



# Breaking Down Barriers to the Legal System

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Most of Colorado's 22 judicial districts have a local Access to Justice Committee (ATJ Committee). The ATJ Committees provide targeted legal assistance to residents—primarily individuals who can't afford a lawyer. But our state didn't always have ATJ Committees.

The idea to form ATJ Committees and a statewide Access to Justice Commission (the

Commission) dates back to the late 1990s. "The Commission idea began with a request made by the Legal Services Corporation in 1995 to the directors of its funded programs throughout the United States to form groups that would plan efforts to increase the scope and improve the efficiency of legal services to persons who cannot otherwise afford them."<sup>1</sup> In response to this request, in 2001, the newly formed Colorado Statewide Legal Services Planning Group (the

Group) began "implementing the expressed preference of the federal Legal Services Corporation that formal entities be created to represent the 'state justice community' in each state."<sup>2</sup>

With the support of the Group, the Colorado Bar Association, and the Colorado Supreme Court, the Commission—one of the first in the country—began its work in 2003. Its goals include addressing the justice gap that hampers equal access to justice throughout Colorado. The Commission's mission is to "develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system."<sup>3</sup>

This article discusses the history, accomplishments, and ongoing initiatives of the ATJ Committees, and the expansion of Colorado's access to justice efforts over the past two decades.

## History of the ATJ Committees

Colorado was the first state to create ATJ Committees. The idea for establishing ATJ Committees stemmed from a recommendation from the Legal Services/Pro Bono Committee of the state's Judicial Advisory Council in 1998. The initial concept of creating a pro bono committee in each judicial district quickly grew to include strategies for addressing all access to justice issues. The Council recognized that greater efforts than merely expanding pro bono representation were necessary to address the barriers to Colorado's justice system. The pro bono committees became the ATJ Committees, comprised of local stakeholders dedicated to advancing access to justice. The state's first ATJ Committees formed in 2003 and 2004. By 2006, 12 judicial districts had established ATJ Committees and, by 2013, there were 15 ATJ Committees across the state.

Then-Court of Appeals Judge Daniel Taubman, now an emeritus member of the Commission, and then-Chief Justice Nancy Rice played a critical role in the further expansion of the ATJ Committees. When she became chief justice in 2013, Chief Justice Rice expressed interest in learning more about the work of the Commission and the ATJ Committees. Judge Taubman spoke with Chief Justice Rice about the successes of

the ATJ Committees then in existence. She was surprised to learn that seven judicial districts in the state still lacked ATJ Committees. Judge Taubman discussed with the Chief Justice the Commission's efforts to demonstrate throughout the state the benefits of having an ATJ Committee and to encourage the remaining judicial districts to form ATJ Committees. Chief Justice Rice urged the chief judges in those districts without ATJ Committees to form one. Her efforts led to the formation of ATJ Committees in six additional judicial districts.

Achieving access to justice throughout the state requires a wide variety of services and tools tailored to each specific community. These tools include "expanded self-help services to litigants, new or modified court rules and processes that facilitate access, discrete task representation by counsel, increased pro bono assistance, effective use of technology, increased availability of legal aid services, enhanced language access services, and triage models to match specific needs to the appropriate level of services."<sup>4</sup>

### The Work of the ATJ Committees

The ATJ Committees evaluate the access to justice needs in their communities and develop programs and initiatives to fulfill those needs. The services and tools offered through the ATJ Committees include:

- ensuring that self-represented litigant coordinators (known as "Sherlocks") staff Self Help Centers, which provide services to those in need;
- offering monthly classes and clinics on topics such as evictions, family law matters, and sealing records;
- holding monthly free clinics where self-represented litigants (SRLs) can obtain one-on-one advice from a volunteer attorney;
- developing lists of local legal and community resources;
- providing information on finding attorneys who offer unbundled services or represent modest means clients;
- establishing and maintaining programs run by local pro bono program coordinators, who match residents in their communities with volunteer private



- attorneys who have agreed to provide pro bono assistance in certain civil cases;
- using technology to enhance the services provided to SRLs;
- hosting full-day free legal events, such as Legal Resource Day, Family Law Day, and Ask-A-Lawyer Day; and
- sponsoring free mediation programs.

