital that people know their options before they come to court, because once they are in the courtroom, it is too late to exercise these options. Garnishment and other payment plans are very difficult concepts for poor or mentally challenged people to understand, and attorneys could solve many of these problems judges see in court every day.

**Question from Ann Brown:** For people, who are evicted, is there any information on how to proceed in court?

For example, is there some sort of checklist?

**Lynne Sholler responding:** There is no formal checklist, but we do have landlord-tenant clinics to help them.

**Manuel Ramos responding:** CLS has information available on its website to help with landlord-tenant issues.

**Comment from Ann Brown:** Our office has received questions about landlord-tenant issues and we did not know what to give them or where to send them. From now on we will send them to CLS.

**Question from Judge Dan Taubman:** Would having lawyers available to the indigent in collection issues help?

**Response:** Certainly, attorneys could provide an explanation of how they can best deal with those issues.

**Lynne Sholler**

Ms. Sholler is a local attorney and Chair of the 6th Judicial District Access to Justice Committee. The local ATJ committee has accomplished much with its limited budget. Among the many notable accomplishments of the committee is production of a film entitled, “Know Your Rights,” which explains the rights of defendants in criminal cases and explains proper court demeanor. The film is available on a DVD, which is available at the jail, the public defender’s office, CLS, the public library, and the public access television station. In addition, local committee member Tracy Bedard produced an accompanying brochure called “Know Your Rights,” which is available only in English at this point, and which emphasizes the main points of the film. The brochure will be available in Spanish soon.

The committee has also produced standard form contracts in Spanish and English for construction workers to have their employers sign when they fear they may not get paid for their labor. Judge Minot commented that she has not seen these contracts in court yet, so perhaps the contracts are serving their intended purpose. The local ATJ committee also puts on landlord-tenant clinics; the most recent clinic was attended by about 50 landlords and tenants. As a result of attending the clinic, some landlords realized that they were not properly applying Colorado landlord-tenant law.

These are a few of the significant projects that the local ATJ committee has undertaken to bridge the access to justice gap.

There are many issues which CLS faces in the Durango area. The area served by CLS is very large, and disadvantaged persons often do not have the means to travel to Durango to attend clinics. The local ATJ committee hopes to conduct clinics in other towns within the district in the near future. Moreover, there are many more clients that need legal help than attorneys available who are able to provide those services.

Based on her practice, Ms. Sholler understands that many people whose income exceeds the CLS financial eligibility standards still cannot afford to hire an attorney. This shows the continuing justice gap which exists in the area. In addition to CLS, current available resources include the volunteer attorney mediator program for small claims court cases and organizations such as Alternative Horizons, Advocacy for La Plata, and the Minority Over Representation Project, which have advocates who can help people with legal tasks that do not require the assistance of an attorney.

Although these programs do all they can with the limited resources they have, additional services are needed in the community. Low-income people need more people to explain the self-help forms available on the Colorado Judicial Branch website. Many of these forms, such as adoption forms, are very complicated, even for an attorney. Thus, pro se litigants are unlikely to complete these forms correctly on their own. More clinics are needed to teach people how to fill out forms. Resources are also needed to serve rural clients outside of Durango — for example, a bus with attorneys who could travel to rural areas to serve clients. The community also needs additional mediation services for low-income individuals. In the past, Braided River Mediation fulfilled many of these needs, but recently its sources of funding have dried up, and help is needed in this area. Finally, regarding additional gaps, the community needs additional people who can communicate with Native Americans who speak tribal languages, and who can translate self-help forms. Assistance is also needed to provide safe exchanges of children for parenting time and to provide additional Child and Family Investigators.

**Question from David Butler:** How can people obtain the “Know Your Rights” video, and how do people in jail know that it is available to them?

**Response:** The video is available at the local courthouse, jail, public defender’s office, public library, CLS office, and several private attorneys’ offices. Inmates know about the film because one of the main administrators at the jail helped to produce the film and is an advocate of legal aid.

**Question from Susie Bonds:** In the past, legal aid had to “beat the streets” to obtain donations from private attorneys. Are there funds available for self-help kiosks?

**Response from David Butler:** There are no funds available for this and that is one of their main reasons for advocating for additional funds.

**Response from Lynne Sholler:** The local ATJ committee seeks funds and “beats the streets,” and that is how the local ATJ committee was able to fund the “Know Your Rights” video. However, there are only so many times the same business can be asked for funds.

### **Kim Jones**

Ms. Jones is with Alternative Horizons. She believes local judges do an amazing job working with domestic violence victims, even if they are unable to get an attorney to represent them. However, the main problem lies with convincing pro se domestic violence survivors to appear in court in the first place. Most pro se survivors find it extremely difficult to sit in the same room with their abusers, waiting their turn in front of the judge, particularly when their abuser has hired an attorney. In addition, there is no current funding for civil matters such as landlord-tenant issues. While various organizations, such as CLS and Alternative Horizons, collaborate extremely well in providing a broad array of legal services, available resources only permit them to help a small segment of those needing services.

Alternative Horizons began in 1978 and is totally free to clients. It provides a 24-hour crisis hotline, physical and emotional support during court proceedings, support groups for domestic violence victims, community outreach for teens, and a legal project that helps with divorce and custody issues, as well as other important services. In 2006, Alternative Horizons received more than 2,000 requests for services from 969 people. People are never turned away, and in the past Alternative Horizons received a federal grant to help provide legal representation in 25-35 domestic relations cases annually. In 2007, however, the grant was not renewed, and the funds it received for legal projects were only sufficient to provide representation in four or five cases. The organization is only able to pay attorneys \$35 to \$45 per hour, which makes it difficult to find attorneys willing to take cases, especially since many of the cases require extended representation.

Overall, fear and intimidation discourage many women who are victims of domestic violence from obtaining legal representation. Without an attorney to stand by their side and guide them through the process, many victims are afraid to plead their case before their abuser in court. Alternative Horizons generally assists clients with non-legal help such as filling out forms for civil protection orders, because it does not have funding to provide actual legal representation. The funding it has had in the past for legal representation has helped many victims in terrible situations. For example, one client was almost killed twice by her abuser. With the legal assistance she received from an attorney who took the case through Alternative Horizons, she was able to get a protective order and obtain custody of her child, and she now leads a productive life.

**Question from Judge Dan Taubman:** If there were more lawyers available to help with protection orders, would it help?

**Response:** Most victims are too scared to go to court without an attorney, especially if the abuser has an attorney. Lawyers are vital to the legal success of domestic violence victims.

**Question from Judge Jeff Wilson:** Is there anything the court can help with on temporary orders for these victims?

**Response:** Courts themselves cannot provide sufficient help because, without an attorney, it is unlikely that many victims will even make it to court as pro se litigants due to intimidation and fear.

**Comment by Kim Shropshire:** CLS lawyers deal with such a broad scope of legal cases, and some domestic violence cases last so long, CLS would need more full-time attorneys to deal just with these cases. Thus, when Alternative Horizons loses its funding, it is devastating to these victims.

**Comment by John Whitney:** Rep. Salazar is dedicated to increasing the funding for legal aid and supports the efforts of those dedicated to providing legal services to low-income people.

### **Eve Presler**

Ms. Presler works for Advocacy for La Plata (La Plata). La Plata helps high-risk families who are receiving assistance from the department of social services. These families may consist of single parents, grandparents taking care of grandkids, or foster families. Some of the high-risk situations include substance abuse and physical or mental abuse. Most of the families she deals with have more than one of these problems. La Plata always collaborates with other organizations in town, because it finds this to be the most effective way to assist clients. It always escorts its clients to the courtroom, but it has no real authority there, and its employees are not lawyers.

The landlord-tenant clinics conducted by the local ATJ committee are very helpful for low income people in the area. Tenants will often sign a lease and have enough money for the first month's rent, but are unable to pay thereafter, and legal problems arise. Low-income people are often so desperate for housing that they fail to read the fine print in the rental contract. Clinics are a good resource for assisting large numbers of clients, given the inadequate resources of CLS.

La Plata sees many barriers which perpetuate lack of access to justice for indigent people in the area. Child care and transportation are huge barriers for many families to attend the clinics, as well as limited access to telephones and language barriers. However, CLS has been an amazing resource for La Plata, and she solicits its help on a regular basis. CLS has provided advice and direction whenever its own resources do not allow it to take a case. Finally, a clinic dealing with criminal issues would be a good idea for the future.

### **Arthur Jacobs**

Mr. Jacobs is the managing attorney for CLS in the Durango area. The office serves eight counties and two Native American tribes, but only has 1.75 attorneys. It receives over \$130,000 annually to represent members of the Native American tribes because they are historically vulnerable, but overall, it has limited resources to provide adequate representation. The Bureau of Indian Affairs used to draft Native American wills for free. However, a 2006 law disallowed this practice. CLS does not have the resources to understand or implement this new legislation; the addition of attorneys or staff with a specialization in this area is greatly needed. Currently, CLS provides some criminal defense representation on the two reservations. In addition, it provides some representation in dependency and neglect cases. Overall, the broad scope of services desperately needed on the Native American reservations serves as evidence that additional funding and resources are needed.

Regarding domestic violence cases, CLS will accept a case if there is documented violence in the last 12 months or if the opposing side has an attorney. Unfortunately, because of inadequate funding, the vast majority of potential clients are turned away and are referred to a pro se clinic. The pro se clinic has great volunteer attorneys, but the clinic is not a substitute for legal representation of these individuals.

CLS's Durango office would like to provide a wider array of legal assistance for the indigent. First, with additional resources it could provide tenants representation in public and private housing eviction cases, as well as advice in other housing cases. In addition, CLS aspires to provide representation in housing cases involving issues of substandard conditions, needed repairs, and security deposits. Second, CLS would like to provide clients with general debt collection advice and counsel, as well as advice involving unfair sales, warranties and garnishment. Furthermore, with additional funding, representation could be provided to indigent clients in chapters 7 and 13 bankruptcies and unfair sales claims. Finally, CLS would like to provide more representation in unemployment compensation cases and employment discrimination cases and provide some representation in Veterans Administration and uranium exposure cases.

Overall, CLS would have the capacity to serve many more qualified clients on a broader spectrum of cases with additional funding and resources. For the size of the area it serves, the local CLS office has a massive shortage of funding and attorneys, which hinders its ability to reach a large segment of the indigent population.

**Question from Judge Dan Taubman:** How many attorneys could you use in the eight counties you serve to address all of your needs?

**Response:** 29.9% of La Plata County qualifies under the poverty standard for CLS, which is a very large number. CLS could use at least ten attorneys compared to the two it now has. Moreover, enhanced collaboration between agencies could solve multiple problems simultaneously. For example, if an individual receives Supplemental Security Income benefits of \$630 a month, collaboration with the appropriate agency would permit the client to receive Medicaid benefits as well.



## **Durango Access to Justice Hearing Press Release**

**September 21, 2007**  
**For immediate release**

**Contacts:**

Connie Talmage, Access to Justice Commission chair, (303) 894-6363  
Kath Schoen, Colorado Bar Association, (303) 824-5305  
Lynne Sholler, 6<sup>th</sup> Judicial District Access to Justice Committee (970) 375-7756

### **Legal Services Solutions for the Vulnerable**

#### *Access to Justice Commission coming to Durango*

COLORADO — Statewide hearings will be held to determine the civil legal needs of low-income people in Colorado. The meetings will help identify the gaps of legal services and evaluate the specific needs of individual communities. The Colorado Access to Justice Commission and local Access to Justice Committees will be conducting the hearings September through November, and will include legal services clients and service providers, as well as members of the legal community. The hearing in Durango will be held on October 10, 2006.

"Colorado is substantially below the national average in funding for legal services for poor people," said Fred Baumann, Access to Justice Resource Committee chair. "We would need another \$2.5 million just to bring our state up to average. That's a serious problem."

The legal issues confronting Colorado's poor most often include the basic human needs of shelter, sustenance, safety, health care and child custody. Their cases deal with protection orders, domestic violence, medical benefits, social security, SSI, food stamps and more.

