

An Act

HOUSE BILL 23-1280

BY REPRESENTATIVE(S) Joseph and Soper, Bacon, Bird, Boesenecker, Brown, Dickson, English, Epps, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Lieder, Lindsay, Lindstedt, Lynch, Marshall, Michaelson Jenet, Ortiz, Ricks, Titone, Vigil, Weissman, McCluskie; also SENATOR(S) Roberts and Gardner, Coleman, Exum, Gonzales, Kirkmeyer, Liston, Lundeen, Moreno, Pelton B., Pelton R., Priola, Smallwood.

CONCERNING THE CODIFICATION OF THE COLORADO ACCESS TO JUSTICE COMMISSION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 5.7 to title 13 as follows:

ARTICLE 5.7 **Colorado Access to Justice Commission**

13-5.7-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) ACCESS TO JUSTICE IS A BASIC PRINCIPLE OF THE RULE OF LAW, AND IT ENSURES THAT ALL PERSONS, INSTITUTIONS, AND ENTITIES, PUBLIC AND PRIVATE, INCLUDING THE STATE ITSELF, ARE ACCOUNTABLE TO LAWS THAT ARE PUBLICLY PROMULGATED, EQUALLY ENFORCED, AND INDEPENDENTLY ADJUDICATED. IN THE ABSENCE OF ACCESS TO JUSTICE, PEOPLE ARE UNABLE TO HAVE THEIR VOICE HEARD, EXERCISE THEIR RIGHTS, CHALLENGE DISCRIMINATION, OR HOLD DECISION MAKERS ACCOUNTABLE.

(b) LACK OF ACCESS TO JUSTICE IS A PROBLEM THAT HAS SERIOUS SOCIAL, LEGAL, ECONOMIC, AND POLITICAL CONSEQUENCES;

(c) SINCE 2003, THE COLORADO ACCESS TO JUSTICE COMMISSION HAS COLLABORATED WITH ORGANIZATIONS CONCERNED ABOUT THE GAP IN ACCESS TO JUSTICE IN COLORADO TO DEVELOP AND SUPPORT A RANGE OF TOOLS, POLICIES, AND SERVICES TO ADDRESS THIS GAP. THE COMMISSION HAS SERVED AS A HUB FOR THE MANY STAKEHOLDERS WORKING ON ACCESS TO THE CIVIL LEGAL PROCESS WITHOUT STATUTORY ACKNOWLEDGMENT.

(d) FROM 2003 TO THE PRESENT, THE NEED FOR ACCESS TO JUSTICE AND THE IMPORTANCE OF IMPROVING ACCESS HAVE GROWN, BUT THE CHALLENGES OF ACCESS TO JUSTICE IN COLORADO AND AROUND THE NATION HAVE BECOME MORE ACUTE;

(e) A STUDY BY THE INSTITUTE FOR THE ADVANCEMENT OF THE AMERICAN LEGAL SYSTEM AT THE UNIVERSITY OF DENVER FOUND THAT ACCESS TO JUSTICE IS A BROAD SOCIETAL PROBLEM, WITH SIXTY-SIX PERCENT OF THE AMERICAN POPULATION EXPERIENCING AT LEAST ONE LEGAL PROBLEM IN THE PAST FOUR YEARS AND WITH LESS THAN HALF OF THOSE PROBLEMS BEING COMPLETELY RESOLVED;

(f) PEOPLE WITH FEWER ECONOMIC RESOURCES ARE A VULNERABLE POPULATION DUE TO LACK OF ACCESS TO JUSTICE, AND BLACK, INDIGENOUS, AND OTHER PEOPLE OF COLOR ARE PARTICULARLY VULNERABLE AS THEY ENCOUNTER LEGAL ISSUES AT A HIGHER RATE AND OF GREATER SERIOUSNESS THAN OTHER POPULATIONS, ACCORDING TO THE INSTITUTE FOR THE ADVANCEMENT OF THE AMERICAN LEGAL SYSTEM AT THE UNIVERSITY OF DENVER. A 2022 STUDY BY THE LEGAL SERVICES CORPORATION FOUND THAT LOW-INCOME AMERICANS DO NOT RECEIVE ANY OR ENOUGH LEGAL HELP FOR NINETY-TWO PERCENT OF THEIR LEGAL PROBLEMS.

