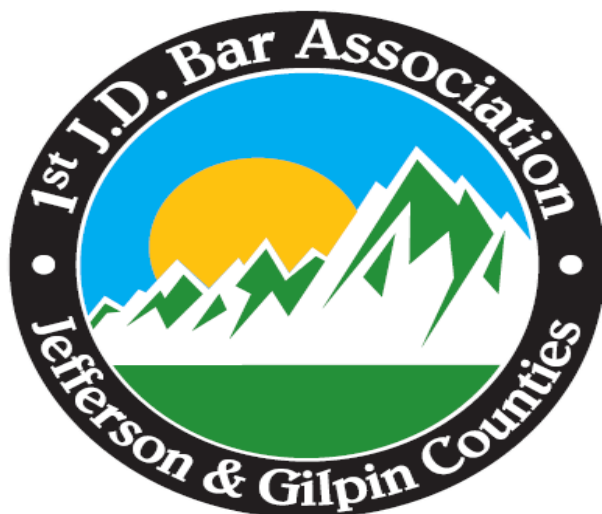


# JANUARY 2019

# PROCLAMATION

## *First Judicial District Bar Association*



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2018-2019

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## PRESIDENT'S COLUMN

JOE LUSK

### METRO VOLUNTEER LAWYERS AND ATTORNEY REGULATION SURVEY

Hello 1<sup>st</sup> JD members, and Happy New Year to all of you. This first month of 2019, the 1<sup>st</sup> JD would like to inform you of requests for attention from two distinctly different entities we deal with every day as attorneys.

First, Metro Volunteer Lawyers ("MVL") would like you to know that they now have a Facebook page, which can be found here: <https://www.facebook.com/Metro.Volunteer.Lawyers/>. MVL is supported by the 1<sup>st</sup> JD financially and through the volunteer efforts of our members (for which we and MVL thank you). In this issue of the *Proclamation*, we are republishing an article by MVL's staff attorney Anthony Pereira about the organization. I encourage you to read the article and to join me and many other 1<sup>st</sup> JD members by volunteering with this worthy charitable organization.

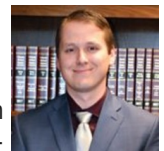
Second, the Office of Attorney Regulation Counsel has asked that our members (and all other Colorado attorneys) complete an anonymous demographic survey. The survey has only six questions and takes less than two minutes to complete. The survey link is here: <https://www.surveymonkey.com/r/Colorado-Attorney-Demographics-Survey>.

### GUEST ARTICLE

**Anthony Pereira**

Allegretti Grant Attorney for MVL

### Metro Volunteer Lawyers-More Than Just Family Law



**Metro Volunteer Lawyers (MVL)** is known for all the work it does helping low-income clients in the realm of Family Law. In fact, MVL has two separate clinics specifically for family law. MVL runs the Family Law Court Program, helping clients complete uncontested cases, and the Post Decree Clinic, helping clients with issues that arise after their dissolution of marriage or the allocation of parental responsibilities case. However, these services are only a part of what MVL offers the Denver Metro community. MVL helps people with a wide range of civil legal issues that include: probate, consumer, bankruptcy, social security, housing, mediation services, and more.

For example, imagine you are an aging senior citizen with little to no income. Fortunately, you live in a facility that provides rent assistance because you can barely afford basic needs as it is. Now, suppose something happened to you and you could no longer communicate with your doctors. Your bank. Your family. Perhaps it was a car accident, a stroke, or any number of things that could have caused the impairment. Perhaps you are starting to have trouble understanding what is going on around you and you fear it is getting worse. Certainly advance planning documents like a medical power of attorney or a financial power of attorney would be helpful to prevent your loved ones from going through a costly and slow court process. However, no one is able to explain these documents to you. You cannot get an attorney to help because you cannot afford one and, even if you could, you lack the ability to travel to the attorney. So what are you to do?

Continued on Page 3

Thankfully, MVL serves low-income elderly clients in this exact situation through its mobile Power of Attorney (POA) Clinic. This clinic is our most mobile clinic because we bring our services to the clients by operating the clinic at a host site like a senior living facility or senior community. MVL screens and selects a host site based on the need for services as well as the location of the site, income of the community, and age of the community. Going to a different site each month allows us to serve clients who often have transportation issues.