"Although we help a large number of low-income individuals and families facing legal problems, there are many more whom we cannot help despite their critical legal needs," said Jon Asher, Colorado Legal Services director. "From women and children who have been abused, to homeless individuals, to families facing eviction or foreclosure, those needing medical care for themselves or their families, veterans and other disabled citizens — we must do more to help meet the legal challenges facing those who can't help themselves."

Nationally, less than 20 percent of the poor's legal needs are addressed with a private attorney (pro bono or paid) or a legal-aid lawyer, according to a Legal Services Corporation report. There are 6,861 eligible low-income people for every legal-aid lawyer in the nation. In the general population, there is one attorney for every 525 people — more than 10 times the ratio of legal-aid attorneys to the population they serve.

Access to Justice Commission members include appointees by the governor, the Colorado Supreme Court, the president of the Senate, the speaker of the House and the Colorado Bar Association. Local Access to Justice Committee members are judges, lawyers, service providers and others interested in eliminating the barriers in the legal system for low-income individuals.

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***The mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. Additional information about the Commission is available at [www.ColoradoJustice.org](http://www.ColoradoJustice.org).***

## **Durango Access to Justice Hearing Invitation**



*You are cordially invited to attend:*

### ***Access to Justice Hearing***

**OCTOBER 10, 2007**

**4:00-6:00 P.M. (FOLLOWED BY 1 HOUR RECEPTION)  
ANASAZI ROOM - LA PLATA COUNTY COURTHOUSE**

The purpose of the hearing is to gather information regarding the extent to which legal needs of disadvantaged persons in La Plata County are being met, and to identify additional opportunities for improvement.

#### ***Panelists and witnesses will include:***

The Hon. Daniel Taubman – Colorado Court of Appeals  
David Butler, Esq. – Colorado Access to Justice Commission  
Manuel Ramos – Director of Advocacy, Colorado Legal Services  
Chief Judge Gregory Lyman – 6<sup>th</sup> Judicial District  
Sen. Jim Isgar and Rep. Ellen Roberts (invited)  
John Whitney – United States Congressman John Salazar's Regional Director  
Ann Brown – United States Senator Kenneth Salazar's Regional Director  
David Liberman – Southwest Colorado Bar Association President  
Lynne Sholler – Chair, 6<sup>th</sup> Judicial District Access to Justice Committee  
Susie Bonds – Member, 6<sup>th</sup> Judicial District Access to Justice Committee  
Kim Jones – Alternative Horizons  
Eve Presler – Advocacy for La Plata

#### ***Other invitees include:***

La Plata County Commissioners  
Durango City Council  
Local attorneys  
Local judges and court personnel  
Local agencies and non-profit organizations and their clients, including:  
Department of Social Services, Southern Ute Indian Tribe, Southwest Colorado Mental Health Clinic, Senior Center, Alternative Horizons, Sexual Assault Services Organization, Durango Adult Education, Los Companeros, The Family Center, Youth Services, Women's Shelter/Safehouse, Women's Resource Center, Community Connections, PFLAG, Housing Solutions, The Durango Herald, The Durango Telegraph . . . and more

***Reception to follow the hearing – food and non-alcoholic beverages will be served***

**Please RSVP to: [lmsholler@bresnan.net](mailto:lmsholler@bresnan.net) - seating is limited**

## **Sixth Judicial District Access to Justice Committee Members**

<u>Name</u>	<u>Affiliation</u>
Lynne Sholler	Committee Chair, Private Attorney
Gregory Lynman	Chief Judge, 6th Judicial District
Arthur Jacobs	Managing Attorney, Durango, Colorado Legal Services
Susie Bonds	Braided River Mediations
Kim Jones	Advocate, Alternative Horizons
Eve Presler	Advocacy for La Plata
Tracy Bedard	Minority Over-representation Project
Tony Garcia	Community Volunteer, Sacred Heart Church
David Liberman	President, Southwest Colorado Bar Association
Tom Blonde	Southwest Colorado Mental Health Clinics

## **Sixth Judicial District Access to Justice Committee Recent Accomplishments**

- During its four years of existence, the local ATJ committee has functioned with approximately 12 members, consisting of various court personnel, attorneys, and a significant number of non-profit organizations with missions similar to ATJ.
- The committee produced a 25 minute, criminal law DVD entitled “Know Your Rights,” to assist defendants in better understanding the criminal court system and their rights and obligations. The DVD is accompanied by a six-panel brochure describing the film. The DVD is available in English and Spanish; the brochure is available in English and will soon be available in Spanish.
- The Committee engaged in fundraising and grant-writing activities to raise sufficient funds to produce the Know Your Rights DVD. In response, the Colorado Bar Foundation and many other organizations provided grants for the film.
- The committee has created a fill-in-the-blank contract, in English and Spanish, for use by construction subcontractors to establish legal rights in jobs they undertake. This project was undertaken because of non-payment of Spanish-speaking workers who were unable to prove contractual terms and establish their rights in small claims court. The contracts have been completed and will be distributed to other ATJ committees around the state.
- Last spring, a Landlord/Tenant rights legal clinic was offered to the public to provide information on the rights of both parties. There was a large turnout, and handouts were distributed. The Committee intends to repeat this clinic and to offer clinics on other topics.
- The committee has also collaboratively co-sponsored community events with other organizations. These included a “Community Dialogue” with the Department of Justice on race relations between law enforcement and minorities; cultural competency training; and diversity appreciation with the local school district.



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# **Appendix I**

**Access to Justice Hearing  
October 30, 2007  
Fort Collins, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Eighth Judicial District Access to Justice Committee**

## **Appendix I**

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## **Summary of Fort Collins Access to Justice Hearing**

The Fort Collins Access to Justice Hearing, sponsored by the Colorado Access to Justice Commission and the Eighth Judicial District Access to Justice Committee, was held on October 30, 2007. Thirty-nine attendees, including a panel consisting of Connie Talmage, Chair, Colorado Access to Justice Commission; Gregory Hobbs, Jr., Justice, Colorado Supreme Court; James Hiatt, Chief Judge, Eighth Judicial District; Steve Johnson Republican State Senator, District Fifteen; Randy Fisher Democratic State Representative, District Fifty-Three; Nancy Hunter, from the office of U.S. Congresswoman Marilyn Musgrave; Glenn Gibson, Larimer County Commissioner; and David Johnson, Larimer County Bar Association President, heard testimony from the following witnesses: Reenie Terjak, Colorado Legal Services; Kim, a Colorado Legal Services client; Debora Wagner, Colorado Legal Services; James Hiatt, Chief Judge, Eighth Judicial District; Jennifer Rice, Chair, Eighth Judicial District Local ATJ Committee; Victoria Lutz, Executive Director, Crossroads Safehouse; Rosemarie Fritz, Executive Director, Alternatives to Violence; Annie, a client of Alternatives to Violence; Keith Colton, Triage Coordinator, Alternatives to Violence; and Jim Peters, Colorado Access to Justice Commission Resources Committee Member.

The witnesses testified regarding the critical need for additional civil legal services for poor people in their area. Providers of such services explained what they were able to do with the scarce resources currently available, and what they could do with further funding. Judge Hiatt told the attendees about the effect on the court system of unrepresented litigants in civil cases, and he also pointed out the need for more resources for interpreters for non-English-speaking and hearing-impaired persons. The panelists and attendees also heard testimony about the efforts being made by the Eighth Judicial District Access to Justice Committee to address some of the issues that were raised, as well as testimony from clients about what the assistance they had received meant for their lives. The need for legal assistance extends not only to people who meet the poverty guidelines for legal aid from Colorado Legal Services, but also for those who have income above those guidelines but still cannot afford a lawyer.

## **Fort Collins Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Randy Fischer	State Representative (D-Larimer)
Glenn Gibson	Larimer County Commissioner
James Hiatt	Chief Judge, District Court, 8th Judicial District
Gregory Hobbs, Jr.	Justice, Colorado Supreme Court
Nancy Hunter	Office of U.S. Congresswoman Marilyn Musgrave
David Johnson	President, Larimer County Bar Association
Steve Johnson	State Senator (R-Larimer)

## **Fort Collins Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Reenie Terjak	Attorney, Colorado Legal Services
Kim	Client, Colorado Legal Services
Debora Wagner	Staff Attorney, Colorado Legal Services
James Hiatt	Chief Judge, District Court, 8th Judicial District
Jennifer Rice	Chair, 8th Judicial District Access to Justice Committee
Victoria Lutz	Executive Director, Crossroads Safehouse
Rosemarie Fritz	Executive Director, Alternatives to Violence
Annie	Client, Alternatives to Violence
Keith Colton	Triage Coordinator, Alternatives to Violence
Jim Peters	Commissioner and Resources Committee Member, Colorado Access to Justice Commission



## Summary of Witness Statements

### Attendance - 39

#### Reenie Terjak

Ms. Terjak is an attorney with Colorado Legal Services (CLS). She presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details of this presentation are included in Appendix A.

#### Kim

Kim is a CLS client. She is a single mom trying to go to school to better her life. She was being sued by a creditor for debt she had incurred. CLS was initially able to help her structure an affordable payment plan. However her debt did not end there, as she has college student loans that are in default as well. Although CLS only has two attorneys in the area, and they are severely overtaxed, they have been amazingly helpful to her. She is unable to afford a private attorney, and is unable to do many things that are important to her future success. For example, she cannot get a bank account because creditors would seize it, and she is unable to get a job because creditors would garnish her wages. CLS attorneys are currently helping her with these problems, but she and countless other people would be helped if CLS and legal aid services had more resources.

#### Debora Wagner

Ms. Wagner is the managing attorney for CLS in Larimer County. She is concerned that CLS is unable to provide for client needs in most situations because of over-taxation of resources. In fact, Ms. Wagner and the other local CLS attorney generally work weekends, and they are constantly chasing money from any possible source. In the last three months in Larimer County, 56 eligible clients were turned away, of whom 19 were domestic violence survivors. These are people who need legal help but are unable to get it from CLS due to inadequate resources and funding.

CLS does what they are able to with scarce resources, and they have found that one of the most efficient methods to get legal help to the most people is through the operation of a legal clinic. At these clinics, individuals are able to meet one-on-one with an attorney, and they receive legal advice and brief counseling. These clinics are in such high demand that the divorce clinic has been booked solid through December. They are currently in the process of finding a new space that will accommodate the growing demand. CLS does its very best to not duplicate services that are provided by other agencies, such as the local pro bono association, but overall CLS just does not have the resources and funding needed to meet the growing demand in the area.

**Question from Sen. Steve Johnson:** Judicial filing fees have recently been increased in an attempt to accommodate the overload that judges have in their courtrooms. Is that affecting poor clients' ability to litigate civil matters, and is that a concern?

**Response from Reenie Terjak:** Fortunately there is a program in place that allows clients that fall within poverty guidelines to get a waiver of judicial fees.

**Question from Sen. Steve Johnson:** Can individuals who are poor but outside of the qualification guidelines for poverty for CLS services afford judicial fees?

**Response:** It costs around \$200 dollars to file an action, so many of these individuals are unable to afford the filing fees.

### **Judge James Hiatt**

Judge Hiatt is the Chief District Court Judge in the 8th Judicial District. He is extremely grateful for all who have come together to bring this issue of legal representation for the indigent to the forefront. The 8th Judicial District of Colorado is growing, and there are increasing demands in the courtroom. This is a problem because there are many litigants who need quick resolution of their legal issues, such as business owners and divorcing spouses. The state legislature has ameliorated the problem of backlog to a degree by granting a new district judge, with others to be added in the coming years. However, “justice delayed is justice denied.” These judicial delays are barriers to justice.

A brief overview of the 8th Judicial District shows that there are six district court judges and four county court judges, as well as a number of magistrates who have been given authority by statute to make certain rulings under the supervision of judges. There are approximately 9,600 filings per year in district court with an additional 33,000 filings in county court. Pro se litigants have gone from an oddity to a significant portion of all litigants in court in recent times, as people have been unable to afford legal representation. For example, one-half of all domestic cases have at least one pro se party. This significantly affects the courts, both in their efficiency and in their distribution of real justice. The majority of pro se litigants do not know their rights and do not understand the proper way to proceed in court. This serves to inhibit judicial efficiency and distorts justice, because these individuals are unable to articulate their cases properly. CLS and other legal aid services attempt to address the problems associated with pro se representation, but they are only able to take the most egregious cases. Additional funding and legal representation are most important to help judicial efficiency increase, and to free up the backlog of cases plaguing the courts.

