

CHIEF'S COMMISSION ON THE LEGAL PROFESSION

MINUTES OF MEETING

May 24, 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, Kevin Bemis, Gillian Bidgood, Judge Russell E. Carparelli, Fred Cheever, Sarah M. Clark, Benjamin E. Carrier, Chief Judge Wiley Daniel, A. M. Dominguez, Katayoun A. Donnelly, John A. Eckstein, Jacob Eisenstein, Mark A. Fogg, Judge Richard L. Gabriel, Charles Garcia, Ed Gassman, John S. Gleason, Judge Neil Gorsuch, Judge Christina Habas, Carol Haller, Dale R. Harris, Melissa Hart, Justice Gregory J. Hobbs, Judge Barbara Hughes, Chief Judge Robert S. Hyatt, Bruce A. James, Patty Jarzobski, Kenzo Kawanabe, Judge John Kuenhold, David C. Little, Cynthia Mares, James O'Connor, Margrit Parker, Justice Nancy E. Rice, David W. Stark, Chief Judge William Sylvester, Judge Daniel M. Taubman, Lorenzo Trujillo, Charles Turner, Kara Veitch, and Dean Phil Weiser were in attendance.
ATTACHMENTS	The meeting agenda and materials are attached to these minutes.
NEXT MEETING	September 13, 2012 at 3:00 PM

AGENDA ITEMS

WELCOME

CHIEF JUSTICE BENDER

Chief Justice Bender welcomed Kenzo Kawanabe, James O'Connor, Kevin Bemis, Jacob Eisenstein, and Patricia Jarzobski to the Commission. Chief Justice Bender then distributed the Commission's first Annual Report, highlighting the Commission's accomplishments since its inception in early 2011.

Next, Chief Justice Bender outlined his vision for improving procedural fairness in Colorado's system of justice. He relayed that a large majority of the public believes personal and political beliefs influence judicial decisions and explained that this belief underlies the public's growing lack of confidence in the judiciary. He further explained that the public's lack of confidence in the judiciary is also tied to the lack of funding for courts and probation. He noted that the Colorado Judicial Branch receives just 3.44% of the state's General Fund, and that nearly a quarter of the Judicial Branch budget comes from fines and fees paid on traffic tickets.

Chief Justice Bender described several court programs and initiatives that are already in place and that seek to provide more individual attention in individual cases. Those programs and initiatives include the Civil Access Pilot Program and problem-solving courts. These types of programs and initiatives, Chief

Justice Bender explained, create trust in the judicial system because they enable parties to be heard by the judge and leave the parties feeling like they were treated more equally and fairly. Chief Justice Bender outlined the current research on procedural fairness, which shows that the public’s perception of the justice system depends more on whether the process is perceived as fair and less on whether the outcome is perceived as fair. This is in contrast to lawyers and judges, who tend to emphasize outcome over process. Whether the judicial process is perceived as fair depends on whether those who are part of the process feel as though they have an opportunity to be heard and that they are understood.

Chief Justice Bender also indicated that a focus on procedural fairness provides an opportunity to educate the public—parties, jurors, witnesses, friends and family, etc.—about the judicial system in a way that they will remember. He suggested that although we should continue our public outreach and education efforts, we should also place more emphasis on educating everyone who walks through our courthouse doors.

Finally, Chief Justice Bender specified that the Judicial Branch is developing a five-year blueprint tied to procedural fairness.

ADDITIONAL INFORMATION	<p>The Commission’s 2011 Annual Report can be found at: http://www.courts.state.co.us/Courts/Supreme_Court/Committees/Committee.cfm?Committee_ID=35</p> <p>Additional information about procedural fairness can be found at: http://www.proceduralfairness.org/</p>
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SPECIAL PRESENTATION	JOHN GLEASON
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John Gleason, Colorado’s Attorney Regulation Counsel, presented on his special prosecution of the Maricopa County, Arizona, case *In the Matter of Thomas et al.*, one of the country’s most important and unprecedented attorney discipline cases (Materials Pages 1–9).

ADDITIONAL INFORMATION	<p>John Gleason’s CBA-CLE program is available for purchase and download at: http://cbaclelegalconnection.com/2012/06/abuse-power-arizona-the-colorado-attorneys-who-successfully-prosecuted-largest-attorney-ethics-case-history/</p>
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WORKING GROUP D	DAVID STARK
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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—summarized the Working Group’s recent efforts concerning pro bono and pro se resources. Working Group D’s report is attached to these minutes (Handout A).

He explained that a common theme of professionalism and pro bono *publico* is emerging in the work of all the Working Groups. Concerning pro bono, he noted that the Colorado Lawyers Committee, at its annual dinner, estimated that Colorado lawyers contributed approximately 23,000 hours of pro bono work and recognized Larry Treece with the Outstanding Sustained Contribution Award, David Graham &

Stubbs LLP as the Law Firm of the Year, and the *Lobato* Litigation Team as the Team of the Year. He also noted the dates of the local receptions for the Colorado Supreme Court’s Pro Bono Commitment and Recognition Program, supported by the Colorado Access to Justice Commission and the Colorado Bar Association (Materials Pages 10–13).