(g) IN RESPONSE TO THESE TRENDS, IN 2021, THE COMMISSION UNDERTOOK A SYSTEMATIC STATEWIDE STUDY TO BETTER UNDERSTAND THE CHALLENGES FACING THOSE TRYING TO RESOLVE CIVIL LEGAL PROBLEMS. THE COMMISSION CONDUCTED A TOTAL OF FORTY-ONE DIFFERENT LISTEN AND LEARN SESSIONS, MEETING VIRTUALLY WITH LEGAL AND COMMUNITY SERVICE PROVIDERS IN EACH OF COLORADO'S TWENTY-TWO JUDICIAL DISTRICTS. THE STUDY REVEALED THAT, DUE TO THE COMPLEXITY OF LEGAL MATTERS AND THE PROHIBITIVE COST OF LEGAL HELP, BARRIERS TO ACCESS IMPACT COLORADANS OF ALL BACKGROUNDS AND FROM ALL WALKS OF LIFE.

(h) THE COVID-19 PANDEMIC REQUIRED EXPERIMENTATION AND INNOVATION IN COLORADO'S COURT SYSTEM AND ELSEWHERE, UNCOVERING WAYS THAT THE LEGAL SYSTEM CAN WORK BETTER FOR PEOPLE AND ORGANIZATIONS WITH LEGAL NEEDS; AND

(i) THERE IS AN INTERSECTION OF NEED AND OPPORTUNITY WITH RESPECT TO ACCESS TO CIVIL JUSTICE FOR ALL COLORADANS, SUCH THAT THE COMMISSION'S ONGOING WORK MERITS STATUTORY RECOGNITION, INFORMING THE GOVERNOR AND GENERAL ASSEMBLY THROUGH REGULAR, SYSTEMATIC INPUT FROM THE COMMISSION.

(2) THEREFORE, THE GENERAL ASSEMBLY RECOGNIZES THAT ACCESS TO CIVIL COURTS IS A PILLAR OF DEMOCRACY AND ENACTS THIS ARTICLE 5.7 TO CODIFY THE COLORADO ACCESS TO JUSTICE COMMISSION AND AFFIRM ITS COMMITMENT TO EQUITABLE ACCESS TO THE CIVIL LEGAL PROCESS.

13-5.7-102. Definitions. AS USED IN THIS ARTICLE 5.7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COLORADO ACCESS TO JUSTICE COMMISSION ESTABLISHED PURSUANT TO SECTION 13-5.7-103.

(2) "FUND" MEANS THE COLORADO ACCESS TO JUSTICE CASH FUND CREATED IN SECTION 13-5.7-105.

13-5.7-103. Colorado access to justice commission - creation - membership - operation. (1) THERE IS CREATED THE COLORADO ACCESS TO JUSTICE COMMISSION, WHICH HAS THE POWERS AND DUTIES SPECIFIED IN THIS ARTICLE 5.7.

(2) (a) THE COMMISSION CONSISTS OF:

(I) AT LEAST SEVENTEEN BUT NO MORE THAN TWENTY VOTING MEMBERS, AS FOLLOWS:

(A) AT LEAST EIGHT BUT NO MORE THAN TEN MEMBERS APPOINTED BY THE COLORADO BAR ASSOCIATION;

(B) AT LEAST THREE BUT NO MORE THAN FOUR MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT OF COLORADO;

(C) ONE MEMBER APPOINTED BY THE GOVERNOR;

(D) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE COLORADO SENATE;

(E) ONE MEMBER APPOINTED BY THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES;

(F) ONE MEMBER APPOINTED BY COLORADO LEGAL SERVICES, A NONPROFIT AGENCY, OR ITS SUCCESSOR AGENCY;

(G) ONE MEMBER APPOINTED BY THE COLORADO LAWYER TRUST ACCOUNT FOUNDATION, OR ITS SUCCESSOR AGENCY; AND

(H) ONE MEMBER APPOINTED BY THE LEGAL AID FOUNDATION OF COLORADO, OR ITS SUCCESSOR AGENCY; AND

(II) AT LEAST FOUR NONVOTING, EX OFFICIO MEMBERS, INCLUDING:

(A) THE COLORADO SUPREME COURT JUSTICE LIAISON;

(B) THE EXECUTIVE DIRECTOR OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR AGENCY;

(C) THE EXECUTIVE DIRECTOR OF THE LEGAL AID FOUNDATION OF COLORADO, OR ITS SUCCESSOR AGENCY; AND

(D) A REPRESENTATIVE OF THE COLORADO ATTORNEY GENERAL APPOINTED BY THE CHAIR OF THE COMMISSION.