Language barrier issues, such as lack of interpreters and resources in court for hearing-impaired persons, continue to be issues for the judicial system. If people are uncomfortable with English, there is a significant chance that they will avoid the system altogether. The Due Process Clause of the Constitution makes it clear that people should get interpretation services in court, and there are those resources in Larimer County, but they are severely taxed. There need to be more resources for interpreters for non-English-speaking and hearing-impaired persons to ensure adequate access to justice.

Access to justice includes the concept of courts being involved actively in cases from beginning to end. Active involvement of the courts helps to ensure that the appropriate result is achieved both efficiently and promptly. For example, if person A sues person B, and B justly wins, it is still not the proper result if it takes twice as long to resolve the issue as it should have. Time and money are good indicators of efficiency, and if these could have been saved, the question remains: Has justice really been served? This is an issue that we need to be aware of. Additional representation for individuals who otherwise would be pro se litigants will help to ameliorate the problems that courts are currently facing.

### **Jennifer Rice**

Ms. Rice is an attorney and the Chair of the 8th Judicial District Access to Justice Committee. The local community has some legal aid services for the indigent at its disposal. For example, the local bar association has implemented a successful pro bono program. This association gets money through COLTAF to hire a part-time paralegal to coordinate clients with various pro bono attorneys and perform intake responsibilities. The bar association pro bono program is not as strict as CLS regarding the poverty guidelines for participant qualification, and clients who are accepted have the opportunity to meet with attorneys for guidance and advice. Intakes are held one time per week in Fort Collins and Loveland.

The local bar association also helps poor individuals with the forms and processes necessary to proceed with their legal actions. They have recently assisted between 400-500 people in Fort Collins and over 300 in the Loveland area with these services. Over 75% of the cases they handle deal with various forms of domestic relations: i.e., divorce, maintenance, and property division. In an ideal world, everybody who comes to them for help would be paired with a volunteer attorney, but in reality less than 10% of all clients are placed with an

attorney. This occurs primarily because, of the 400 attorneys in Larimer County, only a small percentage handle domestic relations cases. Loveland placement rates are even less; almost all clients are given brief advice and then sent away.

The association also holds a pro se clinic twice a month. These clinics, initially designed to be lectures, have ended up being one-on-one counseling sessions where attorneys or paralegals give advice. The family court facilitator also provides a domestic assistance class twice a month for help with procedural issues. Among other services provided, four times a year a law firm will open its phones for free advice staffed by young lawyers in Larimer County, and a website has been created which lists forms, court dockets for the following two days, and other legal resources such as important phone numbers. For the future, the local ATJ committee is downsizing its law library to create space and make the information in the library accessible to the public.

The needs for legal services are overwhelming, however, and these needs are evidenced by the numbers of people who are turned away due to lack of resources and funding. Ideally, and to meet the growing needs in this area, more domestic issues attorneys are needed, as well as increased funding for legal representation in court and for courts themselves. Courts need additional funding for various reasons. For example, if a divorce case drags on for four or five months, there is an increased chance that something will go wrong between the parties before a resolution is reached. Judges do the best they can to deal efficiently with cases, but more resources are needed.

**Question from Sen. Steve Johnson:** What incentives are given to attorneys to do pro bono work?

**Response:** The local bar association encourages a set amount of pro bono work, and malpractice insurance is taken care of under the bar association's malpractice policy. Attorneys often worry about taking a complicated pro bono case due to fear of malpractice, but now that they are covered under the bar association's insurance policy, they have an incentive to take the case.

**Question from Sen. Steve Johnson:** It seems that the United States has more lawyers per person than other industrialized countries. Why do we have such issues with access to justice, and have you explored other countries' methods of dealing with their indigent population's need for legal services?

**Response:** Overall the United States is more litigious than other countries. Moreover, our judicial system is likely more complicated and pro se litigants have problems with this complexity.

**Response from Connie Talmage:** Attorneys in Colorado are very generous with their time and money in supporting legal services. Many law firms, for instance, have adopted pro bono programs requiring 50 hours each per year from their attorneys. The state does an amazing job, but it still is not enough.

**Response from Justice Hobbs:** A pro bono attorney is not as good as a full time legal aid lawyer. There is no substitute for paid legal representation, and full time attorneys are vital to bridging the justice gap.

### **Victoria Lutz**

Ms. Lutz is the Executive Director of Crossroads Safehouse and is grateful for the opportunity to speak about the met and unmet legal needs of low-income people in Colorado. She is an attorney and former law professor. In her current position as executive director of the safehouse, she has learned many things. While she does not have statistics that detail the percentage of domestic violence victims in this judicial district who are indigent, she knows that over 78% of Crossroads Safehouse's clients live below the federal poverty level, and over 95% of their clients live below the adjusted local poverty guidelines for this region.

Legal services significantly reduce the instances of domestic abuse. In April 2003, Contemporary Economic Policy published a report finding that: "While most services provided to help battered women do not impact the likelihood of reabuse, the provision of legal services significantly lowers the incidence of domestic violence." Thus, legal services have a greater impact on reducing domestic violence than safe housing, job skill training, transitional housing, or any other service. In other words, in the absence of available attorneys to help battered women, they are likely to be battered again.

Crossroads has a two-part legal program to help its clients. The first, provided after CLS was unable to provide detailed assistance due to funding inadequacy, is a legal advocacy program. CLS was great to work with and helped with emergency cases, but they were unable to provide funding for their programs. A full-time legal advocate and domestic abuse response team (DART) provides a 24/7 on-the-scene and follow-up legal advocacy to domestic violence victims in this county. Most of the work of this non-attorney division is criminal court accompaniment, assistance with victims' compensation, making sure clients receive their protection orders and following up with clients at the Safehouse or as outreach clients.

The second part of the Crossroads' legal program is legal representation called *Bringing Justice Home* that has two main goals: 1) to enhance survivor autonomy by increasing legal representation for survivors of domestic violence, and 2) to offer a safety net of services, including training. *Bringing Home Justice* is a federally-funded full representation legal division of Crossroads Safehouse. They decided that Steamboat Springs and Craig were two towns where virtually no legal assistance is available, so they set out on the road to provide those services. Some wonderful attorneys are serving those clients, but they have to turn away 40% of applicants who come to them for emergency and domestic issues litigation.

The unmet legal needs in the area are many. In such a large region, geography needs are high. For example, more people are needed to provide services in rural areas well outside of Larimer County. It is not efficient for an attorney to travel all the way to Craig for a fifteen minute hearing, when they will then be unable to do three cases in Fort Collins. Having to make this decision between clients in need is not right, and for this reason more legal assistance attorneys must be provided. Ms. Lutz pleads that this group look at domestic violence and the safety net the law provides, and realize that victims cannot leave abusive relationships without legal resources. According to the research she has performed, increased funding for legal services is the best manner in which to increase these resources.

Finally, another problem is the number of clients who cannot afford an attorney but are not poor enough to be eligible for legal services. A few thousand dollars or ownership of a car may be the difference between free legal counsel and no counsel at all. It is unconscionable that in the most idyllic state in the union, where the population has increased by leaps and bounds in the last decade, the amount of funding appropriated for civil legal assistance for the indigent has not increased since July 1, 2002. We need to support increased state-appropriated funding for legal assistance for low and middle-income victims of domestic violence in Colorado.

### **Rosemarie Fritz**

Ms. Fritz works for Alternatives to Violence and has heard one word mentioned a lot tonight: Poverty. 50% of homeless people are homeless because of domestic violence. They have a critical and life-saving need for legal services. Legal assistance is the primary way they can get out of this cycle of violence and homelessness. These people are the human face on this issue of inadequate legal representation. The worst thing she finds in her office is when she is unable to give hope to her clients. The despair of hopelessness generally occurs when the client is unable to get legal representation. It seems the man in the relationship has all the resources, while the woman has none and cannot afford an attorney. The cycle thus continues, because the woman returns to the abusive relationship because she loses hope. Ms. Fritz cannot stress enough the need for competent lawyers that understand domestic violence issues. Without increases in legal assistance, the problem will continue.

**Annie**

Annie is an Alternatives to Violence client who wants out of a domestic violence relationship. She was initially turned down by CLS because she does not meet the poverty guidelines. Her husband drained their joint bank account and her options are limited. Twenty-seven years in an abusive relationship is enough. She could file as a pro se litigant without mediation but she fears for her safety. She will try to file on her own, but knows that without representation, she is leaving herself in a potentially very dangerous and violent situation. If additional funding is approved, perhaps more women like her will be helped.

**Keith Colton**

Mr. Colton also works at Alternatives to Violence and helps people who come in to deal with various issues. Everybody who comes in is virtually in the same situation as Annie. He finds that the legal system is the biggest problem. They counsel people regarding pro se clinics, but they are asking people to climb a mountain with no guide. They have to tell people that they cannot be a guide; they are only an advocate and cannot provide legal services. Every single client tells him that the legal system is inaccessible and frightening, and it forces them back into terrible situations. Every single person has legal service issues and could benefit from legal assistance in one form or another.

**Jim Peters**

Mr. Peters is a member of the Colorado Access to Justice Commission and serves the commission's Resource Committee. He described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Peters explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

**Question from David Johnson:** How much effort do you put forth in terms of private donations from private entities and corporations?

**Response:** The Legal Aid Foundation does extensive fundraising and encourages lawyers and corporations to donate more than they already are.

**Question from Sen. Steve Johnson:** There has been no state funding increase recently as we have not received any formal requests. Governor Ritter knows this issue very well and his budget appropriation is due in two days. Is this a priority for his administration?

**Response from Connie Talmage:** We have approached him, but the purpose of these hearings is to educate people like him and other decision-makers, and to determine the specific needs. The Governor was the opening speaker at the American Bar Association's Equal Justice Conference last spring in Denver, and there he expressed strong support for access to justice issues. We are looking forward to having a specific conversation with him about this issue. We first need to see what the need is, and these meetings have thus far shown that this is a huge problem.

**Response by Sen. Steve Johnson:** He appreciates the information and awareness he has received and will look more into the issue.

**Question from Rep. Randy Fisher:** Has anyone ever done an analysis of underfunded legal services, such as what it is costing the state to provide for other services conceived by the lack of legal resources for the indigent? It seems to Rep. Fisher that this is a serious case of an area where further costs could be avoided down the line if this particular area is more thoroughly funded. He is shocked that the state only provided \$500,000, which is only a pittance. How do these priorities happen?

**Response from Victoria Lutz:** With legal representation, more women could cost the state less down the line, for example, they would go off of welfare and foods stamps. There is also a huge medical cost associated with domestic violence, and legal help will cut down that cost as well.

**Response from Jim Peters:** The price children pay who are involved in these situations is too high as well. They have poor health, no tapped potential, and the cycle repeats if there is no legal help.

## **Fort Collins Access to Justice Hearing Press Release**

**October 26, 2007**  
**For immediate release**

**Contacts:**  
Connie Talmage, Access to Justice  
Commission Chair, (303) 894-6363  
Kath Schoen, Colorado Bar Association,  
(303) 824-5305

### **Legal Services Solutions for the Vulnerable**

*Access to Justice Commission visits Fort Collins*

Fort Collins will be holding a hearing to determine the civil legal needs of low-income individuals in its community on Tuesday, Oct. 30, 4–6 p.m., at the Larimer County Justice Center, Jury Room. A one-hour reception will follow the hearing in the Justice Center Food Court at 6 p.m. Catering will be provided by Food for Thought Catering, Ltd.

Access to Justice hearings are being held across the state to identify the gaps of legal services and to evaluate the specific needs of communities. Each hearing includes legal services clients and service providers, as well as members of the legal community.

“Colorado is substantially below the national average in funding for legal services for poor people,” said Fred Baumann, Access to Justice Resource Committee chair. “We would need another \$2.5 million just to bring our state up to average. That’s a serious problem.”

