

**Colorado Access to Justice Commission
Minutes
March 13, 2020**

Commissioners Present: Fred Baumann (ATJC Chair), Diana Poole (ATJC Vice Chair), Jon Asher (by phone), Hon. Susan Blanco, Beth Crane (by phone), Dick Gast, Hon. Melissa Hart, Wes Hassler, Brittany Kauffman (by phone), Claire Levy (by phone), Hon. Lino Lipinsky, Jason Lynch (by phone), Tim Macdonald (by phone), Jackie Marro, Richard Murray (by phone), Kath Schoen, Hon. Tim Schutz (by phone), Hon. Dan Taubman, Reenie Terjak (by phone), Sam Walker (by phone).

Commissioners Absent: Hon. Adam Espinosa, Liz Krupa, Hon. Kristen Mix, Dave Stark, Penny Wagner.

Guests Present: Matt Baca (CO AG's Office), Hanna Bustillo (Law Clerk to Justice Hart), Andy Rottman (Counsel to Chief Justice Coats), John Tull (ATJ consultant).

Colorado/Denver Bar Association Staff Present: Lindsey O'Brien (CBA Program Coordinator).

Approval of Minutes

Minutes of the January 10, 2020 Commission meeting were approved.

Update and discussion: *Implementation of JFA Strategic Action Plan (John Tull and Fred Baumann)*

Recently, the National Center for State Courts awarded Colorado an additional small grant to complete an update as to implementation efforts around each of the strategies in the Strategic Action Plan ("SAP"). To that end, John Tull met with the ATJC Executive Committee on February 3, 2020 to discuss the SAP—both reviewing the current status of its implementation and identifying possible future ATJ projects. He presented a preliminary chart (attached to these minutes) showing the progress made toward the various goals outlined in the SAP. Turning to the chart, John explained that the items highlighted in green are strategies currently underway, while the items highlighted in yellow represent planning for future action on the Commission's part. John emphasized three main takeaways from the chart—(1) Colorado has made great progress relative to the rest of the country respecting its ATJ programming and funding; (2) nonetheless, there are ATJ gaps that need to be filled, especially regarding law school and law student engagement in ATJ projects; and (3) the role of the Commission in implementing the SAP going forward needs to be more clearly defined. John concluded by suggesting that the Commission, operating at the "30,000-foot level", should determine which ATJ issues to prioritize, where to vest responsibility for projects within the Commission (using the SAP as a guide), and how to get the Commission's messaging out.

Discussion followed about particular items outlined in the SAP. Dick Gast suggested that it might be wise to populate the Commission and its Committees with as many ATJ-interested stakeholders and community partners as possible. Judge Taubman suggested that the Commission should consider producing a regular newsletter about its many activities, possibly

using the ABA's or LSC's quarterly publications as a model, and delegating responsibility for this newsletter to the newly formed Communications Committee. There was also discussion about where ATJ issues related to technology and the delivery of rural legal services should be housed. Justice Hart explained that during deliberations over the ATJC's restructure, the Commission decided that it made more sense to have all of the committees thinking about these issues rather than cordoning them off to separate committees. She added that members of the Courts Committee have plans to visit all of Colorado's judicial districts this year to get a clearer understanding of those areas' particular needs (e.g., legal clinics via teleconferencing, online service delivery, law student recruitment to areas outside of the Denver metro area, etc.).

Update and discussion: ATJC support for subcommittee formed by Supreme Court to explore creation of a regulatory regime for licensing qualified paraprofessionals to engage in the practice of law (Justice Hart)

Justice Hart reported that Chief Justice Coats signed an order on February 27, 2020, to formally create a new PALS subcommittee. The subcommittee will explore the possible creation of a regulatory regime to allow nonlawyers to provide limited, lower-fee legal services in family law matters. (As an aside, while the PALS acronym used to stand for "Providers of Alternative Legal Services," it has since been rechristened "Paralegals and Legal Services" to reflect the notion that the legal services being provided aren't "alternative" in nature.) The PALS subcommittee intends to move quickly on this pilot project, with the goal of having a proposal before the Supreme Court by next spring. To that end, the subcommittee's membership is relatively small in order to facilitate drafting of the proposal (and related deliverables) between meetings. Further, the subcommittee will be reaching out to stakeholders and instructors in paralegal education in order to research what it might look like to license paralegals and to clearly define the scope of a paralegal's practice.