(b) NOTHING IN THIS SUBSECTION (2) PREVENTS THE CHAIR OF THE COMMISSION FROM CREATING NONVOTING EMERITUS POSITIONS FOR LONG-SERVING, RETIRING COMMISSIONERS.

(c) THE APPOINTING AUTHORITIES SHALL NAME THE INITIAL MEMBERS TO THE COMMISSION BY SEPTEMBER 1, 2023. MEMBERS OF THE COMMISSION SERVE THREE-YEAR TERMS AND MAY BE REAPPOINTED BY THEIR APPOINTING AUTHORITY FOR AN ADDITIONAL TWO TERMS. MEMBERS OF THE COMMISSION MAY BE REMOVED BY THEIR RESPECTIVE APPOINTING AUTHORITIES FOR CAUSE. IF A VACANCY OCCURS ON THE COMMISSION, THE APPOINTING AUTHORITY FOR THE MEMBER WHOSE POSITION IS VACATED SHALL APPOINT A MEMBER TO FILL THE VACANT POSITION.

(d) THE COMMISSION SHALL SELECT A CHAIR AND VICE-CHAIR OF THE COMMISSION FROM ITS MEMBERSHIP.

(3) MEMBERS OF THE COMMISSION SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.

(4) THE COMMISSION MAY ESTABLISH BYLAWS AS APPROPRIATE FOR ITS EFFECTIVE OPERATION.

(5) THE CHAIR OF THE COMMISSION SHALL ESTABLISH A SCHEDULE FOR COMMISSION MEETINGS. THE COMMISSION SHALL MEET AT LEAST ONCE EVERY THREE MONTHS.

(6) MEMBERS OF THE COMMISSION, STAFF, AND CONSULTANTS ARE NOT LIABLE FOR ANY ACT OR OMISSION IN THEIR OFFICIAL CAPACITY PERFORMED IN GOOD FAITH IN ACCORDANCE WITH THIS ARTICLE 5.7.

13-5.7-104. Duties of commission - mission - staffing - report.

(1) THE MISSION OF THE COMMISSION IS TO EXPAND ACCESS, QUALITY, AND FAIRNESS IN THE JUSTICE SYSTEM FOR ALL COLORADANS.

(2) THE COMMISSION HAS THE FOLLOWING POWERS AND DUTIES:

(a) TO IDENTIFY, EXAMINE, AND REPORT ON THE IMPEDIMENTS TO

ACCESSING COLORADO'S CIVIL JUSTICE SYSTEM AND HOW TO MITIGATE OR ELIMINATE SUCH IMPEDIMENTS;

(b) TO EXAMINE SPECIFIC PROBLEMS IN THE CIVIL JUSTICE SYSTEM, QUALITATIVELY AND QUANTITATIVELY, AND HOW TO SOLVE THEM, INCLUDING CONSIDERATION OF THE EXPERIENCES OF INDIVIDUALS AND ORGANIZATIONS WHO USE THE SYSTEM;

(c) TO BRING LEADERS FROM DIVERSE SECTORS TOGETHER TO IMPLEMENT SOLUTIONS TO ADDRESS STATEWIDE ISSUES THAT IMPEDE ACCESS TO JUSTICE, THEREBY SUPPORTING AN ECOSYSTEM OF ACCESS TO JUSTICE WORK BEING DONE STATEWIDE;

(d) TO CREATE PRACTICAL SOLUTIONS FOR THOSE WHO LACK THE INFORMATION, TOOLS, AND SERVICES NECESSARY TO RESOLVE THEIR CIVIL LEGAL PROBLEMS FAIRLY, QUICKLY, AND ECONOMICALLY;