The legal issues confronting Colorado’s poor most often include the basic human needs of shelter, sustenance, safety, health care and child custody. Their cases deal with protection orders, domestic violence, medical benefits, social security, SSI, food stamps and more.

“Although we help a large number of low-income individuals and families facing legal problems, there are many more whom we cannot help despite their critical legal needs,” said Jon Asher, Colorado Legal Services director. “From women and children who have been abused, to homeless individuals, to families facing eviction or foreclosure, those needing medical care for themselves or their families, veterans and other disabled citizens — we must do more to help meet the legal challenges facing those who can’t help themselves.”

Nationally, less than 20 percent of the poor’s legal needs are addressed with a private attorney (pro bono or paid) or a legal-aid lawyer, according to a Legal Services Corporation report. There are 6,861 eligible low-income people for every legal-aid lawyer in the nation. In the general population, there is one attorney for every 525 people — more than 10 times the ratio of legal-aid attorneys to the population they serve.

Access to Justice Commission members include appointees by the governor, the Colorado Supreme Court, the president of the Senate, the speaker of the House and the Colorado Bar Association. Local Access to Justice Committee members are judges, lawyers, service providers and others interested in eliminating the barriers in the legal system for low-income individuals.

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***The mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado’s civil justice system. Additional information about the Commission is available at [www.ColoradoJustice.org](http://www.ColoradoJustice.org).***

## **Eighth Judicial District Access to Justice Committee Members**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Jennifer Rice	Committee Chair, Local Private Attorney
Christine Carney	Judge, 8th Judicial District Court
Susan Winfield	Magistrate, 8th Judicial District Court
Cynthia. Hartman	Magistrate, 8th Judicial District Court
Sherlyn Sampson	Larimer County Combined Courts
Andrea Shahmardian	Family Court Facilitator
Cliff Riedel	District Attorney's Office
Paul Cooper	Fort Collins Probation Department
Victoria Lutz	Crossroads Safehouse
Karin Troendle	Colorado Legal Services
Janet Laughon	Colorado Public Defender's Office
Heather Zadina	Chair, Larimer County Bar Association, Pro Bono Program
Cindi Hendrix	Coordinator, Larimer County Bar Association, Pro Bono Program
Kim Salinas	Fuerza Latina Coordinator
Rosemarie Fritz	Alternatives to Violence
James Hiatt	Chief Judge, 8th Judicial District Court, ex-officio
David Johnson	President, Larimer County Bar Association, ex-officio

## **Eighth Judicial District Access to Justice Committee Recent Accomplishments**

See summary of testimony of Jennifer Rice, above.



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# **Appendix J**

**Access to Justice Hearing  
October 18, 2007  
Grand Junction, Colorado**

**Sponsored by  
The Colorado Access to Justice Commission**

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## **Appendix J**

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## **Summary of Grand Junction Access to Justice Hearing**

The Grand Junction Access to Justice Hearing, held on October 18, 2007, featured testimony by six witnesses, including Mesa County Magistrate Stephanie Rubinstein, Kathy Boelte of the local Colorado Legal Services (CLS) office, and two well-respected private attorneys, Ed Nugent and Susan Eggert. A distinguished four-person panel, including Representatives Bernie Buescher and Steve King, and Mesa County Chief District Judge David Bottger, listened attentively as the witnesses described the unmet need for civil legal assistance for poor people in Mesa County.

Witnesses described the types of problems faced by the indigent, and the difficulties of navigating the legal system without help from an attorney. Magistrate Rubinstein testified that 67% of the divorces in Mesa County were pro se, and that often those litigants miss critical legal arguments that should be presented. Kathy Boelte testified about the difficulty the two attorneys in her office face in providing help to the poor, and described one situation involving a victim of domestic violence CLS was able to help. Ed Nugent described the tremendous efforts of the private bar in Mesa County to bridge the justice gap by providing pro bono services. Susan Eggert testified on behalf of a pro bono client, who credits her representation by Ms. Eggert and by CLS with enabling her to get her life together after leaving an abusive relationship.

## **Grand Junction Access to Justice Hearing Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Fred Bauman	Panel Chair; Vice Chair, Colorado Access to Justice Commission
David Bottger	Chief Judge, District Court, 21st Judicial District
Bernie Buescher	State Representative (D-Mesa)
Steve King	State Representative (R-Delta)

## **Grand Junction Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Fred Baumann	Vice Chair and Resource Committee Chair, Colorado Access To Justice Committee
Reenie Terjak	Attorney, Colorado Legal Services
Stephanie Rubinstein	Magistrate, Mesa County Court
Kathy Boelte	Attorney, Colorado Legal Services
Ed Nugent	Private Attorney
Susan Eggert	Private Attorney

## Summary of Witness Statements

### Attendance - 51

#### **Fred Baumann**

Mr. Baumann is the Vice Chair of the Colorado Access to Justice Commission and chairs of the commission's Resource Committee. He described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Baumann explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

#### **Reenie Terjak**

Ms. Terjak is an attorney with Colorado Legal Services (CLS). She presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details of this presentation are included in Appendix A.

**Question from Rep. Buescher:** Is it true that CLS no longer deals with administrative advocacy?

**Response:** We do not handle legislative advocacy regarding federal agencies and do not attempt to change policy, but we do help individuals.

**Question from Rep. King:** Do you see the need for representation through telecommunications and teleconferencing?

**Response:** Several years ago, Montana received a grant from the Legal Services Corporation (LSC) to do this exact thing. CLS just received funding from LSC to pilot such a program in the southeast part of the state. We intend to initially use it to give advice or teach classes. The majority of judicial districts do not allow remote representation at this time.

#### **Stephanie Rubinstein**

Ms. Rubenstein is a Magistrate in Mesa County Court. She noted her long-term interest in the topic of legal aid for the indigent because of her previous pro bono experience. Magistrate Rubenstein stated that the majority of cases she sees involve divorce or other family issues. She explained that dealing with pro se litigants was a huge challenge, because often the pro se parties do not know what to do in court and as a result, critical legal arguments are not made. For instance, pro se litigants regularly send notice incorrectly, which often eliminates the litigant's chance of being heard in the court. This results in a general mistrust for the court system.

In 2006, out of the 917 divorces that were litigated in Mesa County, 67% were pro se. This suggests that there is a greater need in Mesa County for indigent representation than other counties. There are vast numbers of people that cannot afford legal assistance but do not qualify for representation by CLS.

Magistrate Rubenstein acknowledged that the solution to the lack of representation is not clear. Attorneys who volunteer their time and expertise in pro bono efforts are a great help, but these services alone are not enough to solve the problem. Likewise, while complimenting the strides that CLS is taking, Magistrate Rubenstein reiterated that those services still do not bridge the justice gap. Magistrate Rubenstein believes that many families that need assistance do not receive any help due to the lack of available resources.

**Question from Rep. King:** Is unbundling allowed in this area?

**Response:** Unbundling is available to a small degree. But it is difficult for attorneys to give discrete advice on a regular basis because of the heavy caseload local attorneys have. When attorneys provide limited services to a client, they must rely only on what the person relates about the problem; they cannot independently verify the information provided. As a result, attorneys must be concerned about the prospect of malpractice claims.

**Bernie Buescher comment:**

A recent ethics decision said that CLS attorneys have the same legal obligation to clients as any other attorney, and they would have to resign if they can't help their client out completely. We are required to provide services to the accused in criminal actions, and there is probably as much if not more of a need on the civil side.

**Question from Judge Bottger:** Can you address whether you have encountered pro se litigants who do not represent children to the best of their abilities because the clients do not provide enough legally pertinent information?

**Response:** Often litigants will provide too much information, because the litigants feel so much emotion; much of the information offered often is irrelevant to the issue at hand. The best way to get clear information is with child and family care investigators. Child and family care investigators are very expensive (about \$3,000 at a minimum), and as a result the investigators will often not be hired and judges will not receive critical information from child and family care investigators. If a judge does not get this information it is difficult to make a correct decision. Magistrate Rubenstein concluded that Grand Junction needs more resources to provide the indigent with civil legal services.

### **Kathy Boelte**

Ms. Boelte is a staff attorney with the local CLS office. She described how the Grand Junction CLS office, consisting of two attorneys, collaborates with the freestanding Mesa County pro bono group in an attempt to better serve the needs of the indigent. Instead of having low income people go to each organization and fill out the various forms, CLS has applicants fill out only one form. When CLS cannot take a case because of a conflict of interest or lack of resources, CLS will attempt to refer the client to the bar association for pro bono services. Despite the best efforts of both the local bar association and CLS, their combined efforts do not even begin to address the needs of poor people in the area who have legal problems.

Ms. Boelte described the types of problems faced by the indigent for which legal services would be important. Many old, frail people, who might have been intelligent in their earlier years, now have growing legal issues. Numerous people have severe debt with medical bills and landlord tenant issues. CLS's two lawyers, plus the pro bono volunteers, simply cannot take care of all these problems. In fact, the CLS office will often take the complex and arduous cases and give out less time consuming cases to pro bono attorneys. This helps attract further work, since it helps private attorneys feel positive about their pro bono experience.

The Grand Junction CLS office finds it difficult to recruit new attorneys because the pay is so low. The starting salary at CLS is \$16,000 less than the starting salary at the Mesa County District Attorney's office and \$14,400 less than the starting salary at the Public Defender's office. CLS needs additional resources so it can raise its starting salary to attract recent law school graduates.

Ms. Boelte spoke on behalf of a client that CLS had represented. The client was going to testify at the hearing, but had too many problems to come. She is a 23 year old victim of domestic violence who has an eight-month old disabled son who recently lost both her housing and job. She did not have the means to hire an attorney, but she was fortunate to receive services from CLS, which helped her to protect her child from domestic violence.

Ms. Boelte also described some of the legal problems facing indigent citizens in Grand Junction. Elder exploitation, also known as home invasion, is the highest growing problem in the CLS office. Elder exploitation can occur when relatives of the elderly change the title on a home, take food stamps, or sign transfer documents to take advantage of vulnerable elderly people. In these cases, CLS serves protection orders to protect these people from abusive relatives. Ms. Boelte described a case where, with CLS's help, an elderly client was restored to her home.

In 2006, CLS received 245 applications for full representation in divorce cases but was only able to provide brief service or advice in fewer than 60 cases. This year, there have been 181 applications for full representation in divorce matters, and 70 have received full representation.

Ms. Boelte concluded her testimony by explaining how additional resources would enable CLS to provide more services to protect vulnerable citizens, including children and the elderly.

**Question from Rep. King:** 64% of litigants are pro se here on the Western Slope, while 34% of litigants are pro se on the Front Range. Is that directly related to the fact that you only have two attorneys?

**Response:** That is a good question. The only way to get the answer is to do a study based on the court records to see how many of the pro se litigants are indigent. We believe that, with more resources, we could provide representation to many more indigent clients.

### **Ed Nugent**

Mr. Nugent is a local attorney who has been dedicated to assisting indigent clients since the beginning of his legal career. Having practiced law for over thirty years and beginning as a public defender, Mr. Nugent believes in pro bono activities and legal aid services, and knows that they make large strides in bridging the justice gap that plagues the poor population. He has participated in pro bono activities his entire career, and is still heavily involved today.

The Mesa County Bar Association was one of the first in the state to pilot a successful pro bono program and is considered to be a model for other areas. Its success stems in large part from its use of an executive director, Karen Detmers, who is able to match potential pro bono clients with an attorney, as well as coordinating the services of the various attorneys. Furthermore, the local bar association in Mesa County has a board of directors who provide direction on the pro bono activities of its members. Currently the county bar places a "tax" as part of its membership dues, \$9,000 of which goes to the Mesa County pro bono program. These attorneys "put their money where their mouths are," by taking money out of their own pockets to assist low income individuals. Additional funding of \$10,000 towards the program comes from COLTAF. The dedication of local attorneys to pro bono work is exceptional, as evidenced by an almost 50% participation rate among attorneys not involved in government.