The Commission has assisted with structuring and developing the ATJ Committees. For example, the Commission prepared a model charter that includes suggested members for each ATJ Committee.<sup>5</sup> While the model charter does not provide an exhaustive list of what types of stakeholders should serve on an ATJ Committee, it identifies the type of people who can help overcome local barriers to access to justice. The ATJ Committees are encouraged to consider the following stakeholders for Committee membership:

- at least one judge from the judicial district;
- Sherlocks;
- family court facilitators;
- a local bar association representative;
- a Colorado Legal Services representative;
- private attorneys from all practice areas;
- a domestic violence agency representative;
- representatives of legal aid agencies and organizations;
- the local pro bono program coordinator;
- the managing court interpreter;

- the court executive;
- librarians;
- a Child Support Enforcement representative;
- a Department of Human Services representative;
- the protective proceedings monitor;
- the district's probate specialist;
- problem solving court coordinators;
- the clerk of court;
- a representative of the District Attorney's office;
- a representative of the Public Defender's office;
- a representative of the County Attorney's office;
- a representative of local pro bono centers;
- a liaison from the Bridges Program; and
- representatives of other key agencies, organizations, and programs who can provide local perspectives on closing the justice gap.

The ATJ Committees receive financial support from various sources. Some receive funding from their local bar association, while others rely solely on volunteer efforts. Other ATJ Committees have generated more creative approaches to raising money. For example, the 17th Judicial District's ATJ Committee formed a 501(c)(3) organization that allows it to fundraise.



### **The Local Access to Justice Support Subcommittee**

The Commission formed the Local Access to Justice Support Subcommittee, previously called the Pro Bono Committee, in 2003 to assist in the establishment and support of the ATJ Committees. This initial purpose has evolved to include providing a forum in which ATJ Committee members can share ideas and learn about initiatives they can bring to their own districts. Court of Appeals Judge Lino Lipinsky chairs the Subcommittee.

Every two months, the Subcommittee hosts a virtual meeting with the ATJ Committee chairs and other access to justice stakeholders to discuss the access to justice efforts throughout the state and to hear reports from each ATJ Committee. These discussions foster collaboration and open communications so the ATJ Committees can share information on successful access to justice programs and initiatives. In this way, ideas generated in one ATJ Committee can be replicated throughout the state.

### **The ATJ Committees' Accomplishments**

The ATJ Committees have created and implemented tools to break down the barriers to access to justice in their districts. The ATJ Committees collaborate to create pilot projects, programs, and initiatives to enhance these efforts. The following examples are by no means an exhaustive list of the remarkable work the ATJ Committees are accomplishing across the state:

- In January 2020, the 3rd Judicial District launched a mediation program for landlord-tenant disputes to encourage resolution of forcible entry and detainer cases without a court hearing. Volunteer mediators work with SRLs and landlords to attempt to achieve mutually agreeable resolutions. The mediators, who need not be attorneys, receive training before engaging in mediations. In October 2020, the program expanded to include mediations in small claims cases.
- The 4th Judicial District's Civil Pro Bono Project developed a project in 2018 to provide a pro bono lawyer to eligible SRLs in civil and domestic relations cases. The

project is a collaboration among the 4th Judicial District, the El Paso County Bar Association, the District's ATJ Committee, and the Pikes Peak Pro Bono and Justice Center. The Project created a panel that includes volunteer attorneys, law firms, and nonprofit legal organizations that have agreed to accept court appointments as pro bono counsel for eligible SRLs. The judiciary has actively promoted the Project and encouraged lawyers to serve on the panel. The Project also developed rules and forms for use in connection with the Project.<sup>6</sup> While many other ATJ Committees have developed some form of pro bono program, in the 4th Judicial District, a judicial officer appoints pro bono counsel at the request of an eligible SRL or on the judicial officer's own initiative.

