

CHIEF'S COMMISSION ON THE LEGAL PROFESSION

MINUTES OF MEETING

February 23, 2012

101 W. Colfax Ave., 5th Floor

3:00–5:00 PM

ATTENDEES	Chief Justice Michael L. Bender, John T. Baker, Chief Judge Roxanne Bailin, Gillian Bidgood, Judge Russell E. Carparelli, Paul H. Chan, Roger E. Clark, Sarah M. Clark, Benjamin E. Currier, A. M. Dominguez, Katayoun A. Donnelly, John A. Eckstein, Mechelle Y. Faulk, Mark A. Fogg, Judge Richard L. Gabriel, Charles Garcia, Ed Gassman, John S. Gleason, Dale R. Harris, Professor Melissa Hart, Chief Judge Robert S. Hyatt, Chief Bruce A. James, Dean Martin J. Katz, Judge John Kuenhold, Assistant Dean Whiting Dimock Leary, David C. Little, Cynthia Mares, Judge Robert L. McGahey, Chief Judge Michael A. O'Hara III, Judge Gilbert M. Román, David W. Stark, Elizabeth A. Starrs, Lorenzo Trujillo, Judge Daniel M. Taubman, Mimi E. Tsankov, Charles Turner, John Vaught, Kara Veitch, and U.S. Attorney John Walsh were in attendance.
ATTACHMENTS	The meeting agenda and materials are attached to these minutes.
NEXT MEETING	May 24, 2012 at 3:00 PM

AGENDA ITEMS

WELCOME

CHIEF JUSTICE BENDER

Chief Justice Bender welcomed Judge Daniel Taubman, Katayoun Donnelly, and Cynthia Mares to the Commission. He recognized Kara Veitch, who recently received the Colorado Bar Association's Outstanding Young Lawyer of the Year award. It was also announced that Judge Taubman will receive this year's Denver Bar Association Judicial Excellence Award.

Chief Justice Bender then described that common themes were emerging from the Working Groups. He noted that these themes include concepts of professionalism that reach beyond the business of law and that emphasize a responsibility to educate the public as well as ourselves about our legal system. He described the success of the Commission Members in collaborating to nurture the work being done by each of the components of the legal profession: the academy, the bar, and the bench. He also announced an annual report summarizing the activities of the Commission would be produced.

Next, Chief Justice Bender informed the Commission about the Judicial Branch's development of a long-term resources plan and expressed a desire to tie that plan into the work of the Commission. He detailed several activities in Colorado's courts that complement the Commission's work including the

Metro Area’s Civil Access Pilot Project; the Adams County Pro Se Center and Early Neutral Assessment program; Arapahoe County’s Mental Health and Truancy Courts; El Paso County’s Veterans Trauma Court; Denver Juvenile’s GRID program; Mesa County’s evidence-based practices efforts; Jefferson County’s bond program; Eagle and Mesa Counties’ small claims mediation; the appellate courts’ Courts in the Community program; Weld County’s mentorship of UNC undergraduates; and Larimer County’s Term Day.

Last, Chief Justice Bender noted his efforts regarding improving decorum in the courtroom.

Dean Katz also announced Bill Sullivan, Director of Educating Tomorrow’s Lawyers and lead author of the 2007 Carnegie Report, will be DU’s Distinguished Visitor this spring and that a welcome reception would take place in late March.

ADDITIONAL INFORMATION	A list of the FY 2012–13 decision items submitted by the Judicial Branch to the General Assembly’s Joint Budget Committee can be found on pages 9 and 10 of this JBC staff budget briefing document: http://www.state.co.us/gov_dir/leg_dir/jbc/2011-12/judbrf.pdf
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WORKING GROUP C	JUDGE CARPARELLI
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Judge Russell Carparelli, Chair of Working Group C—development of communication and professionalism between and among judges and attorneys—presented the Working Group’s report and led discussion (Handout A).

PROFESSIONALISM MONTH

Judge Carparelli reported on the Working Group’s progress in establishing an Inns of Court roundtable, communicating with the state’s Chief Judges, and involving the state’s geographic, diversity, and specialty bar associations, as well as the Professionalism Coordinating Council.

Judge Carparelli then presented Working Group C’s proposal to make October “Professionalism Month,” explaining that October coincides with the fall swearing-in ceremony and with other professionalism events and efforts such as Pro Bono Week.

