

**Limited License Legal Technicians Subcommittee  
Colorado Supreme Court Advisory Committee  
Third Meeting  
October 30, 2015, 2:00 p.m. – 3:40 p.m.  
Colorado Bar Association Offices, 9<sup>th</sup> Floor  
Meeting Minutes**

**Members Present:** Alec Rothrock (Chair), Jonathan Asher, Loren Brown, Cynthia Covell, Jim Coyle, Hon. Adam Espinosa, Patrick Flaherty, Susan Gleeson, Judy Graff, Hon. Suzanne Grant, Kevin Hanks, Steve Lass, Marie Nakagawa (Subcommittee Secretary), Melissa Oakes, Alan Obye, Janet Price, Christopher Ryan, Helen Shreves, David Stark, Hon. Dan Taubman, Steven Vasconcellos, Daniel Vigil.

**Members Absent:** Barbara Butler, Allison Gerkman, Velvet Johnson, Margarita Lopez, Kara Martin, Hon. Liz Starrs, Michelle Sylvain, Chuck Turner, Lynne Weitzel.

Approximately ten members of the public were also present.

## **1. Introduction**

The Chair welcomed everyone to the third meeting of the LLLT subcommittee. There were three reports/letters circulated for this meeting: a letter from the 21<sup>st</sup> Judicial District<sup>1</sup>, a letter from the CBA<sup>2</sup>, and a report comparing non-lawyer legal professionals.<sup>3</sup> The authors of the letter from the 21<sup>st</sup> Judicial District could not attend the meeting, but the letter was taken into consideration by the subcommittee.

## **2. Discussion of the Comparison Report**

The Chair asked Mr. Slonka to discuss the comparison report. The report compares four positions (Administrative Accredited Representatives “AAR”, New York Navigators, Washington’s LLLTs and CLDPs, and the Self-Represented Litigant Coordinators “SRLCs”) and compares and contrasts the elements of each position. Mr. Slonka and his group hope that this report will assist the subcommittee in determining which elements of a non-lawyer representation may be most useful in Colorado. He wondered whether SRLCs could be revamped to address access to justice needs. He also suggested that the subcommittee take the best of each model to come up with a blueprint for a new approach to addressing the access to justice issue.

A member asked if all four positions in the report address the same population. Mr. Slonka said yes, they all assist the underrepresented parties. Mr. Coyle added that in addition to these 4 positions, there are approximately 40 federal agencies that allow non-lawyer representation. There was a question as to whether there was any data that would show these programs are

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<sup>1</sup> Attachment 1.

<sup>2</sup> Attachment 2.

<sup>3</sup> Attachment 3.

serving the population. It was discussed that there was some data from the NY Navigators program, Colorado Legal Services, and from SRLCs. A member mentioned a successful grant program in California that partners with other legal organizations, and suggested getting data from that program.

There was discussion regarding licensing of paralegals in California. The only difference between California and Colorado paralegals is that California licenses paralegals, while Colorado does not.

The Chair thanked Mr. Slonka and his group for the comprehensive report.

### **3. Discussion of the CBA Letter**

The Chair asked Mr. Brown to discuss the letter from the CBA. Mr. Brown explained that the letter is in opposition to having the LLLT concept in Colorado. It encompasses the discussions that the CBA leadership has had with Mr. Coyle and the Court for the past year and a half, and also reflects the position of the family law section of the CBA. The main concern about the LLLT concept is that there is no defined or detailed explanation of how the LLLT program would work in Colorado. It is hard for the CBA to support something that hasn't been clearly defined. There will also be an economic impact from the LLLT program, but no study has been done on why there are so many pro se litigants in Colorado. What problem exactly would the LLLTs would solve? There is already a test case for the LLLTs in Washington; why not wait to see how it works there? Another concern is that there are many unemployed lawyers who are members of the CBA. This LLLT program will cut off their ability to find jobs, so instead, we should figure out a way to work with the resources we already have.

The Chair reminded everyone that the subcommittee is meant to have a high-level discussion on ideas that could be recommended to the Advisory Committee, and the purpose of these discussions is not to fine-tune a program. The subcommittee is more like a think tank.

Judge Taubman addressed some of the CBA letter's concerns, pointing out that some of the opposition is premature as the subcommittee has not decided on anything related to the LLLT program. Also, the letter mentions the Modest Means Task Force, but no one from the CBA discussed the letter's position with the Task Force. Also, because the CBA's letter makes many points, others in the subcommittee should have the chance to respond to them. There are also many studies on the pro se issue. He urged that there be at least a response letter to address these concerns raised by the CBA.

The Chair agreed and said there is nothing preventing opposing letters to be submitted to the Advisory Committee. But this leads to the question of what the next step is for the subcommittee. There appears to be different schools of thought, as represented by the letters and reports circulated for today.

There was discussion on whether the subcommittee was supposed to vote on the LLLT program today. In the end, the Chair asked for a motion about what to do next. Mr. Slonka moved that the subcommittee continue to look at all alternative prospects of addressing the access to justice

issue. A member seconded that motion. There were concerns expressed that the subcommittee's focus needs to be more narrow. A vote was taken on the motion, 10 were in favor and 6 were against. The motion carried.

The Chair said that at this point, the subcommittee will consider all alternatives. He asked if anyone had another motion to narrow the focus, and if not, then the subcommittee should think about what kinds of programs it could recommend to the Advisory Committee. There was discussion of what issue the subcommittee is trying to address. The access to justice issue has been discussed for many years by various groups. There was discussion whether further studies would be helpful or feasible. There was also discussion of other populations that cannot afford lawyers, such as those who are considered middle-income and do not qualify as being indigent. A member said that the statistics are clear on the number of pro se litigants in court; for example, in county court, 98% of the litigants are unrepresented.

The Chair agreed that the subcommittee should not recommend further study on the various programs, but instead propose concrete recommendations to the Advisory Committee. Ultimately, the subcommittee agreed to do the following:

- Mr. Slonka will look further into the New York Navigators program and report back.
- Judge Espinosa will present his idea/proposal to the subcommittee at the next meeting.
- Check whether IAALS has more data to share from their pro se study.
- Discuss any other ideas that may be presented.
- Compare and contrast the elements of different ideas to determine a possible proposal program.

The Chair reminded everyone that the subcommittee must consider who our target audience/consumer population would be, and how much it will cost and/or who will pay for the program. He thanked everyone for the lively discussion.

#### **4. Conclusion**

To accommodate upcoming holidays, the next subcommittee meeting will be on January 22, 2016 at 2:00 p.m. at the CBA Offices, 9<sup>th</sup> floor.

The meeting was adjourned at 3:40 p.m.