

**Colorado Access to Justice Commission
Accomplishments 2003-2009
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Since its establishment in 2003, the Colorado Access to Justice Commission has made significant accomplishments, described below. Created with the support of the Colorado Supreme Court and the Colorado Bar Association (CBA), the Commission has 20 members, appointed by the Supreme Court, the CBA, Colorado Legal Services, the Legal Aid Foundation of Colorado, the Colorado Lawyers Trust Account Foundation (Colorado's IOLTA program), the Governor, the Speaker of the House of Representatives, and the President of the Senate.

The accomplishments listed below follow other achievements by Colorado's access to justice community, including persuading the Supreme Court (1) to adopt civil procedure and ethics rules to permit unbundling of legal services, and (2) to add a comment to Canon 4 of the Code of Judicial Conduct stating expressly that judges may participate in activities to encourage lawyers to perform pro bono service.

Here are the Commission's accomplishments:

1. During 2007, the Access to Justice Commission held [ten hearings throughout the state to assess the civil legal needs of the indigent in Colorado](#). In addition to members of the Colorado ATJ Commission and local ATJ committees, invited panelists who participated in the hearings included members of the Colorado Legislature, representatives of other elected officials, Colorado Supreme Court justices, Colorado Court of Appeals judges, district and county court judges, CBA leaders. 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.

As a result of these hearings, the ATJ Commission concluded that Colorado faces a serious crisis in civil legal representation of the indigent. Many Coloradans who need legal assistance to secure or maintain health care, housing, custody or other necessities do not receive help because there are too few lawyers at Colorado Legal Services (CLS), Colorado's statewide legal aid program. Among the most significant findings from these hearings are:

- 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.
- Most civil legal assistance for the indigent in Colorado is provided by CLS. During the last twenty years, the number of CLS lawyers has been cut in half, while the number of poor people has increased by almost 75 percent. In 1980, there was one legal services 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 get 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'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 fortieth 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.

A full report on the findings from the hearings was published in January 2008 and began distribution in March. The report, *The Justice Crisis in Colorado—January 2008. A Report On The Civil Legal Needs Of The Indigent In Colorado*, is available on the Colorado Access to Justice Commission website, www.coloradojustice.org.

2. [Rule 223, Pro Bono Emeritus](http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2007.cfm). On July 1, 2007, the Colorado Supreme Court adopted new Rule 223, *Pro Bono/Emeritus* Attorney. This rule creates a *pro bono/emmeritus* attorney licensing status and permits retired or inactive attorneys to provide *pro bono* services through recognized providers of legal services to the indigent, without maintaining an active license and paying the annual license fee. The Colorado Bar Association has waived annual dues for these lawyers. (http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2007.cfm). See also, *New Rule Allows Retired and Inactive Lawyers to Provide Pro Bono Legal Services*, by Judge JoAnn Vogt , 36 *The Colorado Lawyer* 95 (July 2007). http://www.cobar.org/tcl/tcl_articles.cfm?articleid=5228
3. Rule 6.1, Supreme Court Pro Bono Recognition Program. (http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2005.cfm). Inclusion of two model law firm pro bono policies in the comment to [Rule 6.1](#) of the Rules of Professional Conduct. As far as I know, no other state has done this. In 2006, the Court implemented a two-part program to recognize law firms and solo practitioners.
Part one of the program recognizes those firms who commit to:
 - 1) the Colorado Rule of Professional Conduct 6.1 annual goal of fifty hours of *pro bono* legal service by each Colorado-licensed attorney in the firm, primarily for indigent persons and/or organizations serving indigent persons; and
 - 2) valuing at least fifty hours of such *pro bono* service per year for all purposes of attorney evaluation, advancement, and compensation in the firm as the firm values compensated client representation.By the end of 2006, forty-two firms and solo practitioners had indicated to the Supreme Court their agreement with these commitments.

The second part of the Supreme Court recognition program honors those law firms and solo practitioners whose Colorado-licensed attorneys on average during the previous year performed fifty hours of *pro bono* legal services primarily for indigent persons and/or organizations serving indigent persons. During 2007, the Colorado Supreme Court for the first time honored law firms that met this goal. On March 16, 2007, Chief Justice Mullarkey presented certificates of recognition to thirty-four firms and solo practitioners at a reception at the Colorado Supreme Court.

The Supreme Court *Pro Bono* Initiative Committee has expanded as a result of a significant outreach effort to increase the number of participating law firms. One hundred five law firms and solo practitioners are now participating in the *pro bono* commitment portion of the program, and 80 of those firms and solo practitioners achieved their goal in 2008.

4. [Rule 260.8](http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2004.cfm), CLE Credit for Pro Bono Work. The Colorado Supreme Court adopted new Rule of Civil Procedure 260.8, effective January 1, 2005. (http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2004.cfm) The Rule allows a lawyer to be awarded a maximum of nine units of general continuing legal education credit, for each three-year compliance period, for providing *pro bono* legal representation to an indigent or near indigent client or clients in a civil legal matter, or for mentoring another lawyer or a law student who is providing such representation.
5. [Chief Justice Directive 98-01](http://www.courts.state.co.us/Courts/Supreme_Court/Directives). This directive was modified twice to: (1) allow “legal services providers” to certify indigency (November 2005) and (2) waive electronic filing fees for lawyers representing indigent clients on a pro bono basis (August 2008). (http://www.courts.state.co.us/Courts/Supreme_Court/Directives):
6. Pro Bono Service is narrowly defined for Rule 6.1 (the Supreme Court’s pro bono recognition program), (b) C.R.C.P. 260.8 (CLE credit for pro bono work), (c) CJD 98-01 (costs for indigent persons), and (d) Rule 223 (pro bono emeritus rule). This is significant because it circumscribes the pro bono service that qualifies for each of these four provisions.
7. [Rule 6.5 of the Colorado Rules of Professional Conduct](http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2007.cfm) was adopted effective January 1, 2008. This rule permits lawyers to provide limited representation at legal clinics sponsored by nonprofits or the courts without jeopardizing their firm’s relationship with adverse parties, so long as they are not aware of the conflict. http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2007.cfm
8. Establishment of a network of [local access to justice committees](#) that have (a) increased awareness of access to justice issues at the local level throughout the state, (b) involved members of the judiciary to a greater extent in access to justice issues, and (c) increased access to justice locally through numerous

projects, including preparation of the Know Your Rights DVD (in English and Spanish) for defendants in criminal cases, presentation of seminars on legal issues televised on local public access cable TV, and encouragement of pro bono service. A model charter for ATJ Committees (organized by judicial district to address local needs) has been developed. <http://www.cobar.org/repository/ATJModelCharter.pdf?ID=3238>

9. During 2008, state funding for legal services was increased from \$500,000 to \$750,000.
10. The Commission enhances access to the judicial system for pro se litigants in various ways, including, most recently, changes to the judicial branch website.
11. The Commission has supported proposed changes to Sections 2.2 and 2.6 of the Colorado Code of Judicial Conduct to enable judges to provide greater assistance to pro se litigants.