He outlined Working Group D’s short-term goal to increase the number of law firms and lawyers participating in the Supreme Court’s Pro Bono Initiative by talking individually with managing partners. David then introduced Commission Member Bruce James who discussed Brownstein’s successful effort to achieve the Supreme Court’s challenge for firms to average over 50 hours of pro bono work per lawyer per year. Bruce identified several factors that helped Brownstein’s transformation, including: (1) strong senior leadership; (2) participation of transactional lawyers; (3) providing credit to lawyers for time spent on pro bono matters; (4) developing pro bono projects with clients; (5) identifying and undertaking large pro bono projects; (6) recognizing pro bono work with an annual award; and (7) eventually creating a full- or part-time pro bono partner position to support the firm’s program.

David also updated the Commission on Working Group D’s efforts to increase the number of government attorneys participating in pro bono work, to support the work of the Colorado Access to Justice Commission, and to help facilitate the Judicial Branch with its plan to enhance the resources available to pro se parties. David introduced Sarah Clark who outlined the Judicial Branch plan and explained how the 12 new pro bono coordinators would be allocated throughout the state by soliciting proposals from all of the state’s judicial districts, which will encourage the local districts to partner with their local bar associations, local access to justice committees, and local legal services offices to best leverage these new resources.

Mark Fogg informed the Commission that the Colorado Bar Association has committed to supporting the local bar associations’ pro bono efforts by allowing each of the CBA’s sections to contribute some of their funds to the local bar associations. The CBA will match these funds up to a certain point in an effort to further support local pro bono activities.

ADDITIONAL INFORMATION	<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>Information about the Colorado Lawyers Committee, including its work and annual awards dinner can be found at: http://www.coloradolawyerscommittee.org/</p>
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WORKING GROUP A	LORENZO TRUJILLO
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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 was included in the meeting materials and is attached to these minutes (Materials Page 14).

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 Page 14), which has been rescheduled for Saturday, September 15, 2012, due to a conflict with the Denver Rock ‘n’ Roll Marathon and

Half-Marathon event. He described the event's agenda and explained the event's 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, two lawyers, and a former 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. He noted that the next steps will be to determine how to extend the event into the 2L and 3L experience.

Dean Weiser noted that the professionalism theme of the orientation event will spill over into CU's Bench/Bar Conference, which will be a gathering of both state and federal lawyers and judges and which will take place at CU from September 19 to September 21, 2012. Dean Weiser invited the Commission Members to attend the conference.

WORKING GROUP B

MARK FOGG

Mark Fogg, Chair of Working Group B—development of professional identity and social responsibility for new attorneys and thereafter—updated the Commission on the Working Group's most recent meetings.

Mark Fogg first reported on the status of the statewide mentoring pilot program, indicating that the program is still looking for Western Slope participation and is now moving into the evaluative phase. He congratulated the Colorado Lawyers for Colorado Veterans program and the work of John Vaught and Ben Currier in running the program. Mark noted the State Legislature's joint resolution also applauding the effort (Materials Pages 15–17).

WORKING GROUP C

JUDGE CARPARELLI

Judge Russell Carparelli, Chair of Working Group C—development of communication and professionalism between and among judges and attorneys—presented the Working Group's most recent project, October Legal 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 the Chief Justice and President of the CBA's joint proclamation declaring October 2012 to be Legal Professionalism Month (Materials Page 18). He detailed that October would feature a multitude of local events and activities, as well as the October 29 Assembly of Lawyers. He explained that the Assembly of Lawyers would consist first of a free one-hour CLE presentation at Boettcher Concert Hall immediately followed by the October swearing-in ceremony. He noted that the meeting he held with the leaders of the geographic, diversity, and specialty bars, as well as the Inns of Court, was well-received and generated much enthusiasm for the effort.

Last, Judge Carparelli reminded the Commission of the "SECRET" to attorney professionalism as an

easy-to-remember way to think about the professionalism, and highlighted professionalism's connection to pro bono *publico*. The acronym stands for: Service to clients, profession, and community; Excellence in knowledge, skill, and judgment; Commitment to preserving the rule of law; Respect and civility in all interactions; Ethical in all dealings; and Trustworthy in all words and deeds.

ANNOUNCEMENTS AND FURTHER DISCUSSION

Al Dominguez echoed Chief Justice Bender's comment that our public education efforts are good, but that it is crucial for the public to have positive experiences in court and in lawyers' offices.

REMAINING 2012 COMMISSION MEETING DATES

CHIEF JUSTICE BENDER

Chief Justice Bender announced the Commission's remaining 2012 meeting dates:

- September 13, 2012
- December 6, 2012

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.

ADJOURN

Minutes of Meeting submitted by Sarah Clark, July 24, 2012