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# COLORADO ACCESS TO JUSTICE COMMISSION

FINDINGS AND RECOMMENDATIONS  
FOLLOWING THE 2021 STATEWIDE LISTEN & LEARN TOUR

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## Acknowledgements

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## Executive Summary

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

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

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



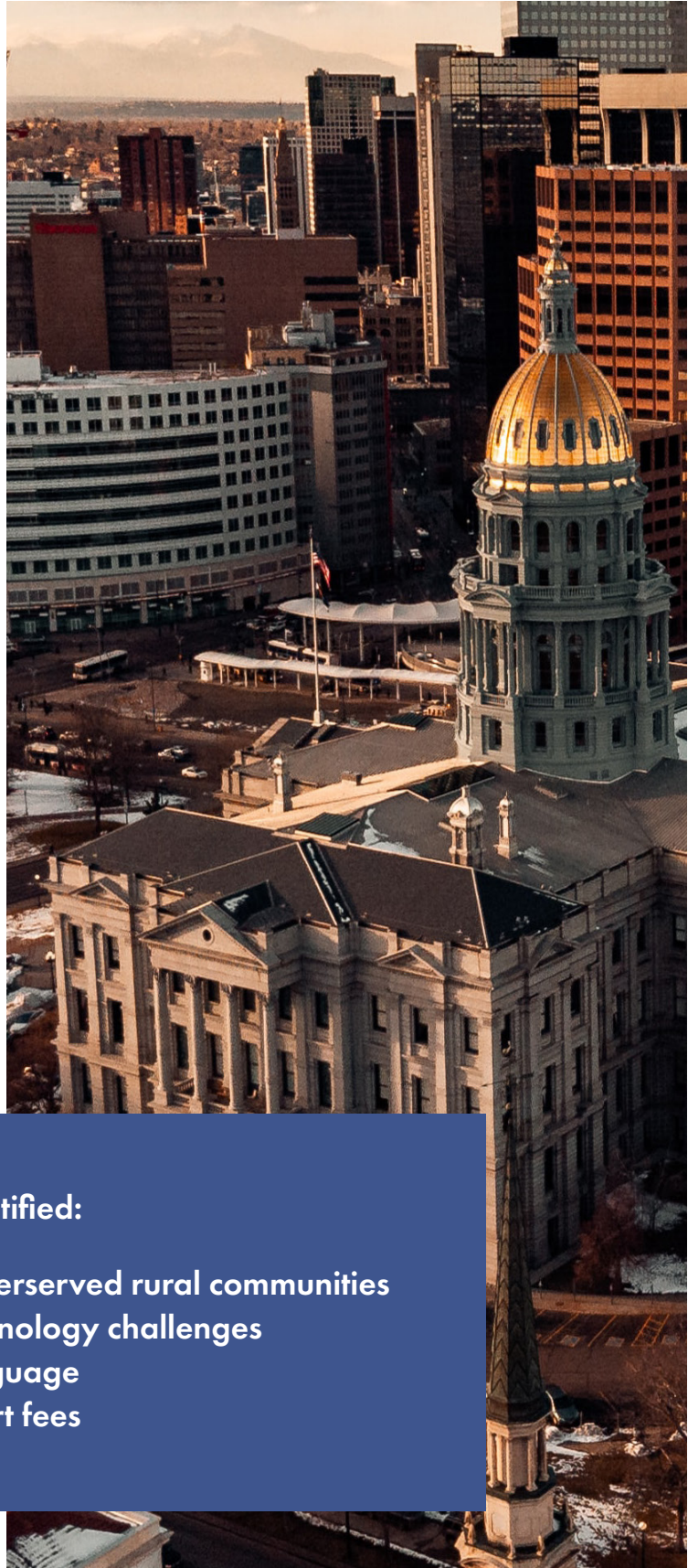
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## Findings On The Civil Justice Gap

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

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



### The most prominent access-to-justice barriers identified:

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

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## Recommendations

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

### **GENERAL ASSEMBLY**

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

### **JUDICIAL DEPARTMENT**

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

- Offer training for judges and judicial staff in best practices for serving people experiencing trauma. Judges should seek out this and other training that will help them serve the public and self-represented litigants particularly.
- Continue efforts to make access to the courts more affordable through measures like simplifying *in forma pauperis*<sup>1</sup> eligibility and waiving electronic filing fees for self-represented litigants.
- Continue expanding simplified and standardized forms and procedures.
- Increase services for LEP individuals and for people with disabilities.
- Develop community-based, non-lawyer navigator<sup>2</sup> programs in the courts.
- Establish a licensed paraprofessional program so that legal advice can be provided at lower cost to consumers.
- Offer public guidance to clarify how non-lawyers can help self-represented litigants without fear of engaging in the unauthorized practice of law.

## LAWYERS

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

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

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

## **LAW SCHOOLS**

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

## **ACCESS TO JUSTICE ADVOCATES**

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

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## Conclusion

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

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