(e) TO ACT AS A LEADER TO INFORM, ENGAGE, AND INSPIRE LAWYERS, ADVOCATES, COMMUNITY MEMBERS, AND OTHER STAKEHOLDERS TO IMPROVE ACCESS TO JUSTICE;

(f) TO USE ITS PLATFORM TO ELEVATE UNDERSTANDING OF AND COMMITMENT TO ACCESS TO JUSTICE IN COLORADO;

(g) TO ADVOCATE FOR NEEDED CHANGES TO LAWS, PRACTICES, RULES, AND POLICIES IN COLORADO; AND

(h) TO FORM ADVISORY COMMITTEES AS NECESSARY TO GAIN INPUT AND EXPERTISE FOR THE COMMISSION IN AN EFFORT TO FURTHER THE DUTIES AND RESPONSIBILITIES SET FORTH IN THIS SUBSECTION (2).

(3) (a) COMMISSION ADVISORY COMMITTEES FOCUS ON SPECIFIC SUBJECT MATTERS AND MAY MAKE RECOMMENDATIONS TO THE FULL COMMISSION. THE CHAIR OF THE COMMISSION SHALL APPOINT MEMBERS OF THE COMMISSION TO SERVE ON THE ADVISORY COMMITTEES AND SHALL APPOINT A COMMISSION MEMBER TO SERVE AS CHAIR OF EACH ADVISORY COMMITTEE FORMED PURSUANT TO THIS SUBSECTION (3).

(b) THE CHAIR OF AN ADVISORY COMMITTEE MAY SELECT INTERESTED MEMBERS OF THE COMMUNITY WHO ARE NOT MEMBERS OF THE

COMMISSION TO SERVE ON THE ADVISORY COMMITTEE. NONCOMMISSION MEMBERS OF AN ADVISORY COMMITTEE SERVE WITHOUT COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

(4) THE COMMISSION MAY RESPOND TO INQUIRIES FROM THE GENERAL ASSEMBLY, THE GOVERNOR, BUSINESSES, OR INDIVIDUALS, AS RESOURCES ALLOW.

(5) (a) THE COMMISSION MAY HIRE STAFF TO FACILITATE ITS WORK, INCLUDING AN EXECUTIVE DIRECTOR AND OTHER STAFF AS NECESSARY.

(b) AS FUNDS ALLOW, THE COMMISSION MAY ALSO CONTRACT WITH INDEPENDENT CONTRACTORS TO PROVIDE RESOURCES FOR DATA COLLECTION, RESEARCH, ANALYSIS, PUBLICATION OF THE COMMISSION'S FINDINGS AND REPORTS, AND OTHER NECESSARY SERVICES IN FURTHERANCE OF THE COMMISSION'S PURPOSE.

(6) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE COMMISSION SHALL PREPARE AND SUBMIT AN ANNUAL REPORT ON ITS WORK, INCLUDING FINDINGS AND RECOMMENDATIONS APPROVED BY AT LEAST TWO-THIRDS OF THE VOTING MEMBERS OF THE COMMISSION, TO THE GOVERNOR AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE LEGISLATIVE COMMITTEES OF REFERENCE SHALL CONSIDER THE COMMISSION'S RECOMMENDATIONS FOR LEGISLATION, AND THE GOVERNOR SHALL CONSIDER THE COMMISSION'S RECOMMENDATIONS FOR REGULATORY ACTION. THE COMMISSION SHALL PRESENT ITS REPORT TO THE LEGISLATIVE COMMITTEES OF REFERENCE DURING THE COMMITTEES' HEARINGS HELD PURSUANT TO THE "SMART ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

(b) WITH REGARD TO ANY LEGISLATIVE RECOMMENDATIONS CONTAINED IN ITS REPORT, THE COMMISSION SHALL SPECIFY THE LAWS THAT NEED TO BE CREATED, AMENDED, OR REPEALED TO ENSURE ACCESS TO JUSTICE FOR ALL COLORADANS.

13-5.7-105. Colorado access to justice cash fund - creation - funding sources - use of fund. (1) (a) THERE IS CREATED IN THE STATE TREASURY THE COLORADO ACCESS TO JUSTICE CASH FUND. THE FUND CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY GIFTS, GRANTS, OR DONATIONS FROM

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