He detailed the idea of having a marquee CLE event to occur on the same day as the swearing-in ceremony, which would conclude with the CLE attendees attending the swearing-in ceremony to demonstrate to the new lawyers that they are joining and being welcomed into the Colorado legal community. To encourage attendance, the event would have a big-name speaker and would not be a standard “talking heads” event. It might even be possible to broadcast the event to other parts of the state.

In addition, Judge Carparelli explained that Working Group C, with assistance from the Professionalism Coordinating Council and bar association leaders, would help facilitate professionalism events throughout the state during the month of October. Another idea is to have the Inns of Court, who begin their program year in October, host programs that focus on professionalism and the work of the Commission. Working Group C would also investigate whether the Colorado Lawyer and other bar association publications would be willing to dedicate their October issues to topics of professionalism.

In the future, Working Group C might create a professionalism resource guide that could be used by local bar associations and organizations to host professionalism events throughout the year.

Last, Judge Carparelli presented the “SECRET” to attorney professionalism as an easy-to-remember way to think about the professionalism (Handout A).

WORKING GROUP D

DAVID STARK

David Stark, Chair of Working Group D—development of the relationship between the legal profession and the community to enhance access to justice, delivery of justice, and education of the public—presented the Working Group’s report and led discussion. Working Group D’s report is included in the meeting materials attached to these minutes (Materials Pages 1–22). A copy of the Working Group’s presentation is also attached (Handout B).

ACCESS TO JUSTICE INITIATIVES

David Stark reported on Working Group D’s continued efforts with respect to pro bono services and pro se resources (Handout B). He indicated that the Working Group anticipates having a proposal to increase pro bono participating and pro se resources for the Commission’s next meeting.

He explained that Working Group D’s efforts have been aimed at improving the profession’s culture of service by building on the work of organizations such as the Colorado Access to Justice Commission, Colorado Legal Services, and Make History Colorado. To that end, Working Group D has met with Justice Hobbs and Judge Taubman, has recruited Judge Taubman to serve on Working Group D, and has involved Jon Asher. He noted Working Group D’s success in securing a speaking engagement for Make History Colorado at the Colorado Bar Association’s Employment Law Conference to target pro bono by Colorado’s in-house lawyers, as well as the Working Group’s investigation of the limitations and obstacles that exist for government lawyers to do pro bono work.

He detailed the Working Group’s action items: (1) to follow the recommendations contained in the Colorado Access to Justice Commission’s 2008 report (Materials Pages 4–19); (2) to meet with the managing partners of metro-area law firms to discuss obstacles to pro bono; (3) to explore the viability of collecting data regarding pro bono through pro bono reporting; (4) to continue to investigate the participation of government lawyers in pro bono; (5) to continue to publicize and advance the work of Make History Colorado; (6) to forge additional relationships with the Colorado Bar Association and its work on pro bono and pro se; (7) to expand the bar’s knowledge of the work of the Colorado Access to Justice Commission; and (8) to visit the Adams County self-help center and its local Access to Justice Committee.

DISCUSSION

Chief Justice Bender noted that in the past pro bono opportunities were used to train new associates to become trial lawyers and wondered whether that was still viable. Specifically, he wondered whether Working Group D could explore the possibility of having law firm associates undertake pro bono representation in county and municipal courts.

Judge Gabriel noted that there are many organizations that lawyers

	<p>can go through to do pro bono work such as the Rocky Mountain Children’s Law Center and volunteering with a city attorney’s office. He commented that being realistic about the business of law is important when talking with the managing partners of law firms, specifically concerning the type of pro bono work being emphasized (i.e., representation of individuals versus nonprofit board work) and the pressure of billable hours. Judge Gabriel expressed concern that an effort to get lawyers to report their pro bono hours could be problematic.</p> <p>David Stark suggested that at least some billable hour credit needs to be given to lawyers for time spent on pro bono matters.</p> <p>Judge Taubman explained that the structure of the Colorado Supreme Court Pro Bono Legal Service Commitment and Recognition Program requires an average of 50 hours of pro bono work per lawyer per year, requires the pro bono work be done through pro bono organizations, and requires the first 50 hours of pro bono work to be valued as billable time. He noted that although the structure focuses on all the right concepts, its rigidity may serve as a deterrent to some law firms. He also discussed a Florida study that sought to determine how best to increase the number of lawyers participating in pro bono work. The study recommended an effort by the judiciary, lawyers, and law schools to inculcate the importance of pro bono work by focusing attention on it.</p> <p>David Stark noted that a website medallion for law firms who achieve the Colorado Supreme Court’s annual 50-hour pro bono service goal is being developed and will be ready for the April awards ceremony.</p> <p>Melissa Hart expressed support for Working Group D to consider requiring lawyers to report their pro bono hours.</p> <p>David Stark informed the Commission that 11 states have voluntary pro bono reporting, and 7 have mandatory pro bono reporting</p>
<p>ADDITIONAL INFORMATION</p>	<p>Information regarding the Colorado Supreme Court Pro Bono Legal Service Commitment and Recognition Program can be found at: http://www.courts.state.co.us/Courts/Supreme_Court/Pro_Bono.cfm.</p> <p>Additional information regarding reporting of pro bono service can be found at the American Bar Association’s website: http://www.americanbar.org/groups/probono_public_service/policy/reporting_of_pro_bono_service.html.</p>