- Many ATJ Committees, including those in the 4th, 5th, 6th, 7th, 8th, 10th, 18th, 19th, 20th, and 21st judicial districts, provide SRLs with lists of attorneys who offer unbundled legal services or alternative fee arrangements.
- Through the Justice for All Implementation Initiative, Triage Pilot Project, a collaboration of statewide and local stakeholders, including the Commission, the CBA, the Colorado Supreme Court, the Office of the State Court Administrator, and the ATJ Committees for the 4th and 12th judicial districts developed the Colorado Resource Network.<sup>7</sup> The Network, a triage website, provides information about and connections to local legal and community resources to seniors, vulnerable adults, and their caregivers. The 4th and the 12th ATJ Committees did the bulk of the work to gather the information on local resources and make the connections to the community resources. This demonstrates how ATJ Committees are leveraging technology to expand self-help services in the greatest areas of need in their communities.
- Some ATJ Committees, including those in the 1st, 2nd, 5th, 8th, and 10th judicial districts, have created lists of resources for SRLs. Some lists exclusively provide

information on legal resources, while others include information on housing, mental health, substance abuse, and other community resources.

- The 2nd Judicial District's ATJ Committee, in partnership with the Commission and the Office of Attorney Regulation Counsel, produced a video that addresses ethical considerations involving Pro Bono legal clinics, both to guide clinic organizers and to encourage lawyers to volunteer in the clinics.<sup>8</sup>
- Nineteen of the ATJ Committees worked with Ric Morgan, the creator of the Virtual Pro Se Clinic (VPC) program, and others to promote the VPC. The VPC, which is sponsored by the 18th Judicial District's ATJ Committee, provides free monthly legal clinics in 35 counties.<sup>9</sup> Through the VPC, an SRL can consult with a knowledgeable volunteer attorney about civil issues for 20 minutes without charge. During the COVID-19 pandemic, the clinics temporarily transitioned from in-person meetings at local public libraries to telephonic consultations.
- Most ATJ Committees host annual events such as Legal Resource Day, Family Law Day, and Ask-A-Lawyer Day. These events include a variety of free services, such as classes on legal topics, ask-a-lawyer con-

sultations, parenting classes, assistance with completing legal forms, mediation sessions, and information about local resources. These events are being conducted virtually during the pandemic. Legal Resource Days are typically offered throughout Pro Bono Week in October each year. Other events, such as Family Law Day, are held throughout the year.

- The 3rd Judicial District and ATJ Committee conducted a Divorce-in-a-Day event in 2019 for SRLs in domestic relations cases and offered them the ability to close out their case in a single day. Family Court Facilitators and Sherlocks were available to answer procedural questions and assist with forms, and parenting classes were offered without charge. The event also included free mediations, free consultations with a volunteer attorney, and even judicial hearings.
- The 2nd, 3rd, 4th, 6th, 7th, 9th, 10th, 11th, and 12th Judicial District ATJ Committees conducted free virtual legal help events as part of Pro Bono Week in October.
- In 2007 and 2013, the Commission held statewide ATJ hearings across the state to assess the civil legal needs of various communities across Colorado. It conducted 10 hearings in 2007 and seven hearings in 2013. The hearings resulted in reports

that included the Commission's findings and recommendations for addressing the unmet civil legal needs of Coloradans. The ATJ committees were primarily responsible for organizing these hearings and played an integral role in their successful outcomes.

### **Innovative Access to Justice Initiatives during the Pandemic**

In March 2020, the COVID-19 pandemic forced an immediate halt to the courts' usual procedures, which were already difficult for SRLs to navigate. Almost immediately, the courts began harnessing technology to operate virtually. In addition to facing the challenges associated with the pandemic-related changes to court procedures, litigants had to learn how to access the courts remotely. In addition, many SRLs faced technological barriers to interfacing with the courts. A significant number of SRLs lack computers or smartphones, or, if they have such equipment, cannot connect to the internet. Further, some have difficulty finding information on how to access the courts virtually.