MVL's POA clinic is completed in two parts. The first part is a presentation given either by MVL staff or by a volunteer attorney who is gracious enough to give time to this cause. The presentation educates seniors about documents that they may not even know exist, like a POA or a living will. The clients are then scheduled to come back about a week later when MVL returns with a group of volunteer attorneys to complete the documents.

Volunteer attorneys sit with the clients one-on-one and help them complete various advance planning documents, including: medical power of attorney, financial power of attorney, living will, and declaration of disposition of last remains. The client leaves the clinic with signed, witnessed, and notarized documents. The client also leaves with peace of mind, and that is only possible because of our wonderful volunteers.

The POA clinic sees a lot of regular volunteers who form the foundation of the clinic and the clinic would not be possible without their contributions. We have seen volunteers who are new to the clinic, but are becoming consistent volunteers. The clients assisted through the clinic appreciate these volunteers because the clients receive help through a process that can be difficult to complete alone. MVL appreciates these volunteers because it allows us to have successful clinics on a regular basis and serve the community.

This clinic now has the opportunity to better serve the elderly community because of a recent grant given to MVL by Kim Allegretti. Since 2014, MVL has tried to have the clinic once a month in downtown Denver, but MVL serves the entire Denver-Metro Area. Thanks to this grant, MVL is expanding this clinic into the surrounding counties of Adams, Arapahoe, Jefferson, and Douglas. MVL is also looking to increase the frequency of these clinics. The expansion began in March of 2018 with a pilot project in Arapahoe County and has since expanded it into Jefferson County. Since the pilot project began, MVL hosts clinics twice a month, once in Denver and once in a surrounding county. These clinics are successful because of a new group of volunteer attorneys, but more volunteers are needed if the POA clinic is to succeed long-term in the surrounding counties.

MVL serves two communities: (1) low-income clients in need of legal assistance, and (2) members of the legal community. MVL serves the clients by providing them with access to justice and assistance with their legal issues. MVL serves the legal community by providing opportunities to volunteer and give back to the community. As attorneys we are in a unique position to contribute a service to the community that others cannot provide. Following C.R.C.P Rule 6.1, every lawyer has a professional responsibility to provide legal services to those unable to pay. The Colorado Supreme Court encourages lawyers and firms to render at least fifty hours of pro bono public legal services each year. MVL runs clinics and connects attorneys with referral cases to help attorneys give back and meet this aspiration.

MVL offers many different ways to volunteer, from micro-volunteer opportunities to full case referrals. The POA clinic, like our other clinics, is a micro-volunteer opportunity because the time commitment is only a few hours for each clinic. The Denver Indian Center Clinic is a walk-in clinic conducted in the evening that gives attorneys who are unavailable during the day an opportunity to volunteer. The Post Decree Clinic provides the opportunity to consult with a client one-on-one about family law issues that arise after permanent orders were entered. The Family Law Court Program is a clinic where volunteers help clients complete paperwork to get the process started on their family law case, and later represent them for their permanent orders hearing only. All of our clinics provide attorneys the opportunity to provide a client with limited representation and unbundled services. MVL also connects attorneys with clients for full case referrals in a wide variety of civil legal fields.

There are many great causes and volunteer opportunities out there. I encourage you to find one that fits your desires. MVL as an organization exists to provide attorneys with a plethora of opportunities to choose from. MVL is a safe way to volunteer because MVL staff is present at all its clinics for support, and if you volunteer through MVL you are covered under MVL's malpractice insurance.

If you are interested in volunteering or you want to learn more about our clinics visit our website at [denbar.org/mvl](http://denbar.org/mvl) or contact [tdasent@denbar.org](mailto:tdasent@denbar.org).

**Anthony Pereira** is currently Allegretti Grant Attorney for Metro Volunteer Lawyers (MVL). He attended law school at American University Washington College of Law in Washington DC. After moving to Denver, Pereira began as an intern for MVL, and then became the Rovira Scholar in September 2017. His work at MVL includes helping low income clients with family law matters and managing the expansion of the Power of Attorney Clinic.