WORKING GROUP A

LORENZO TRUJILLO

Lorenzo Trujillo, Chair of Working Group A—development of professional identity, social responsibility, and practice skills in law school, and involvement of judges and leaders of the bar in law school—presented the Working Group’s report and led discussion. Working Group A’s report is included in the meeting materials attached to these minutes (Materials Pages 23–24).

COLORADO COURTS JUDGE AND ATTORNEY LAPEL PINS

Dean Trujillo unveiled the Colorado Courts lapel pins, which were developed to create pride among lawyers and judges about Colorado’s legal community.

FOR THIS WE STAND: JOINT 1L PROFESSIONALISM ORIENTATION EVENT

Dean Trujillo reported on Working Group A’s continued work on the For This We Stand Joint First-Year Law Student Professionalism Orientation Event (Materials Pages 23–24), which will take place on Saturday, September 22, 2012. He announced several changes to the event, including shortening the length of the event and significantly reducing its cost. He described the event’s tentative agenda and explained the events two components. First, the law students will gather in the Denver Athletic Club’s Grand Ballroom for presentations from Chief Justice Bender, Judge Krieger, Judge Carparelli, and Mark Fogg. Then, the law students will go to an assigned courtroom in the Denver City and County Building for a small-group breakout session with a judge, lawyer, and client.

He explained that the event’s curriculum will center on two concepts of professionalism that first-semester 1Ls can understand: (1) that the work lawyers do in the courtroom and in their offices is important to clients and to society, and (2) that the keys to a successful career are reputation and relationships. He described that the overall goal of the event is for these 1Ls to have a transformational experience.

DISCUSSION

Cynthia Mares asked how many lawyers and judges are needed for the small-group breakout sessions.

Dean Trujillo indicated that Working Group A is looking to identify 25 of each.

Mark Fogg explained that Working Group A is also looking for a good cross-section (i.e., both transactional and litigation) of 25 clients who have a compelling story about the positive impact of law on their lives, and requested that any suggestions be emailed to him, Melissa Hart, or John Gleason.

Judge Carparelli suggested looking for clients who have been helped by public service lawyers (e.g., District Attorneys, Public Defenders, pro bono, etc.).

WORKING GROUP B

MARK FOGG

Mark Fogg, Chair of Working Group B—development of professional identity and social responsibility for new attorneys and thereafter—presented the Working Group’s report and led discussion. Working Group B’s report is included in the meeting materials attached to these minutes (Materials Pages 25–26).

STATEWIDE MENTORING PILOT PROGRAM

Mark Fogg reported on the status of the statewide mentoring pilot program, indicating that the Denver Bar Association’s mentoring program has produced approximately 80 matches which the pilot program would like to balance with approximately 70 more matches. He noted that Illinois had only 40 matches in their pilot program. He then explained that the pilot would like to get all the participating organizations’ programs up and running by April 2012, so that evaluations can be complete by June 2013, which will be the end of his term as President of the Colorado Bar Association. He noted that Judge Ruckriegle has been nominated to be the CBA’s President-Elect and sits on Working Group B’s Standing Committee on Mentoring.

Mark Fogg also explained that Chip Mortimer is working as the pilot program’s interim Executive Director. Of the participating organizations, the Denver Bar Association is using the pilot program’s template, while the Adams County District Attorney’s office has customized the template specifically for their office. In addition, CU has created their own program that involves a mentor, mentee, and a law student, and requires the trio to take a pro bono case. He reported that the pilot program has received commitments from the Larimer County Bar Association, the 7th Judicial District Bar Association, and DU to participate in the program. He is hoping the Hispanic Bar Association will join on and also to find an Inn of Court to participate.