CLS and other legal aid providers are vital and necessary entities in the vast majority of low income legal cases. However, the pro bono program has several advantages that CLS is unable to currently provide. For example, temporary restraining orders are often needed in emergency situations, due to the violent and potentially life-threatening nature of domestic violence. CLS attorneys are unable to help in situations regarding temporary restraining orders, and an individual must have an attorney to get one. The pro bono executive

director is able to match these individuals with a pro bono attorney on short notice. The pro bono program in Mesa County also has no income eligibility requirements. Many people are literally one paycheck away from being indigent, and are unable to afford legal representation. Last year, the local pro bono program was able to help the majority of individuals seeking a divorce that CLS was forced to turn away due to eligibility requirements. Overall, they have a very successful pro bono program.

**Question from Rep. King:** How many hours do Mesa County attorneys dedicate to pro bono work for the indigent?

**Response:** Mesa County attorneys volunteer approximately 2,500 hours annually. Awards are given to attorneys who volunteer at least 100 hours to create incentives to provide pro bono work. This is a difficult number to estimate however, because some cases involve 40 hours of work, while others only take six, making it difficult to standardize.

Pro bono offers many programs to the indigent community in Mesa County such as clinics and workshops that are meant to provide basic legal advice and “how to” services to a large number of individuals at once. However, while these programs are very helpful, they can actually be mildly dangerous to clients because not all the information is processed and only bits are actually absorbed.

**Ed Nugent continuing:**

Mr. Nugent concluded that there is no substitute for “boots on the ground,” referring to the need for actual representation of clients in order to provide assistance with the legal problems that plague many of the indigent. Constitutionally, we are obligated to provide criminal defense for all persons, regardless of their financial situation. Many of the problems that plague our society, such as abusive relationships and landlord-tenant issues, could be lessened if we could provide civil legal representation to larger numbers of people that otherwise do not have access to it, in the same manner as criminal defense. The best pro bono program in the world is unable to fill the legal justice gap that exists, and additional funding is the only way to fill that gap.

**Comment from Rep. Buescher:** In the state legislature we struggle to provide adequate funds for vulnerable populations. For example, Colorado is last in the nation for funding among mentally ill people, and we were one of two states that did not provide drug and alcohol social security benefits for people. So this is a problem with tough issues that needs to be remedied through the help of the state legislature. However Mesa County should be commended for its great pro bono program.

**Comment from Judge Bottger:** These are all problems that many people do not realize exist to the extent that they do. They need to be addressed by those in decision making positions.

**Susan Eggert**

Ms. Eggert is a private attorney, who testified on behalf of her client, who could not testify because she was too nervous.

The client, Maria, is 50 years old and has a nine year old daughter. She has been separated from her husband for ten years, and both she and her daughter are victims of sexual abuse. At one point in the relationship, Maria went to a private attorney seeking assistance with a divorce. However, when the process was explained to her, she realized it was too expensive for her. She decided that she had no choice but to return to the relationship and lived for five more years without the knowledge that there were any legal services available to help her.



One evening Maria returned home to find her daughter being molested by her husband. She immediately left with her daughter, but was only able to grab her purse and car. She was taken in by a shelter in Grand Junction, where they referred her to CLS and the Mesa County pro bono program. Through a volunteer pro bono attorney she was able to get a temporary protection order against her husband. Maria was a “stay-at-home” mother and wife, and had no resources of her own. Having lost everything during her emergency move, she virtually had nothing. Through the help of Ms. Eggert, Maria was told of other resources that helped her to get an apartment in an effort to help her rebuild her life.

The next issue that confronted Maria occurred when a lender contacted her and informed her that her car was going to be repossessed. Her CLS attorney advised her of several options, and eventually Maria decided that the best course of action would be to have her husband sign the car over to her, and then sell the car and purchase a more affordable one. Her lawyer informed her of this option, drafted the power of attorney, and had the husband sign it. Maria now works full-time at Wal-Mart, and is receiving counseling along with her daughter, but still has no furnishings for her apartment. While she still struggles to keep her head above water, she is now aware of the potential for legal assistance.

Maria would certainly have been overwhelmed with the judicial system, and would not have been able to proceed to confront her husband in court on a pro se basis. She is shy, and does not talk well in front of people, and would not have been able to articulate her claim in court in front of her abuser. She would also not likely have been able to acquire employment if she were tackling the judicial system on her own, because she would have been overwhelmed with the paperwork involved. Her CLS attorney was able to fill out the forms quickly and efficiently. Overall, Maria credits legal services with providing a means for her to be happy again, and could not imagine what her life would be like without the services she received.

## **Grand Junction Access to Justice Hearing Invitation**

\*\*\* Access to Justice Hearings Tonight — Pueblo & Grand Junction The Colorado Access to Justice Commission, in cooperation with local Access to Justice Committees, is conducting statewide hearings on the successes and opportunities for improvement in meeting the legal needs of poor people in Colorado. Tonight, hearings in Pueblo and Grand Junction will host state legislators, Colorado Bar Association members and other leaders of the community. They will hear presentations and testimony regarding the met and unmet legal needs of low-income people in Colorado, including the specific needs of individual communities. For more information on tonight's public hearings and upcoming hearings, go to [www.cobar.org/page.cfm/ID/20267](http://www.cobar.org/page.cfm/ID/20267), or contact Cheryl Law, (303) 824-5333 or [claw@cobar.org](mailto:claw@cobar.org).

**Grand Junction Access to Justice Hearing  
Media Coverage**

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# FREE PRESS

October 18, 2007

## Poor justice

The Colorado Access to Justice Commission, a group of state and local officials, wants feedback on how the state's legal system meets the needs of the poor. It's Thursday, Oct. 18, at GJ City Hall, 6:30-8:30 p.m. Panelists include CO Supreme Court Justice Gregory Hobbs, MC Chief Judge David Bottger and state reps Bernie Buescher and Steve King. Info: <http://www.coloradojustice.org/>.

## **Grand Junction Access to Justice Hearing Media Coverage**

### **Legal services for the poor to be discussed at hearing**

**By AMY HAMILTON, Grand Junction Daily Sentinel, Wednesday, October 17, 2007**

Low-income people who don't know their options for legal representation can burden the legal system, members of Mesa County's 21st Judicial District plan to tell to the Access to Justice Commission.

The commission is hosting a public hearing from 6:30 to 8:30 p.m. Thursday at the Grand Junction City Hall auditorium to gather information for legislators and the public on the importance of providing legal services to the poor.

"There can't be justice for all if some people can't get in the front door of the courthouse," said attorney Ed Nugent, who will be speaking at the hearing. "We, as citizens, wind up paying the cost for this by providing other, more costly services because a person may lack legal remedies which may address their problems. The courts spend valuable time, and therefore money, trying to focus unrepresented litigants on what is necessary to present a case."

Information gathered at the hearing will be compiled in a report for Ritter, the Legislature and the Colorado Supreme Court.

Speakers will include Kathy Bolte, from the Grand Junction Colorado Legal Services, Magistrate Stephanie Rubinstein and a person who has been represented by legal services. Panelists include Colorado Supreme Court Justice Gregory J. Hobbs Jr.; Mesa County Chief District Court Judge David Bottger; Rep. Bernie Buescher, D-Grand Junction, and Rep. Steve King, R-Grand Junction.

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# **Appendix K**

**Access to Justice Hearing  
November 6, 2007  
Greeley, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Weld County Access to Justice Committee**

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## **Appendix K**

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## **Summary of Greeley Access to Justice Hearing**

The Greeley Access to Justice hearing, held November 6, 2007, featured testimony by 12 witnesses, including Robert Lowenbach from the 19th Judicial District, Weld County Magistrate and Weld County Bar Association President Betty Strobel, and Weld County District Attorney Ken Buck. A distinguished panel of nine, including Senators Greg Brophy and Scott Renfroe, Representatives Cory Gardner, Jim Reisberg and Jerry Sonnenberg, Colorado Supreme Court Justice Alex Martinez, and Anne Brewster representing U.S. Senator Wayne Allard's office, listened attentively as the witnesses described the tremendous unmet need for civil legal assistance for poor people in Weld County. Fifty-nine people attended the hearing.

Witnesses detailed the legal challenges of domestic violence victims and other low income people facing a variety of legal problems. Reenie Terjak and Debora Wagner, Colorado Legal Services (CLS) attorneys, highlighted the difficulty in representing clients who live significant distances from the closest CLS office. District Court Judge Lowenbach and Magistrate Strobel testified about the challenges judges face when pro se litigants have difficulty presenting relevant and sufficient information in court and the resulting impact on equity and fairness and the strain on the court system. Ellen Szabo, Executive Director of A Woman's Place, testified regarding limitations in serving families and domestic violence victims due to lack of funding. Many of the witnesses highlighted the magnitude of the problem when illustrating that despite the significant pro bono contributions of the private bar, CLS and the bar association cannot meet the low income community's legal needs due to the ever-increasing poverty population.

## **Greeley Access to Justice Hearing Panelists**

<u><b>Name</b></u>	<u><b>Affiliation</b></u>
Connie Talmage	Panel Chair; Chair, Colorado Access to Justice Commission
Anne Brewster	Office of U.S. Senator Wayne Allard
Greg Brophy	State Senator (R-Wray)
Cory Gardner	State Representative (R-Yuma)
Gilbert Gutierrez	Judge, 19th Judicial District Court
Alex Martinez	Justice, Colorado Supreme Court
Jim Reisberg	State Representative (D-Greeley)
Scott Renfroe	State Senator (R-Eaton)
Jerry Sonnenberg	State Representative (R-Sterling)

## **Greeley Access to Justice Hearing Witnesses**

<u><b>Name</b></u>	<u><b>Affiliation</b></u>
Reenie Terjak	Attorney, Colorado Legal Services
Debora Wagner	Staff Attorney, Colorado Legal Services, Weld County
Emily McDonald	Client, Colorado Legal Services
Melody Adams	Potential Client, Colorado Legal Services
Ken Buck	District Attorney, Weld County
Robert Lowenbach	District Court Judge, 19th Judicial District
Betty Strobel	Magistrate, Weld County Court
Mary Gross	Executive Director, Morgan County Family Center
Amy Antommara	Weld County Access to Justice Committee
Ellen Szabo	Executive Director, A Woman's Place
Fred Baumann	Vice Chair and Resource Committee Chair, Colorado Access to Justice Commission



## **Summary of Witness Statements**

### **Attendance - 59**

#### **Reenie Terjak**

Ms. Terjak is an attorney with Colorado Legal Services (CLS). She presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Ms. Terjak highlighted one case in which a CLS attorney drove from Greeley to Yuma to obtain emergency custody orders on behalf of a client. When the CLS attorney arrived in Yuma, the judge was unable to hear the case because of a full docket. The CLS attorney managed to negotiate a deal for the client for emergency child support. Without the CLS attorney assistance on this day, this client would have not received the necessary support. Additional details of this presentation are included in Appendix A.

**Question from Cory Gardner:** Are there things we can do to promote the use of video conferences to decrease attorney travel time and increase the time spent with the client?

**Response:** We need to convince judges that video conferences are a valid, economical, and equitable means to represent indigent litigants. There would be an initial cost to purchase the equipment, but we need to push for whatever assistance can be given because we are simply overloaded as is.

#### **Debora Wagner**

Ms. Wagner is a CLS attorney in Weld County. She reiterated the problem of attorneys who have to travel long distances to serve people in Weld County. It is not uncommon for an attorney to spend the majority of his or her day in the car driving to represent only one client. The CLS office in Greeley is trying new methods of communication such as teleconferencing so that attorneys do not have to travel as much. Despite these new efforts to communicate, there is still no substitute for attorney-client contact.

#### **Emily McDonald**

Ms. McDonald, a victim of domestic violence, contacted CLS for assistance in December of 2006. Unfortunately Ms. McDonald did not qualify for the services of CLS because her husband's income counted against her. She also lacked transportation because her husband took the vehicle and the car seats for her two young children. Fortunately the police were able to return her car and provide her with a few phone numbers for assistance for domestic violence victims. Ms. McDonald traveled to Alternatives to Violence in Loveland because she was informed that her husband was looking for her and she feared for her life. Alternatives to Violence suggested Ms. McDonald get a temporary restraining order against her husband, which she later successfully obtained. She then decided to hire an attorney to assist with her divorce, but was strained financially because all of her money went to the attorney and she did not feel that the attorney was putting forth his best efforts on her behalf. Becoming desperate, Ms. McDonald called the Fort Collins CLS office and managed to get an appointment to meet with a representative from the Greeley CLS office. Ms. McDonald was then provided legal services from CLS which led to a prompt divorce, full custody and child support. Ms. McDonald stated that she could not have done the divorce by herself. She felt bad for the large number of people who get turned away because, like her, these people have nowhere else to go.

