

Local Access to Justice Support Subcommittee

Meeting Minutes

September 13, 2023; 4:00-5:00pm, via zoom

In Attendance: Justice Melissa Hart, Chair (Supreme Ct. Justice), Lisa Ault (13th JD), Jeanna Baitlon (11th JD), Alana Billings (9th JD), Kristi Bloodworth (5th JD), Rachel Brock (6th JD), Haley DiRenzo (CED Law), Rachael Fresquez (5th JD), Lori Hale (11th JD), Deb Hamilton (4th JD), Judge Craig Henderson (21st JD), Kip Kolkmeier (1st JD), Sarah Lipka (4th JD), Laurie Mactavish (5th JD), Magistrate Kandace Majoros (8th JD), Jackie Marro (SCAO), Robyn McPhersen (11th JD), Faith Miller (ATJC Intern), Lisa Mizell (12th JD), Toni-Anne Nunez (Metro Volunteer Lawyers – Denver metro), Emo Overall (Access to Justice Commission - statewide), Anthony Pereira (1st JD), Dan Richards (2nd JD), Gail Rodosevich (10th JD), Daniella Shively (21st JD), Mark Smith (18th JD), Marie Toyama (5th JD), Christina Van Wagenen (Supreme Ct. Clerk), Penny Wagner (SCAO), Erin Wilson (14th JD)

Meeting Opening and Introductions

Justice Hart opened the meeting and announced that this and future meetings would center around a single topic for one hour. If more discussion time was needed for any given topic, a small working group would be designated to continue brainstorming and report back at a future meeting.

Attendees introduced themselves.

Discussion: ATJ Lawyers Lists

Daniella Shively introduced the topic. Most districts of the state have or would like to have a list of private attorneys who can accommodate clients that don't qualify for legal aid services but also cannot afford to hire a private attorney at a typical full-price rate. These "low-bono" or "modest means" attorneys may offer need-based discounts, sliding-scale rates based on income, or unbundled services. Daniella listed areas of concern about these lists:

- How to avoid appearing to endorse attorneys who appear on the list
- How to include attorneys that don't usually advertise their discounted services because they don't want to upset their full-price clients
- Which organization(s) should be responsible for creating and maintaining such a list
- How the list should be organized (perhaps by zip code or specialization rather than by attorney surname)
- Whether there might be anti-trust problems with listing attorneys' hourly rates

Daniella added that Colorado Legal Services (CLS) can pay legal fees for clients that work with private attorneys rather than CLS staff. Grant funds cannot be used to benefit individuals who do

not qualify for services, however, so CLS cannot bear the responsibility of creating and maintaining a list.

By show of hands, a handful of the judicial districts keep this type of list. Penny Wagner clarified that SCAO cannot maintain such a list or solicit attorneys to be on the list, but they can provide the lists to people.

Attendees reported as follows:

- 10th JD: Gail (CLS pro-bono coordinator) works with the Pueblo County Bar Association to keep a list which she organizes by specialty. She sends it to all the listed attorneys quarterly with a request for updates, and that has worked well for maintenance. The list is available to prospective clients through the Self-Help Center.
- 4th JD: the El Paso County Bar Association's Modest Means Program matches clients with lawyers. Sarah noted the need to have someone responsible for maintaining relationships and encouraging attorneys to do pro bono and reduced fee work.
- The state-wide [Licensed Lawyer website](#) includes CBA members and indicates whether that attorney offers services on a sliding scale. Attorneys themselves must keep their profiles updated, and only CBA-member attorneys can update their profiles.
- 1st JD: Anthony maintains a discounted/unbundled services list, and attorneys remain on the list until they tell him they want to be removed. He sends this list to the district's SRLCs quarterly.
- 8th JD: the Larimer County Bar Association website includes two lists for modest means and unbundled services attorneys. One lists attorneys by practice area and the other lists them alphabetically. The alphabetical list includes the contact information, practice areas, counties of practice, and whether the attorney speaks Spanish. Mag. Majoros added that this list cannot be published by the court.
- 6th JD: A pro/low bono list has been maintained by the Southwest Colorado Bar Association in the past, but it has not been updated in four or five years. The list is distributed by the SRLC and the court administrator. Rachel suggested that the 22nd district might be operating similarly; the two districts' attorney lists overlap.
- 5th JD: The district has a list, but the family court facilitator does not distribute it.

J. Hart and Daniella summarized the discussion: courts cannot produce these lists but may be able to provide them to parties. Local bar associations or pro-bono coordinators tend to be responsible for list creation and maintenance. If the bar association is responsible for the list, the court can refer people to the self-help center where the list is distributed.

The attendees proceeded to discuss whether it would be feasible for the state bar association to maintain a state-wide list. That is the intended function of Licensed Lawyer, but only CBA-member attorneys can update their profiles on that website and the cost of bar membership is prohibitive for some non-metro attorneys. Emo suggested discounted CBA membership fees for attorneys who are willing to self-identify as providing low bono services. But maintenance and monitoring of a state-wide low bono list would be a tall ask for the CBA, which is already tight on staff.

The attendees briefly discussed the need to increase access to virtual appearances, especially in legal deserts. If judges were more willing to authorize virtual appearances, metro attorneys might be more willing to take on low bono cases in rural regions. Rachel noted the serious need for free legal help in rural areas and suggested that the committee should lobby the legislature to raise the income limit for indigency and increase funding to legal aid organizations.

If CBA membership were mandatory, as it is in some states, the CBA would have access to contact information for all barred attorneys in the state and could manage a state-wide list. But in mandatory bar states, the bar association is responsible for attorney licensing and regulation. Colorado is different from those states in that attorney licensing and regulation is handled by an agency under the Supreme Court rather than by the bar association. Adjustment of this arrangement would be a radical, unlikely change.

J. Hart and Haley suggested that perhaps the Community Economic Defense Project and/or the Colorado Poverty Law Project could help keep a low bono list. Lisa added that her district formerly had a project that would offer free CLEs to any attorney who took two modest means cases. But matching attorneys with cases was a challenge, especially for fast-moving cases like housing cases.

J. Hart concluded the discussion, noting the need for ongoing discussion about this topic and, particularly, how to include bar associations.

Update: New Resource Library Google Drive

Jackie Marro, ATJ Coordinator for SCAO, is creating a google drive where committee members will be able to share resources like pamphlets and videos. Jackie would like feedback about how the drive is organized and maintained; a link will be sent out in advance of the next meeting.

Justice Hart invited attendees to share discussion topic ideas for future meetings with her or Emo Overall.

The meeting closed at 5:00pm.