## **1ST JD BAR ASSOCIATION GRANTS**

The bar association is taking applications for non-profit grants.

Applications are due January 31, 2019 and will be disbursed by April 30, 2019.

You may access the grant application on the website at [1stjd.org](http://1stjd.org) under Grant Information at the bottom of the page.



### **ASK AN ATTORNEY CLINICS**

Looking for attorneys to volunteer  
FAMILY LAW & CIVIL LAW

To volunteer for specific dates  
and times contact

[brigitte.smith@judicial.state.co.us](mailto:brigitte.smith@judicial.state.co.us)

## **SAVE THE DATE**

OPEN HOUSE  
Thursday, April 25, 2019  
Pickard Law PC

JUDGES AND AWARDS BANQUET  
Saturday, September 14, 2019  
Red Rocks Country Club

GOLF TOURNAMENT  
Thursday, September 19, 2019  
Hiwan Golf Club

### **CLE LUNCHEON**

#### **HOW TO MAKE STRESS WORK FOR YOU**

*Presented by:*

*Sarah Myers, Executive Director of  
Colorado Lawyer Assistance Program  
(COLAP)*

Tuesday, February 12, 2019  
12:00-1:00 p.m.

**Program will start promptly  
at 12:05**

Jeffco Courthouse  
Lookout Mountain Room  
CLE & Lunch: Members \$20  
CLE & Lunch: Non-Members \$25  
No Lunch \$10

**RSVP to:**

<http://1stjd.org/events/#!/event/2019/2/12/how-to-make-stress-work-for-you-presented-by-sarah-myers-executive-director-of-colorado-lawyer-assistance-program-colap-program-will-begin-promptly-at-12-05>

**OR**

[admin@1stjd.org](mailto:admin@1stjd.org)

Application for 1 Ethics CLE Credit pending

## Great News from the Golf Tournament Committee

Thank you to the following players and sponsors who generously donated their fees and sponsorship contributions after the Golf Tournament was cancelled due to weather. The 1st JD Bar Association and the 1st JD Bar Association Golf Committee are pleased to announce that **Court Support Jeffco**, the designated recipient of the Golf Tournament this year, received a donation of **\$4,281.70**. The 1st JD Bar Association asks that you consider utilizing the services of these outstanding companies.

**A Stronger Core-Mark McIntosh**

<https://seekvictory.com>

**Bradley, Devitt, Haas & Watkins PC**

<https://goldenlawyers.com>

**Hansen & Company Inc**

<http://acourtreporter.net>

**JAMS**

<https://jamsdenver.com>

**John Lobus**

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**Pelegrin & Radeff PC**

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**Graham Peper**

[graham@peperlawoffice.com](mailto:graham@peperlawoffice.com)

**Pickard Law PC**

<https://lawpickard.com>

**Michael R. Smith PC**

[mike@msmithlaw.com](mailto:mike@msmithlaw.com)

**Walsh Law PC**

<https://walshlawpc.com>

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Thank you to the following players and sponsors who generously donated their fees and sponsorship contributions after the Golf Tournament was cancelled due to weather. The 1st JD Bar Association and the 1st JD Bar Association Golf Committee are pleased to announce **Senior Law Day**, the designated recipient of the Golf Tournament for 2017, received a donation of **\$784.80**. The 1st JD Bar Association asks that you consider utilizing the services of these outstanding companies.

**Hunter Geist**

<https://huntergeist.com>

**Hulse Law Firm**

<https://hulselawfirm.com>

**JAG**

<https://jaginc.com>

**XeBee**

<https://xebee.com>



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for more information.