Although furthering access to justice during a pandemic is difficult, the ATJ Committees were up to the challenge. Most of the ATJ Committees met online and discovered they were able to reach even more people than previously through virtual events. They successfully converted



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in-person clinics to virtual or telephonic clinics in a short period of time. The ATJ Committees embraced an array of digital technologies to continue to further equal access to justice.

- The ATJ Committee in the 9th Judicial District started a virtual weekly ask-a-lawyer hotline through the Telzio app. The hotline operates every Wednesday from 5 to 7 p.m. Participants can speak with a volunteer attorney for at least 15 minutes, free of charge. Volunteer attorneys cover the line on a rotating basis. The ATJ Committee has also developed a free eviction mediation hotline where a trained neutral party helps resolve disputes between landlords and tenants.
- The 4th Judicial District's ATJ Committee had planned an in-person Family Law Day event on June 26, 2020 that it shifted to a virtual format through a newly created website. Instead of in-person classes, local lawyers recorded and posted 10-minute informational videos on different topics. The website included information about local agencies' service updates during the pandemic. Additionally, participants were able to obtain a free telephonic consultation with an attorney. The event was a great success, with 280 online participants.
- The ATJ Committee in the 10th Judicial District altered several of its in-person programs to assist SRLs virtually. It adapted its neighborhood legal clinic consultations to a Microsoft Teams format. The ATJ Committee also modified its Family Law Court Program, Kinship Adoption Program, and Sealing Records Program to a Zoom platform.
- Similarly, the 2nd Judicial District ATJ Committee moved its monthly Family Law Ask-A-Lawyer clinic to a virtual platform. The clinic provides SRLs with a free 15- to 20-minute consultation with a volunteer attorney on family law matters over Webex or telephonically.
- The 12th Judicial District ATJ Committee is hosting its monthly pro bono nights on Webex.
- The 18th Judicial District's ATJ Committee developed a Veteran's Legal Clinic that

commenced virtually in April 2020. Veterans are paired with a pro bono attorney whose practice area matches the veteran's legal needs.

- The 3rd Judicial District ATJ Committee created an easy to read Quick Court Chart that provides information for tenants, landlords, and homeowners on recent federal and state actions affecting evictions.

### Conclusion

Consistent with their missions, the ATJ Committees work tirelessly under challenging circumstances to break down barriers to the justice system and increase SRLs' access to the courts throughout the state. For information on joining an ATJ Committee, please contact Jacqueline Marro at [jacqueline.marro@judicial.state.co.us](mailto:jacqueline.marro@judicial.state.co.us). 



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### NOTES

1. Butler, "Improving Access to Justice Through Local Committees and a Statewide Commission," 31 *Colo. Law.* 77 (Oct. 2002).
2. *Id.*
3. <http://www.coloradojustice.org/About>.
4. Taubman and Hart, "Envisioning 100% Access to Justice in Colorado," 46 *Colo. Law.* 47 (Jan. 2017) (citing Conference of Chief Justices and Conference of State Court Administrators, Resolution 5: Reaffirming the Commitment to Meaningful Access to Justice for All (2015), [www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ATJReports/18\\_JFA.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/18_JFA.authcheckdam.pdf)).
5. <http://www.coloradojustice.org/portals/16/repository/Local%20ATJ%20Model%20Charter.pdf>.
6. [https://www.courts.state.co.us/Courts/District/Custom.cfm?District\\_ID=4&Page\\_ID=755](https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=4&Page_ID=755).
7. <https://www.coloradosourcenetwork.com>.
8. <https://www.coloradosupremecourt.com/Current%20Lawyers/Probonoclinics.asp>.
9. More information on the VPC clinics is available at <https://bit.ly/34Rvr8r>. See also Morgan and Janko, "Pro Bono Support to Communities in Need: A Survey of Free Monthly Statewide Clinics for Self-Represented Parties," 49 *Colo. Law.* 16 (Nov. 2020), <https://cl.cobar.org/departments/pro-bono-support-to-communities-in-need>.



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