**Melody Adams**

Melody Adams was unable to obtain services from CLS during her child custody battle with her ex-husband because CLS did not have enough resources available to help her. Unfortunately, Ms. Adams was unable to finance a private attorney, and she had to represent herself against a “bulldog” attorney. She fears that through this ongoing battle she will lose her visitation rights to her son, due to her inadequate self-representation. Ms. Adams strongly encourages the Colorado Legislature to increase funding for CLS so that people like herself may receive legal aid. Ms. Adams feels like the state is failing to help its citizens because she personally knows people that are even worse off than she is who are turned away because of the constraints CLS faces.

**Ken Buck**

Mr. Buck, the District Attorney in Weld County, described some of the legal shortcomings for the indigent he sees in his work. First, many indigent defendants in criminal matters do not qualify for the services of the Public Defender’s Office and must represent themselves in restraining order matters. The lack of legal services for victims of identity theft is an increasing concern. Individuals should also have legal advice when dealing with the IRS, because often times, people have no money to pay taxes nor do they have money to pay for an attorney, and potential punishment may result.

**Robert Lowenbach**

Judge Lowenbach is a District Court Judge in the 19th Judicial District who currently handles domestic relations cases. He began his presentation by asking those in attendance if they could imagine how difficult it would be to face another attorney without a legal education. Whereas children are often assigned an attorney, parents often go unrepresented.

It is the job of a judge to do justice, but there is a limit to as to how much judges can do, because a judge must be an unbiased referee, and not an attorney guiding a litigant. Often the indigent litigants do not know what they should do, and these litigants will depend on what their neighbors or friends say for advice rather than the rules of evidence. It is unfair when the scales of power are totally unbalanced.

Pro-se litigants can access self-help kiosks, but these are daunting even for someone with a college education. When both litigants are pro se, both equity and fairness are affected and the court docket becomes even more crowded. It is unfortunate that CLS does not receive more funding to serve clients in need. This is an issue that must be taken very seriously.

**Question from Justice Alex Martinez:** Do you think you reach results you think may not be just because people do not have the benefit of legal advice?

**Response:** I believe this does happen. This is especially evident in cases where people file improper motions. Judges have to make decisions on two things: the law and the evidence presented. If the litigant does not present the evidence that is crucial to his or her case, he or she is probably going to lose because judges cannot find evidence that does not exist in the record.

**Magistrate Betty Strobel**

Ms. Strobel is a magistrate in Weld County and President of the Weld County Bar Association. In her experience, pro se litigants can receive unfair rulings due to their lack of legal knowledge. Despite this, the Weld County Bar Association has been making efforts to represent indigent litigants by taxing itself to fund a director to match attorneys with poor people. Even with this, the Weld County Bar Association has a waiting list of 25-30 people who qualify for services but cannot be matched with an attorney and have to proceed pro se. Poor people are increasing at a rate faster than what the private lawyers can handle to supplement the CLS work and therefore society loses the aspiration of equal justice.

The Weld County Bar Association organizes do-it-yourself divorce clinics, but the attorneys at the clinics cannot interpret law or give legal advice. The lawyers in the community also provide services for the elderly which include teaching grandparents how to get custody of their grandchildren.

Magistrate Strobel provided an example of how increased funding is necessary to serve more poor people. In one of her cases, a woman with two children was working seven days per week at two jobs to receive a \$900 monthly income. Due to the fact that her husband made \$3000 and she was not a victim of domestic violence she had no access to legal services. Because her husband purposefully delayed court hearings and failed to file an income statement, the young woman did not receive child support for six months.

### **Mary Gross**

Mary Gross is the Executive Director of the Morgan County Family Center. CLS attorneys provide legal services to Morgan County Family Center clients two days a month. However, due to extensive travel time, the CLS attorneys have limited time in the office. Many of the clients they serve do not understand the language of the law and often need assistance just filling out forms because they do not know how. Ms. Gross recalled a Morgan County Family Center client who wanted to get divorced from her husband but was unable to afford an attorney. She decided to meet with her husband's attorney who told her that they were common law married, and as a result she was not entitled to anything. However, once this client had access to CLS services, the CLS attorney helped her receive the maintenance and support to which she was entitled.

### **Amy Antommara**

Amy Antommara is a volunteer with Weld County Legal Services and a member of the Weld County Access to Justice Committee. Local volunteer attorneys do so much by volunteering their time to help bridge the justice gap, but it is still not enough. The State of Colorado needs to increase funding to assist people who need it most.

Currently Weld County Legal Services has started a mediation service, which is beneficial to the state because it cuts down on trial time and returns to court. Furthermore, the Access to Justice Committee is in the process of creating a DVD regarding family law issues, so that important information can be transmitted to larger numbers of people. The Access to Justice Committee is also working on a seminar for pro se litigants, so people can be better prepared when they have to represent themselves in court.

### **Ellen Szabo**

Ellen Szabo is the Executive Director of a Woman's Place, which provides a wide range of services for domestic violence victims including an emergency shelter and legal advocacy. A Woman's Place is currently working to increase advocacy, but cannot expand any more without increased funding. A Woman's Place does not give specific legal advice to domestic violence victims; instead it informs clients on how the legal system operates. Unfortunately, CLS cannot serve most of the domestic violence victims who need help, often because the woman's income is too high to qualify for the services. However, even though these clients do not fit the requirements for poverty, they still do not have enough to pay for an attorney. 70% of women do not immediately return to their abusers, but eventually they do return because they have nowhere else to go and cannot receive the assistance they need.

**Fred Baumann**

Mr. Baumann is the Vice-Chair of the Colorado Access to Justice Commission and chairs the commission's Resource Committee. He described the sources of funding for CLS, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Baumann explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details of this presentation are included in Appendix B.

**Question from Cory Gardner:** Are the Legal Services Corporation poverty guidelines the same for all of the states?

**Response:** Yes.

## **Weld County Access to Justice Hearing Invitation**

*You are cordially invited to attend:*

### **Access to Justice Hearing**

**November 6, 2007  
6-8 PM**

**Courts West, 910 10th Avenue, Greeley**  
(jury assembly room)



The purpose of the hearing is to gather information regarding the extent to which legal needs of disadvantaged persons in Weld County are being met, and to identify additional opportunities for improvement.

***Panelists and witnesses will include:***

- ✓ Justice Alex Martinez – Colorado Supreme Court
- ✓ Senator Scott Renfroe (S.D. 13)
- ✓ Representative Jim Riesberg (H.D. 50)
- ✓ Representative Cory Gardner (H.D. 63)
- ✓ Representative Greg Brophy (H.D. 1)
- ✓ U.S. Senator Wayne Allard – or representative
- ✓ Judge Gilbert Gutierrez (19th Judicial District)
- ✓ Debora Wagner – Colorado Legal Services (13th J.D. and Weld County)
- ✓ Magistrate Rebecca Koppes Conway (19th Judicial District)
- ✓ Betty Strobel, President, Weld County Bar Association
- ✓ Amy Antommara – WCBA Access to Justice

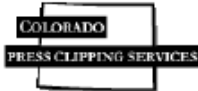
***Other invitees include:***

- ✓ Weld County Commissioners
- ✓ Greeley City Council
- ✓ Local Attorneys
- ✓ Local judges and court personnel
- ✓ Local agencies and non-profit organizations and their clients including:
- ✓ Department of Social Services, North Range Behavioral Health, A Woman's Place, Northern Colorado Catholic Charities, Weld County United Way, Weld County Legal Services Board, Colorado Legal Services

***Reception to follow the hearing – food and non-alcoholic beverages will be served***

**Please RSVP to [diane@h-mlegal.com](mailto:diane@h-mlegal.com)**

## Weld County Access to Justice Hearing Media Coverage



Greeley Tribune  
Greeley, CO  
Circ. 25593  
From Page:  
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11/2/2007  
144149



# 183 Low-income people struggle to get legal help

Attorneys, judges, providers set to discuss problem

By Rebecca Boyle  
rboyle@fortcollinsnow.com

Low-income residents face plenty of problems in northern Colorado, and they can find help in various places such as the food bank, social services and other agencies.

But when it comes to the law, low-income residents are often in dire straits.

On Tuesday, a group of attorneys, judges, service providers and others will discuss those gaps in legal services and evaluate Weld County's needs. A similar meeting was held in Fort Collins last week.

The Access to Justice Commission — appointed by the governor, Colorado Supreme Court, the speaker of the House and the Senate president, and the Colorado Bar Association — is working toward policy initiatives that would expand access

to legal help for Colorado's poor.

Colorado is substantially below the national average in funding for legal services for poor people, according to Fred Baumann, resource committee chair for Access to Justice.

"We would need another \$2.5 million just to bring our state up to average," he said in a press release. "That's a serious problem."

Colorado attorneys do help a substantial number of low-income people through legal aid programs or pro bono services — working without charging fees. But there aren't enough attorneys to help everyone who needs it, according to Colorado Legal Services.

Nationally, less than 20 percent of low-income people's legal needs are addressed with a private attorney, either pro bono or paid, or with an attorney from legal aid. That means there are 6,861 people for every legal-aid lawyer in the country, compared with one attorney for every 525 people in the general population, according to the Colorado Bar Association.

## **Weld County Access to Justice committee Members**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Betty Strobel	Committee Chair; Weld County Magistrate Judge
Amy Antommara	Local Attorney
Diana Bratton	Greeley Police Department
Marla Bohling	Weld County Combined Courts
Karen DeMello	Local Paralegal
Monique DePont	Colorado Legal Services
Sally Gomez	Weld County Sheriff's Office
Gilbert Gutierrez	Judge, Weld County District Court
JoAnne Hagen	Local Attorney
Annette Kundelius	Deputy State Public Defender
Sean Lacefield	Local Attorney
Kent Leier	Deputy District Attorney, 19th Judicial District
Brandon Luna	Deputy District Attorney, 19th Judicial District
David Melusky	Local Attorney
Liz Meyer	Board, Weld County Legal Services
Diane Neuerberg	Local Paralegal
Carmen Pedrego	Interpreter, Weld County Combined Courts
Jody Pic	Local Paralegal
Rich Rowe	Board, Weld County Legal Services
Ann Haro Sipes	Colorado Legal Services
Myrna Reese Stevens	Weld County Legal Services
Kevin Strobel	Deputy State Public Defender
Debora Wagner	Colorado Legal Services
Susie Velasquez	Weld County Public Trustee

## **Weld County Access to Justice Committee Recent Accomplishments**

- Works in close cooperation with Weld County Legal Services in an attempt to promote the provision of legal assistance to the increasing numbers of poor people in northern Colorado.
- Created a small claims mediation program in Greeley
- Designed and distributed over 3,000 bookmarks in English and Spanish with referral telephone numbers for free legal assistance at numerous locations in the county, including churches, libraries, medical clinics, Weld County Department of Social Services, various United Way agencies, and the courthouse
- New projects involve the production and distribution of an educational DVD for pro se litigants on divorce or parental responsibility cases; acknowledgment of the numerous attorneys in Weld County who provide pro bono services, and creation of a more effective system for matching pro bono attorneys with pro bono clients





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# **Appendix L**

**Access to Justice Hearing  
October 18, 2007  
Pueblo, Colorado**

**Co-Sponsored by  
The Colorado Access to Justice Commission and  
The Tenth Judicial District Access to Justice Committee**

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## **Appendix L**

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## **Summary of Pueblo Access to Justice Hearing**

The Pueblo Access to Justice hearing, held October 18, 2007, featured testimony by 13 witnesses, including Pueblo County Magistrate Deborah Eyler and Mike Desaulniers, President of the Pueblo County Bar Association. A distinguished panel of six, including Senator Abel Tapia, Representative Dorothy Butcher, Colorado Supreme Court Justice Alex Martinez, Pueblo County Court Judge Adele Anderson, and Colorado Bar Association President David Lytle, listened attentively as the witnesses described the tremendous unmet need for civil legal assistance for poor people in Pueblo County. Forty-one people attended the hearing.