**MOCK TRIAL**  
**It's that time of year to mark your calendar for the**  
**2019 First Judicial District High School Mock Trial Tournament.**

The tournament will be held Tuesday through Friday, **February 5th, 6th, 7th, & 8th**. Each day, one round of competition will be held, starting at 3:00 p.m. and ending at approximately 5:00 p.m. Judges need to arrive by 2:30 p.m. All trials will be held at the Jefferson County Courthouse, 100 Jefferson County Parkway, Golden, Colorado. We will likely need 25 to 28 judges for every day of the competition. We have six to seven teams participating this year and will hold six rounds and a practice round every day of the competition. If you know of anyone who might be interested in helping out, please pass along this email.

If you can help, please reply to [jenmeltan99@yahoo.com](mailto:jenmeltan99@yahoo.com) and let me know which date or dates you are available and willing to judge. When you reply, also let me know if you are willing to act as the presiding judge, if you have any potential conflicts with any of the high schools, and whether you'd like to be assigned to the same panel with a specific colleague. We will do our best to accommodate your requests. I will send you a confirmation email letting you know which date or dates you have been assigned to and I will provide you with more information about the event. We have been fortunate in the past to have a few volunteers who are willing to volunteer for more than one day of competition, so if you send me two or more dates, I will assume that you are willing to judge on each of those days.

As always, thanks in advance for your assistance. We could not host this competition without the help of numerous people.

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The Law Firm of Julia G McVey  
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# PRO BONO AND UNBUNDLING: SERVICE SYNERGIES FOR EXPANDING ACCESS TO JUSTICE

BY JAMES R. GARTS, III

**A**long with the growing income gap featured in the news, it appears that the access to justice gap is growing as well. It does not benefit lawyers or the legal system to narrow the provision of legal services in civil matters to the wealthy alone. Fortunately, with the ever-growing population of individuals who need legal services but cannot afford full-service representation, there are lawyers willing to provide limited-scope and unbundled representation to those who desperately need legal advice, drafting assistance and, at times, limited entries of appearance for specific and narrow purposes. This is a skill that serves those of modest economic circumstances as well as the indigent. Metro Volunteer Lawyers is seeing a rise in indigent requests for free services. This is related to an expanding need for legal services in general, the fact that such services are increasingly an economic impossibility for many people, and even to pro bono exhaustion for available and willing lawyers. Unless the pool of generous lawyers expands at the same rate as the needy population, access to justice and society's expectations for an organized and fair legal system cannot be met.

There is a solution: in civil legal disputes where there is no violence, the issues are relatively uncomplicated, and the litigants have the capacity to understand the rules and laws sufficiently, why not provide unbundled and discrete-task representation pro bono? It may be that everyone wants a full representation lawyer. But legal services are necessarily expensive. Considering continuing education requirements, law office management expenses and the cost of self-care for those working in a high-conflict setting, the practice of law cannot be done "cheaply." Additionally, similar to physically hazardous jobs, the practice of law is emotionally hazardous. Lawyers will find something else to do if the stress of managing

and resolving the conflict created within the rest of the population becomes too great.

Pro bono services can be effectively provided on an unbundled basis. This is proven in the post-decree clinics, attorney-of-the-day projects and self-represented litigant coordinator programs throughout the state. It has been said that some representation is better than none. It could also be said that providing many individuals with some no-cost representation is better than providing only a few individuals with full-representation. Now is not the time to try and limit pro bono services to advice and drafting assistance only. To the contrary, there is no time better than now to endeavor to serve a larger swath of the indigent population with unbundled services.

The call to action is this: reach out to your local pro bono project to offer advice and drafting assistance. You might have only taken a couple free cases per year in the past because it can be difficult to do much more and maintain a profitable practice. However, you might be able to double the number of individuals you serve by providing legal advice and drafting assistance to the pro bono programs and their beneficiaries. You can take on an entire case — we'd love for you to do that — or just come to the Powers of Attorney clinic. If you are strapped with time commitments but still want to help with a litigated case, consider unbundled services through the post decree or Family Law Court Program clinics. Email Toni-Anne Dasent at [tdasent@denbar.org](mailto:tdasent@denbar.org) to learn more! [D](#)



James Garts leads the Robinson & Henry family law practice in Denver. With more than 15 years of experience, James oversees a dedicated team of attorneys and support staff with one goal in mind — obtaining the best possible outcome in a difficult family situation.