

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0947.01 Chelsea Princell x4335

HOUSE BILL 23-1280

HOUSE SPONSORSHIP

Joseph and Soper,

SENATE SPONSORSHIP

Roberts and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CODIFICATION OF THE COLORADO ACCESS TO**
102 **JUSTICE COMMISSION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill codifies the Colorado access to justice commission (commission). The governor, legislative leadership, supreme court of Colorado, and Colorado legal organizations are to appoint the 17- to 20-member commission. Additionally, the Colorado supreme court justice liaison, the executive director of Colorado legal services, the executive director of the legal aid foundation of Colorado, and a representative of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 13, 2023

1 OF TOOLS, POLICIES, AND SERVICES TO ADDRESS THIS GAP. THE
2 COMMISSION HAS SERVED AS A HUB FOR THE MANY STAKEHOLDERS
3 WORKING ON ACCESS TO THE CIVIL LEGAL PROCESS WITHOUT STATUTORY
4 ACKNOWLEDGMENT.

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

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

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

25 (g) IN RESPONSE TO THESE TRENDS, IN 2021, THE COMMISSION
26 UNDERTOOK A SYSTEMATIC STATEWIDE STUDY TO BETTER UNDERSTAND
27 THE CHALLENGES FACING THOSE TRYING TO RESOLVE CIVIL LEGAL

1 PROBLEMS. THE COMMISSION CONDUCTED A TOTAL OF FORTY-ONE
2 DIFFERENT LISTEN AND LEARN SESSIONS, MEETING VIRTUALLY WITH LEGAL
3 AND COMMUNITY SERVICE PROVIDERS IN EACH OF COLORADO'S
4 TWENTY-TWO JUDICIAL DISTRICTS. THE STUDY REVEALED THAT, DUE TO
5 THE COMPLEXITY OF LEGAL MATTERS AND THE PROHIBITIVE COST OF
6 LEGAL HELP, BARRIERS TO ACCESS IMPACT COLORADANS OF ALL
7 BACKGROUNDS AND FROM ALL WALKS OF LIFE.

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

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

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

22 **13-5.7-102. Definitions.** AS USED IN THIS ARTICLE 5.7, UNLESS
23 THE CONTEXT OTHERWISE REQUIRES:

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

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

1 **13-5.7-103. Colorado access to justice commission - creation**

2 **- membership - operation.** (1) THERE IS CREATED THE COLORADO
3 ACCESS TO JUSTICE COMMISSION, WHICH HAS THE POWERS AND DUTIES
4 SPECIFIED IN THIS ARTICLE 5.7.

5 (2) (a) THE COMMISSION CONSISTS OF:

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

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

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

12 (C) ONE MEMBER APPOINTED BY THE GOVERNOR;

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

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

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

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

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

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

25 (A) THE COLORADO SUPREME COURT JUSTICE LIAISON;

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

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

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

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

8 
9 (c) THE APPOINTING AUTHORITIES SHALL NAME THE INITIAL
10 MEMBERS TO THE COMMISSION BY SEPTEMBER 1, 2023. MEMBERS OF THE
11 COMMISSION SERVE THREE-YEAR TERMS AND MAY BE REAPPOINTED BY
12 THEIR APPOINTING AUTHORITY FOR AN ADDITIONAL TWO TERMS.
13 MEMBERS OF THE COMMISSION MAY BE REMOVED BY THEIR RESPECTIVE
14 APPOINTING AUTHORITIES FOR CAUSE. IF A VACANCY OCCURS ON THE
15 COMMISSION, THE APPOINTING AUTHORITY FOR THE MEMBER WHOSE
16 POSITION IS VACATED SHALL APPOINT A MEMBER TO FILL THE VACANT
17 POSITION.

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

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

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

26 (5) THE CHAIR OF THE COMMISSION SHALL ESTABLISH A SCHEDULE
27 FOR COMMISSION MEETINGS. THE COMMISSION SHALL MEET AT LEAST

1 ONCE EVERY THREE MONTHS.

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

5 **13-5.7-104. Duties of commission - mission - staffing - report.**

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

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

9 (a) TO IDENTIFY, EXAMINE, AND REPORT ON THE IMPEDIMENTS TO
10 ACCESSING COLORADO'S CIVIL JUSTICE SYSTEM AND HOW TO MITIGATE OR
11 ELIMINATE SUCH IMPEDIMENTS;

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

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

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

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

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

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

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

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

12 (b) THE CHAIR OF AN ADVISORY COMMITTEE MAY SELECT
13 INTERESTED MEMBERS OF THE COMMUNITY WHO ARE NOT MEMBERS OF
14 THE COMMISSION TO SERVE ON THE ADVISORY COMMITTEE.
15 NONCOMMISSION MEMBERS OF AN ADVISORY COMMITTEE SERVE WITHOUT
16 COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

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

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

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

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

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

18 **13-5.7-105. Colorado access to justice cash fund - creation -**
19 **funding sources - use of fund.** (1) (a) THERE IS CREATED IN THE STATE
20 TREASURY THE COLORADO ACCESS TO JUSTICE CASH FUND. THE FUND
21 CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED BY THE GENERAL
22 ASSEMBLY TO THE FUND AND ANY GIFTS, GRANTS, OR DONATIONS FROM
23 PRIVATE OR PUBLIC SOURCES MADE TO THE COMMISSION FOR THE PURPOSE
24 OF THIS ARTICLE 5.7.

25 (b) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
26 COMMISSION FOR THE PURPOSES OF THIS ARTICLE 5.7. THE STATE
27 TREASURER SHALL CREDIT TO THE FUND ALL INTEREST AND INCOME

1 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEY IN THE FUND.
2 ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND
3 AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND MUST
4 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
5 FUND.

6 (c) THE COMMISSION MAY SOLICIT, ACCEPT, AND EXPEND GIFTS,
7 GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS, FROM ANY
8 SOURCE FOR THE PURPOSES OF THIS ARTICLE 5.7, AND NOTHING IN THIS
9 TITLE 13 PREVENTS THE COMMISSION FROM MAINTAINING AS A SUBSIDIARY
10 OR IN OTHER APPROPRIATE FORM AN ORGANIZATION EXEMPT FROM
11 FEDERAL INCOME TAX UNDER 26 U.S.C. SEC. 501(c)(3).

12 (2) THE COMMISSION MAY USE MONEY IN THE FUND FOR THE
13 IMPLEMENTATION OF THIS ARTICLE 5.7 AND IN FURTHERANCE OF THE
14 COMMISSION'S MISSION, INCLUDING:

15 (a) TO COMPENSATE THE COMMISSION'S STAFF AND INDEPENDENT
16 CONTRACTORS;

17 (b) TO PAY THE COSTS OF OBTAINING DATA AND ANALYSES FROM
18 ORGANIZATIONS AND ENTITIES; AND

19 (c) TO PAY THE COMMISSION MEMBERS' NECESSARY EXPENSES IN
20 PERFORMANCE OF THEIR DUTIES.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.