



Meeting Minutes

Committee Name: Courts Committee

Date: 11-6-23

Attendees: Tiffany Mortier, Tim Schutz, Jackie Marro, Penny Wagner, Jen Cuesta, Jessica Yates, Sharon Sturges, Jose Vasquez, Emo Overall, Faith Miller (intern)

Agenda Items

1. Sept. 6 meeting minutes
 - a. **Decision made by vote:** Approve minutes (Penny motioned, Jen seconded)
 - i. **In favor:** 10
 - ii. **Opposed:** 0
 - iii. **Abstentions:** 0
2. Proposed revisions to Chief Justice Directive 13-01
 - a. **Action item:** Since the proposed revisions are probably not acceptable to the Supreme Court in the present form, schedule future subcommittee meeting to figure out where we go from here. In the meantime, get perspectives from Justice Hart and Andrew Rottman, counsel to the Chief Justice.
 - i. **Person(s) Responsible:** Judge Schutz – will see if Justice Hart thinks revisions are a nonstarter or if there's anything we can do to move forward with amendments to Chief Justice Directive 2013-01. Also, Emo will relay discussion points to Andy.
 - ii. **Deadline:** n/a
 - b. **Additional notes:**

Judge Schutz: Purpose of original chief justice directive was to describe types of engagement authorized by judicial employees without running into unauthorized practice of law regulations. During Listen and Learn tour, varied stakeholders expressed concern/frustration about not understanding what they can say to pro se parties. Proposed revisions were meant to provide additional guidance for interaction with pro se parties by both court employees and other stakeholders. Justice Hart thought proposed revisions were beyond the scope of a Chief Justice Directive because they addressed people not employed within court system, but she agreed to engage in discussions re: other ways to address issues.

Jackie: With CJD revisions, we wanted to have something that let people know there is authority behind this so people could feel comfortable using the guidance. Might still be effective if we have something marketed as, say, joint statement by Access to Justice Commission and Office of Attorney Regulation Counsel

Jessica Yates (OARC): From a regulatory perspective, helping someone pick a form and fill it out, having Sherlocks assist is good, but I worried about having unidentified members of community doing that esp. in immigration cases — potentially very bad outcomes when people file wrong paperwork. CJD was intended to address state system, but need to think about implications for federal system. Also worried about the word “advocate”—need to clearly define term, otherwise could be deemed to apply to individual proceeding on pro se basis to advance their individual interests.

Penny: Stakeholders were worried about providing basic information, such as food bank worker providing info on Sherlock website to a community member. How do we get message across of what’s ok vs. what’s not?

Jessica: We (OARC) could consider policy statement, but CRCP Rule 232 is probably a better way to go to provide examples of what is **not** considered practice of law. (Currently, Rule just has examples of what **is** considered practice of law.) Due to necessary stakeholder input process associated with amending C.R.C.P. 232, this would probably take a year.

Sharon: Could we pursue rule change and in the interim have a policy statement? Also, how will AI impact this, and how should rule acknowledge it?

Jessica: If people use AI to file a pleading, there’s nothing there for OARC to really manage. If AI is providing legal advice, that would be another matter. Suggestion: In Alaska, social workers receive certification to provide limited services. Shows there are other models besides just rules on what to do and what not to do.

3. Scope of subcommittee to address what courts are charging self-represented litigants for packets and other forms

a. Action item: General consensus seems to be that scope should go beyond packets to include costs of other forms. Remaining question is whether scope should be limited to CJD 06-01, or encompasses as addressed by CJD 98-01 as well. Suggestion to propose recommended changes to CJD(s).

i. **Person(s) Responsible:** Jackie will coordinate setting a follow up meeting by the subcommittee.

ii. **Deadline:**

b. Additional notes:

Jen: Need to look at CJD [98-01] that applies to Colorado Legal Services fee waivers. Right now, to provide a fee waiver, under the CJD, CLS has to be the attorney of record. During COVID, unspoken policy by some courts to remove some barriers to providing unbundled services (allowing CLS to provide waivers in limited unbundled representation, not just where CLS is attorney of record).

Penny: We should look only at CJD 06-01—limit focus on costs, not fees (cost of purchasing, having to pay for, paper from the court).

Jen: Need to decide, is this a question of fee waiver or costs generally? In the past, we talked about focusing on the practice of charging for packets at all, because practices are not consistent across courts.

Next meeting: January 8, 2023 at noon.