Witnesses detailed the legal problems of domestic violence victims, the homeless, and grandparents caring for their grandchildren. According to Roberto Silva, managing attorney of Colorado Legal Services (CLS) in Pueblo, the office had to turn away 44 prospective clients in the 15 days before the hearing because of insufficient resources. Magistrate Eyler testified about the difficulties judges face when pro se litigants have difficulty presenting relevant information in court, and the judges must remain impartial. Valerie Haynes of the Pueblo County Attorney's Office explained the unique legal problems faced by grandparents raising their grandchildren and their need for legal assistance.

Silva highlighted the magnitude of the problem when he noted that his staff had decreased from 11 to seven during the past five years and explained that without additional funding CLS cannot meet the low income community's legal needs.

## **Pueblo Access to Justice Hearing Panelists**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
David Butler	Panel Chair; Secretary, Colorado Access to Justice Commission
Adele Anderson	Judge, Pueblo County Court
Dorothy Butcher	State Representative (D-Pueblo)
David Lytle	President, Colorado Bar Association
Alex Martinez	Justice, Colorado Supreme Court
Abel Tapia	State Senator (D-Pueblo)

## **Pueblo Access to Justice Hearing Witnesses**

<b><u>Name</u></b>	<b><u>Affiliations</u></b>
David Butler	Secretary and Resource Committee Member, Colorado Access to Justice Commission
Molly Ryan	Colorado Legal Services
Roberto Silva	Managing Attorney, Colorado Legal Services, Pueblo
Dennis Johnson	Pueblo Community College
Sharon Blackman	YWCA
Lois Harder	Attorney, Colorado Legal Services
Jesse Allen	Client, Colorado Legal Services
Deborah Eyler	Magistrate, Pueblo County Court
Valerie Haynes	Pueblo Deputy County Attorney
Ann Willis	Deputy Manager, Posada
Robin Sanchez	Student, Pueblo Community College
Steve Fieldman	Deputy District Attorney, Pueblo
Mike Desaulniers	President, Pueblo County Bar Association

## **Summary of Witness Statements**

### **Attendance - 41**

#### **David Butler**

Mr. Butler is the Secretary of the Colorado Access to Justice Commission and a member of the commission's Resource Committee. He described the sources of funding for Colorado Legal Services, including the federal Legal Services Corporation, the Colorado Lawyers Trust Account Foundation, the legal community, and state funding. Mr. Butler explained that Colorado's state funding (\$500,000) now ranks fortieth nationally and would need to increase an additional \$1.82 million to become average. Additional details are included in Appendix B.

#### **Molly Ryan**

Ms. Ryan is an attorney with Colorado Legal Services (CLS). She presented an overview of CLS, which provides assistance in civil cases to individuals and families throughout the state whose incomes are within 125% of federal poverty guidelines. Statewide, CLS currently has forty attorneys serving in fifteen offices. In 2006, it served 6,632 eligible clients, primarily in the areas of family law, income maintenance, and consumer law. Additional details are included in Appendix A.

**Question from Dorothy Butcher:** Who can access your online service?

**Response:** Anyone who has the Internet can access it. There are a lot of self-help tools available on our website.

#### **Roberto Silva**

Mr. Silva has been the managing director of the local CLS office since 1999. In 2002, 11 people worked at the CLS office; in 2007 there are only seven. The office lost two lawyers and two paralegals. In 2002, CLS was not meeting the needs of the community. Now, with a diminished staff, CLS is not coming anywhere close to meeting the needs of the local indigent population. The drop in staff was due to decreased funding, and without additional funding there is no way that CLS will be able to meet the needs of the community.

The Pueblo CLS office currently has three attorneys, three paralegals, and a receptionist. The three lawyers provide a full range of legal services, including litigation, legal advice, and drafting legal documents. One paralegal helps with hearings when he can. Mr. Silva represents clients in all types of family law cases. The office also handles landlord-tenant law and elder law issues.

The elderly often face health and protection issues. What happens to elderly Pueblo residents is often tragic, and frequently problems are caused by their own family members. In these circumstances, CLS serves as a watchdog to prevent exploitation of the elderly. Many cases deal with health care, such as Medicaid denial. Several years ago, CLS represented a client who would have died for lack of treatment unless he qualified for Medicaid. The cost of his treatment was expected to exceed \$100,000, but Medicaid officials found him ineligible because they didn't like his lifestyle of drinking beer. CLS was able to help him qualify for Medicaid. This case illustrates how important it is for poor people to have proper representation.

In 2006, CLS in Pueblo opened 606 cases, the majority of which were in the area of family law. CLS generally does not track the number of cases it is forced to reject, but in anticipation of this hearing kept track of this over the last 15 days. During this period, CLS turned down five child support cases, ten divorces, two grandparent custody cases, three post-divorce cases, four small claims cases, six custody cases, six Social Security cases, two bankruptcy cases, one probate case, one foreclosure, and four wills — a total of forty-four cases.

Although some CLS offices represent clients in bankruptcy and foreclosure cases, CLS lacks funding to do so in Pueblo. According to Mr. Silva, there are 730 foreclosures in Pueblo County. How many of those involved in foreclosure proceedings had valid defenses, but were not able to afford representation?

One area that needs to be addressed is consumer law. CLS in Pueblo formerly handled cases in this area, including wage garnishments, but can no longer do so because of funding limitations. Many people have wages garnished improperly, but can't afford legal representation.

**Question from David Butler:** Suppose you wanted to meet all the needs you have here in your area, how much staff would you need?

**Response:** That is hard to say. Many low income people know by word of mouth that we are not capable of helping and so they don't even come in anymore. If we received more funding, I think many more people would request representation by CLS. At one time, the office had a staff of 20 people. I would be happy just to get back to the eleven that we had in 2002.

### **Dennis Trujillo Johnson**

Mr. Johnson, an employee at Pueblo Community College, has been working with the Pueblo County pro bono association for about 10 years. The pro bono association is doing the best that it can, but there is a gap in its services. In the past, it has held Ask a Lawyer nights at the College, attended by as many as 50 students. Sometimes, Mr. Johnson would get five or six calls for assistance the following day from students who couldn't make it to the previous evening's meeting. Now, if a student calls, Mr. Johnson calls Judge William Alexander, who sends an e-mail requesting help from lawyers in the community. Mr. Johnson is afraid to advertise this practice to students because he thinks the pro bono program will get more phone calls than it can handle.

Pueblo Community College has many students who are trying to change their lives. They face many challenges and many students face legal issues that may force them to drop out of school. Eighty-five percent of the students qualify for financial aid, which qualifications are about the same as to qualify financially for CLS. Too many students have to quit school early. If there were more funds available for CLS, it would be able to help many more students who have to drop out of school and work to get the help that they need.

**Question from Justice Alex Martinez:** It is very difficult to measure these needs, and the consequences of these needs not being met. Do you have any other comments on what the consequences are when these legal needs are not met?

**Response:** I am convinced that a college education can save these peoples' lives. Too many of the students are forced to drop out of school.

**Question from Justice Alex Martinez:** Can you tell us what the consequences of these students dropping out of school are for the rest of society?

**Response:** If they are not able to stay in school and take care of themselves, they may be forced to get public assistance. If they are able to stay in school, they can take care of themselves and their children.

### **Sharon Blackman**

Ms. Blackman works for the YWCA. She is working on a new project called Safe Havens that will shelter children who are victims of domestic violence. The YWCA also has a shelter for women and children who need assistance as a result of domestic violence. It currently has about eight women and four or five children. The YWCA helps women learn new skills to assist them in being successful in the future.

Ms. Blackman has been working with the criminal justice system for 17 or 18 years now and has not seen a decrease in domestic violence cases over that period. The YWCA is now trying to help children as much as possible in these cases. The law enforcement agencies in the area have been very helpful in this matter.

**Question from David Butler:** Do you have interchanges with CLS locally?

**Response:** Yes, it is part of our consulting group, and we use it to help with restraining orders and other things when they can.

**Lois Harder**

Ms. Harder, a CLS attorney in Pueblo, said CLS frequently works with the YWCA. Most CLS clients are women with young children. For example, Kay's husband was making good money in the military but left her one day, leaving her with their children and with no money or way to provide for their family. For two years, she has struggled to provide for her family without help from the military. After her husband obtained an ex parte motion to obtain custody of the children, friends referred her to CLS. With help from CLS, Kay went to work for Parkview Hospital, and now has frequent visits with her children. Kay is a good example of the many clients CLS serves. They are good people who are trying to improve their lives. Jesse Allen, the next witness, is not a typical client.

**Jesse Allen**

Mr. Allen and his son were victims of domestic violence. If it were not for CLS, he is not sure if he and his son would be here today. CLS helped him obtain a divorce from his abusive wife and obtain full custody of his son. When his son was born, his wife was in prison. He has been taking care of his son since he was born. When his son was six months old, his wife was released from prison and immediately started using drugs. She became physically abusive, and the abuse almost turned deadly. If CLS had not helped, he might still be in an abusive situation and could have lost his life.

**Deborah Eyler**

Magistrate Eyler is currently a full-time magistrate primarily handling domestic cases. Previously, she was a court facilitator and dealt with family law matters. She interacted a lot with members of the public to assist them in accessing the courts and to help pro se litigants. At least half of the domestic relations cases that are filed in Pueblo are by petitioners that are pro se. The court sponsors pro se divorce classes twice a month to assist pro se litigants. The classes are informational, but the instructors cannot provide legal advice. Many of those attending these classes are individuals referred by CLS, because it was unable to represent them. Magistrate Eyler has dealt with a large number of these cases, and, based on her experience, knows that the majority of pro se litigants do not know how to present relevant information in court. Thus, judges must do their best to obtain relevant information from them. These individuals need to come to court better prepared, but in most cases are not able to do so unless they have an attorney representing them.

**Question from David Butler:** Do you have help from pro bono lawyers in the area? If so, has unbundling at least helped these lawyers to provide legal advice?

**Response:** Help has been very limited in this area. I have seen very few cases where this has happened. These cases are very difficult and can be very time consuming, and many lawyers are only able to take cases that consume less time.

**Question from Judge Adele Anderson:** What happens to an unrepresented party when the other side has representation?

**Response:** It is disadvantaged. It depends on the judge as to how disadvantaged the person is. Some judges are willing to ask pro se litigants questions to obtain necessary information, but others are not. It is difficult for judges to remain impartial in these circumstances. Even when the judges ask questions, the unrepresented individuals are not able to say everything they need to since they don't understand how the system works.

**Question from David Lytle:** What volume of cases do you see like this?

**Response:** The court hears 1,100 to 1,200 of these cases a year. At least 50% of them were sent to me because the petitioner was pro se, but then you have to add in the cases where the respondent is pro se. At one point, I was told that approximately 70% of the cases had at least one pro se party.

**Question from Justice Alex Martinez:** What is the impact of these people not being represented?

**Response:** Frequently, they do not come into court prepared to give the judges the information they need. They don't know their rights. They frequently agree to stipulations without understanding the consequences. For instance, they don't realize that it is not just a matter of who pays the bills, but that a spouse is not released from liability if the other spouse stops paying or is unable to pay.

**Question from David Butler:** So are you saying that they don't get justice, or that they don't get a fair and appropriate outcome?

**Response:** Yes, that is exactly the case. For example, they are not getting as frequent access to their children as they should, because they don't know how to act properly in court and don't know how to fight false allegations by the other party. If they had an attorney, he or she could help them obtain appropriate parenting time with their children. Instead, they don't understand this, feel helpless, and drop out of their children's lives. They feel like the system is working against them.

### **Valerie Haynes**

Ms. Haynes is an attorney with the Pueblo County Attorney's Office. One of the primary legal issues she sees is the legal needs of grandparents. People in Pueblo pride themselves on taking care of their families. Grandparents are the family preservation program in Pueblo. In many instances, even though they don't have legal custody, they care for their grandchildren, because of issues the children's parents are facing. These grandparents help the state by keeping these grandchildren out of state programs such as foster care that would otherwise be overwhelmed by them.