He explained that Chuck Turner is working with a professor from UCD’s Public Administration Department to develop an evaluation “logic plan” that will be presented at the next meeting of the Standing Committee on Mentoring. He noted that if the program moves forward it will need a fulltime Executive Director.

He characterized the statewide mentoring program as one arrow in the quiver of mentoring activities among the legal community. In particular, it will be important to develop training sessions to teach mentors how to mentor.

ADDITIONAL INFORMATION	The Denver Bar Association’s mentoring program mentor application can be found on the Denver Bar Association’s website, at: http://www.cobar.org/index.cfm/ID/21197/DBA/Mentoring-Program/ .
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COLORADO LAWYERS FOR COLORADO VETERANS

John Vaught and Ben Currier chair the Colorado Lawyers for Colorado Veterans program and reported on the program’s progress (Materials Page 26). John Vaught explained that the program kicked off on Veterans Day 2011 with clinics in Denver, Colorado Springs, and Fort Collins. He reported that there

were 55 cases at the Denver clinic, and that the Denver clinic has taken close to 100 cases since then. He further reported that starting March 13, 2012, the Denver clinic will host its clinic on the second Tuesday of each month with a larger event on Veterans Day, and that other monthly clinics that are being established are in Pueblo, Alamosa, Colorado Springs, Fort Collins, and at the University of Colorado's Boulder Campus. In time, the program hopes to have monthly clinics at DU and in Grand Junction and Durango.

John Vaught also reported that the types of cases vary from issues relating to homelessness to benefits to criminal issues to landlord/tenant cases and others. He noted that the program is working closely with the United Veterans Committee to draw in the veteran community.

Ben Currier reported that the current format, which will be continued, involves both lawyers and law students, which incorporates ideas from the Commission's work.

DISCUSSION

Cynthia Mares asked about the training offered to lawyers who participate and noted that the National Hispanic Bar Association has a similar program.

John Vaught expressed a desire to coordinate with organizations pursuing the same efforts, and explained the program's training. Ben Currier added that the program's trainings were recorded and are part of the CBA/CLE curriculum.

Judge Carparelli inquired whether there has been any coordination with the on-base JAG offices.

John Vaught explained that the program has not branched out that far yet but that they do realize that JAG cannot help with every legal issue (eviction, DUI, etc.) and that there may be an opportunity for this program to assist in those cases.

John Baker asked about whether there is an opportunity for the program to integrate lawyer mentoring into its format, and whether the program has explored having a presence at UCD/Metro.

John Vaught liked the idea of incorporating mentoring into the program. Ben Currier explained that because the program is still in a trial period, it has not yet explored going to UCD/Metro.

Chief Justice Bender announced that he is in the process of soliciting a Joint Senate and House Resolution to recognize the program's efforts.

Roger Clark asked how the program provides ongoing legal services for those veterans who qualify for continued pro bono resources.

Ben Currier explained that an important part of the program is to actively match an attorney with the veteran and that the work is done by the program.

ADDITIONAL INFORMATION	More about Colorado Lawyers for Colorado Veterans can be found at: http://www.cobar.org/index.cfm/ID/55/subID/27279/DPPL/ .
ANNOUNCEMENTS AND FURTHER DISCUSSION	
<p>Melissa Hart announced that CU’s mentoring pilot program would be in partnership with the Hispanic Bar Association. She also announced that the Colorado Law School Access to Justice Initiative seeks to change the profession’s culture regarding pro bono and is focused primarily on individual pro bono representation. CU’s efforts have been coordinated with Jon Asher, Judge Taubman, and Diane Van Voorhees. She reported that CU is undertaking a faculty pro bono push, which partners faculty members or experienced lawyers with law students and that the pairs work together on a pro bono case. She welcomes any thoughts or ideas any from any of the Commission Members.</p> <p>Charles Garcia emphasized that the efforts of the Working Groups really do overlap and work toward many of the same goals.</p>	
REMAINING 2012 COMMISSION MEETING DATES	CHIEF JUSTICE BENDER
<p>Chief Justice Bender announced the Commission’s 2012 meeting dates:</p> <ul style="list-style-type: none"> • May 24, 2012 • September 13, 2012 • December 6, 2012 <p>All meetings are on Thursday afternoons from 3:00–5:00 PM in the 5th Floor Conference Room at 101 W. Colfax Ave., Denver, Colorado 80202.</p>	
ADJOURN	

Minutes of Meeting submitted by Sarah Clark, March 1, 2011