Justice Hart then briefly outlined some of the considerations currently before the PALS subcommittee. For instance, the pilot program is currently focused on family law matters, since (a) it is clearly the area of law with the greatest need, and (b) a practitioner could reasonably expect to earn a living in family law, as opposed to eviction law, in which there is almost certainly no profit margin. Justice Hart further explained that the PALS subcommittee anticipates some pushback from the bar, such that the Commission's support will be invaluable going forward. To this point, Judge Taubman observed that while the original PALS subcommittee (tasked with working off the LLLT model in Washington) faced significant opposition, the current bar administration is actually very supportive of this new regime. Justice Hart further highlighted the need for education and training for current family law lawyers to reassure them that the new regime won't put them out of business. She emphasized that the need being fulfilled by paralegals is currently unmet by existing providers with traditional billing rates, and further that paralegals could work alongside lawyers in their family law practice, making this new regime a business-expanding opportunity. She then concluded by analogizing to the practice of medicine, which accommodates an entire spectrum

of nonphysician professionals (e.g., physician’s assistants, nurse practitioners, etc.), and by stating that the practice of law needs to move in that direction.

Discussion: *Whether to move forward with statewide hearings, regional meetings, or another statewide summit* (Fred Baumann)

Fred Baumann began the discussion by inviting the Commission to consider whether there might be Colorado-specific programming options in connection with IAALS’s Fifth Civil Justice Reform Summit, which will take place on November 11–13, 2020, at DU. Brittany Kauffman added that the summit will survey state and federal ATJ projects to see what’s been accomplished in the last twenty years, and will also feature some brainstorming and panel discussions around the future of legal service delivery in the next twenty years. The summit will also look at the results and insights offered by the nationwide survey it’s conducting on the state of legal service accessibility.

Discussion followed around what an ATJC-sponsored event might look like, and how it might take on a “rural” focus. Beth Crane noted that if the event does indeed center around rural legal issues, the Commission cannot reasonably expect service providers to travel from afar to a centralized event in the Denver metro area; rather, the Commission needs to prioritize travelling out to those regions instead. Justice Hart added that the Commission could hold 3-4 regional meetings or hearings, with as many commissioners in attendance as possible, in order to build relationships with community stakeholders and service providers in those areas. These regional hearings could then coalesce into a larger statewide convening for the purpose of sharing information. Judge Schutz concluded the discussion by cautioning that the Commission needs to be internally ready for these hearings by finishing up its restructuring efforts first.

Update and discussion: *JFA Access Pilot Project* (Kath Schoen)

Kath Schoen reported that Emy López (the JFA Access Pilot Project Coordinator) is currently working on final reports to grant funders on the pilot project. Meanwhile, the development team is also busy trying to find a new “home” for this project, so it can be maintained and expanded in the long term—either with the Governor’s Office, the AG’s Office, or some other appropriate state body.

Update and discussion: *Funding for civil legal aid and related issues* (Jon Asher and Diana Poole)

Diana Poole reported that due to the fallout from COVID-19, there is going to be a decrease in funding for civil legal aid just as the need for legal services increases. The Fed’s quarter-point rate cut at the beginning of the month is likely to cost COLTAF about \$80,000/month in revenue, and there may be additional cuts to come. Jon Asher reported that CLS’s funding from LSC might also be in jeopardy. He further reported that CLS has seen a slight decline in demand recently, due to fewer walk-ins, but that a spike in need is inevitable, given what’s happening. The commissioners then generally discussed the various impacts of the virus on indigent and

vulnerable clients, who will be the most harmed by the inability to take protective measures (e.g., stock up on groceries and medicine, take time off work, care for children who are home from school, avoid unemployment, avoid evictions and foreclosures, etc.). Justice Hart briefly mentioned that the chief justices of each judicial district are speaking regularly about what it would look like to impose a moratorium on evictions and foreclosures, and/or to close the courts entirely. Meanwhile, general fundraising efforts for civil legal services may need to be conducted online and via social media for now.

Next ATJC Meeting

Friday, May 1, 2020 @ 12:00–1:30 p.m.

Adjourned.