Judge Bill Alexander and others have set up roundtables to help grandparents with the legal issues that arise when taking care of their grandchildren. At the first roundtable, over 50 sets of grandparents showed up, and about eight to ten lawyers provided advice. When people think about grandparents, the first issue they think of is visitation with their grandchildren. However, what they have found is that visitation is not the issue because the grandparents are taking care of the children. The grandparents, without being legal guardians, try unsuccessfully to enroll the grandchildren in school. They need legal help in getting guardianship of these children. The majority of these cases would be easy since the parents do not oppose the grandparents taking care of their children. To send these grandparents to the department of social services without legal assistance and tell them to try to obtain child support from the parents is not feasible. The grandparents know this will only hurt their families more and will defeat their efforts to preserve their families.



**Question from Rep. Dorothy Butcher:** Are you saying that the grandparents need to have a lawyer to get custody, and is that temporary or permanent custody?

**Response:** Yes, they need help and can get temporary or permanent custody.

**Question from Rep. Dorothy Butcher:** How many cases a year do you think there would be like this in Pueblo that would need attorneys?

**Response:** There are easily at least 100 cases a year.

**Question from Rep. Dorothy Butcher:** Do these cases take a lot of hours to complete?

**Response:** In the majority of these cases, the parent is going through a rough time and would be willing to give the grandparents at least temporary custody of his or her child. These cases would be very easy, but if the parent contests them, then it will be more time consuming.

**Questions from Rep. Dorothy Butcher:** What happens when the parents are in prison?

**Response:** It usually depends on how long they will be incarcerated. They still have the right to contest custody, but usually if they are going to be in prison for an extended period of time they will not contest the grandparents getting custody. It becomes more complicated if they are only going to be incarcerated for a short time and seek to contest custody.

**Question from Justice Alex Martinez:** Are you trying to say that if attorneys are involved in helping these grandparents in these custody cases that they can help resolve these cases easier, even possibly outside of court?

**Response:** Yes, that is correct.

#### **Ann Willis**

Ms. Willis is a case manager at Posada, an organization that provides help to homeless individuals. It is obvious what happens to low income people when they are not able to get the legal help that they need. People that come to Posada are in survival mode. They are doing whatever they can to survive day to day. Posada helps women obtain temporary housing to try and make it on their own. They can't afford to get legal help. She is in the middle class and she can't afford to pay a retainer for a private attorney. She knows that most of the people that come to Posada with legal issues are not going to obtain legal assistance from CLS because of its lack of funding. The only clients she sends to CLS are those who fear for their lives. The people at the Pueblo CLS office are wonderful and do as much as they can but are understaffed and underfunded to meet the legal needs of low income people in the community. Only one out of ten people that she refers to CLS is actually assisted by CLS. Low income people face problems getting into substandard housing, obtaining the return of their security deposits, and obtaining assistance for other legal matters. Ms. Willis finds it ironic that the public defender's office primarily represents men, and that abused women rarely are able to obtain the same level of legal help for civil legal problems.

**Robin Sanchez**

**Comment by Dorothy Butcher:** Before Robin Sanchez tells her story, I want to point out this is a typical case that comes into her office. This is not a one in a million case, but is one that happens often.

Robin Sanchez is a full-time student at Pueblo Community College who also works 20 hours a week. She is a single mother of five children. She recently had to go to court over a custody issue of two of her children. She tried every option available to get legal help that she knew of including CLS, but was unable to do so. The father of the children did have representation, and, as a result, her parenting time was reduced from three or four times a week to one day every other week. She feels like she is being punished for going to school and trying to make a better life for her children. She doesn't feel it is fair that just because she could not afford legal representation, she is only able to see her kids every other week for one day. This situation has hurt her school work, job, and the lives of her other three children who live with her.

**Question from David Butler:** How many different places did you to contact to get legal help?

**Response:** I called CLS and they gave me the names of some lawyers, but none was able to help. She tried calling the public defenders office to see if they knew of someone, but she didn't know where else to go besides these places.

**Steve Fieldman**

Mr. Fieldman is the Deputy District Attorney in Pueblo. As a prosecutor, he is not allowed to practice any civil law. If CLS is not able to take a case, the victim becomes much more vulnerable to influence from abusers, who threaten to intimidate the victim. This is not just the case in domestic abuse cases but also occurs in the area of elder law. One or two of the children may be trying to help, but the rest may be trying to take advantage of the elderly parent's health issues and lack of legal help. He assisted one person in an identity theft case on the criminal side, but on the civil side the person couldn't obtain legal assistance and lost his vehicle and many of his other possessions. From his perspective as a prosecutor, Mr. Fieldman believes it is very difficult for low income individuals to find a pro bono attorney for a case that may take two to three years to resolve. If the attorney can assist a client in less than a month, a pro bono attorney may take it, but that is about the only time.

**Mike Desaulniers**

Mr. Desaulniers is the current president of the Pueblo County Bar Association. He receives many referral phone calls from low income people needing legal assistance. Judge Alexander tries to help these individuals obtain legal representation, but there is not enough help available. CLS frequently has problems in Pueblo with conflicts of interest, where both parties in a dispute come to them for help, and they can't represent both sides. On the criminal side, the Alternate Defense Counsel Office cases provide representation when there is a conflict of interest. No similar alternative to CLS exists to provide representation to poor people in civil cases when there is a conflict of interest.

## **Pueblo Access to Justice Hearing Invitation**

### **Colorado Access to Justice Commission Hearing** (Televised live by P.C.C. and the Center for New Media Productions)

**October 18, 2007 (6:00 p.m. – 8:00 p.m.)**  
(Short reception to follow)

**Pueblo Community College**  
**Occiato Theater in the Gorsich Advanced Technology Center (GATC)**  
**900 West Orman Avenue**  
**Pueblo, CO 81004**

The Colorado Access to Justice Commission (ATJ Commission), an independent entity formed with the support of the Colorado Supreme Court, the Colorado Bar Association and the Statewide Legal Services Group in 2003, is conducting hearings statewide on the successes and opportunities for improvement in meeting the legal needs of poor people in Colorado. The purpose of the hearings is to gather information about the met and unmet legal needs of low-income people in Colorado, including the specific needs of individual communities. This information will be compiled into a report and presented to the Colorado Legislature, the Colorado Supreme Court, and the Governor of Colorado, in support of a request that the Colorado Legislature increase the state funding for legal services in Colorado.

The Colorado Access to Justice Commission (ATJ Commission) is comprised of twenty members. One member is appointed by the Governor, the Speaker of the House of Representatives, the President of the Colorado Senate, Colorado Legal Services, COLTAF, and the Legal Aid Foundation of Colorado. Four members are appointed by the Colorado Supreme Court and the remaining ten members are appointed by the Colorado Bar Association.

The mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. Additional information about the Commission is available at [www.ColoradoJustice.org](http://www.ColoradoJustice.org).

## **Tenth Judicial District Access to Justice Hearing Media Coverage**

### **The Pueblo Chieftain Online**

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Published: Thursday October 18, 2007

## **Legal needs of indigent to be discussed tonight**

**Colorado Access to Justice Coalition to meet with public in Pueblo tonight.**

**By JEFF TUCKER  
THE PUEBLO CHIEFTAIN**

The Colorado Access to Justice Coalition will be in Pueblo tonight to hear about the legal needs of poor people in the community.

The commission is collecting information from communities throughout the state. It will prepare a report based on the information that will eventually be used in a request for more funding to local Legal Services offices, said Municipal Judge William Alexander.

Legal Services works similar to the state Public Defender's office.

While that office represents the poor in criminal cases, the Legal Services office represents the poor in civil matters.

"Legal services can legally represent people in a wide variety of cases but, because of funding issues, they focus on cases that need immediate attention."

Those cases are often divorce involving domestic abuse and other grave matters, but Alexander said the hope is that with more money, more attorneys can be hired to represent cases that aren't as high priority.

Some examples include landlord-tenant disputes or cases between used car dealers and buyers.

Alexander said none of these cases come before his court, but he sits on the Access to Justice Board and often gets calls from people needing the help of Legal Services or other pro bono work.

Alexander said the meeting will feature a six-person panel and a 20-minute presentation on what some of the known legal needs are in the community.

That will be followed by testimony from people within the community about what other needs may be.

The meeting is open to the public and starts at 6 p.m., at the Gorsich Advanced Technology Center on the campus of Pueblo Community College.

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### **Tenth Judicial District Access to Justice Committee Members**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
William D. Alexander	Committee Chair; Municipal Judge, City of Pueblo
Mike Desaulniers	President, Pueblo County Bar Association
Melissa Esquibel	Local Attorney
Valerie Haynes	Pueblo Deputy County Attorney
Doug Kwitek	Local Attorney
John Shanley	Local Attorney
Roberto Silva	Managing Attorney, Pueblo Colorado Legal Services

### **Tenth Judicial District Access to Justice Committee Recent Accomplishments**

- *Call A Lawyer* monthly television program on topics including estate planning
- Clinics including “Grandparents Raising Grandchildren”



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# **Appendix M**

## **Colorado Access to Justice Commission Members and Committees**

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## **The Colorado Access to Justice Commission**

### **The Commission**

The Colorado Access to Justice Commission is an independent entity formed with the support of the Colorado Supreme Court, the Colorado Bar Association and the Statewide Legal Services Group in 2003.

The Access to Justice Commission is comprised of twenty members. The Governor, the Speaker of the Colorado House of Representatives, the President of the Colorado Senate, Colorado Legal Services, COLTAF, and the Legal Aid Foundation of Colorado each appoints one member. The Colorado Supreme Court appoints four members, and the Colorado Bar Association appoints ten members.

The Colorado Bar Association provides staff assistance for the Access to Justice Commission.

### **Mission Statement**

The Mission of the Access to Justice Commission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system.

### **Committees**

The Access to Justice Commission also works through committees composed of one or more Access to Justice Commission members and others from outside the Access to Justice Commission who are interested in the committee's work.

The following committees are currently active:

- Courts Committee, Co-Chairs: Simon Mole and Angela R. Arkin
- Local Access to Justice Support Committee, Chair: Daniel M. Taubman
- Public Information Committee, Co-Chairs: Inga Causey and Charles Garcia
- Resource Committee, Chair: Frederick J. Baumann
- Second Season of Service Committee, Chair: JoAnn Vogt
- Supreme Court Pro Bono Initiative Committee, Chair: Gregory J. Hobbs

**Commissioners**

The following were the members of the Access to Justice Commission in 2007:

**Chair:** Ms. Constance C. Talmage, Executive Director, Colorado Lawyers Committee

**Vice Chair:** Mr. Frederick J. Baumann, Rothgerber Johnson & Lyons LLP

**Secretary/Treasurer:** Mr. David Butler, Holland & Hart LLP

Hon. William D. Alexander, Pueblo Municipal Court

Hon. Angela R. Arkin, 18th Judicial District Court

Mr. Jonathan Asher, Executive Director, Colorado Legal Services, Inc.

Ms. Ilene Bloom

Mr. Ryan Call, Zakhem Atherton, LLC

Ms. Inga Causey, Inga Haagenson Causey, LLC

Ms. Mary Ann Corey, Pro Bono Coordinator, El Paso County Bar Association

Ms. Karen DuWaldt, Qwest Communications Corp.

Hon. Gregory J. Hobbs, Justice, Colorado Supreme Court

Hon. Barney Iuppa, County Judge, 4th Judicial District

Mr. Simon Mole, Magistrate, Adams County Court

Mr. James J. Peters

Ms. Diana M. Poole, Executive Director, COLTAF; Executive Director,  
Legal Aid Foundation of Colorado

Ms. Janet Price, Ruegsegger, Simons, Smith & Stern, LLC

Hon. Daniel M. Taubman, Judge, Colorado Court of Appeals

Hon. JoAnn L. Vogt, Judge, Colorado Court of Appeals

Mr. John S. Zakhem, Zakhem Atherton, LLC