



Consortium for the National Equal Justice Library  
Oral History Collection  
Interview with

**Jonathan Asher**

Conducted by Alan Houseman November 9, 2016

Alan Houseman: This is an interview with Jon Asher, the Executive Director of Colorado Legal Services, held on November 9, 2016 at the downtown Indianapolis Marriott hotel. The interviewer is Alan Houseman for the National Equal Justice Library. Let's start, Jon, with a brief overview of your life and work. Where were you born? Where'd you go to college and law school? And then what jobs have you held since then? And then we'll come back and focus on a number of things that are central to this oral history.

Jonathan Asher: I was born on the south side of Chicago, 1946. So I'll be 70 early next month. I went to a well integrated public high school and grammar school in Chicago. It was a time when there was considerable white flight from the south side to many of the northern suburbs. My parents said that the neighborhood would never be completely African-American, because they were staying and not leaving.

JA: I then went to Harvard College. I graduated in 1968, a pivotal year during the war and civil rights movement. That was the year that both Martin Luther King and Bobby Kennedy were assassinated. I graduated from law school in 1971.

JA: I am one of the few people who turned down a Reggie Fellowship, a Reginald Heber Smith Fellowship. It was because I got married after my second year in law school, and the Reggie program was going to send me to DNA, the Navajo Native American program. That was fine with me. But my wife tried to find some sort of job in mental health or doing something. But the only jobs for Anglos on the reservation were either in public health or legal services. So I did not accept that. I tried to get it moved to Colorado or somewhere else, but the then director of the Reggie program was not amenable to that. So I accepted a position as a staff attorney with Colorado Rural Legal Services, starting right after I took the bar in the summer of 1971. CRLS, as it was referred to, assigned me to the Greeley office, where I spent about eight years, first as a staff attorney then a supervising attorney. I was the supervising attorney of the Greeley office and director of advocacy for CRLS in its entirety.

JA: In late 1978, I moved to Denver from Greeley. I had a special fellowship from the regional office of the Legal Services Corporation and did a good deal of work both in Colorado, but then more nationally. My work addressed issues of legal work supervision and tried to elevate the quality of the lawyering in legal services in Colorado. I addressed those issues in a number of other places through the Colorado Coalition for Legal Services Program, a state support unit. I then became director of what was then Denver Legal Aid, the Legal Aid Society of Metropolitan Denver, in December 1980, a month after the election of President Reagan. I served as director of that program until 1999, when the then three LSC federally funded legal aid programs were consolidated into a

single statewide program, effective October 1, 1999. I have served as director of the statewide program since then.

AH: What factors led you to go into legal aid, to go to CRLS or what influences? Why did you go there? You came out of Harvard Law School. You could have done a million things.

JA: Oh, yeah. I tell people that it opened all sorts of doors I've chosen not to walk through. I guess that's true, that there were choices. There were very few of us who either didn't go to a big law firm or a judicial clerkship on their way to either government service or a law firm. I think there really were three interrelated factors. First of all, I grew up in a family that was dedicated to the civil rights movement and to the rights of working people. My father was a labor lawyer in Chicago. He represented unions except when he worked for the National Labor Relations Board right after the Act was found constitutional in 1935. I was raised in a reform Jewish congregation and household that made people believe that the liberation of all people was our personal spiritual and professional responsibility. So it was a combination of having a very liberal rabbi, and liberal parents being part of the civil rights movement in Chicago. But that was then coupled with a strong anti-war zeal. My wife and I participated in marches. She more than I, I think, earlier, anyhow. It was also the notion of trying to do something other than what was expected. Law school was not the most pleasant experience for me, but starting my second year I worked in a community legal aid office, CLAO in East Cambridge. It was clear to me that that was a meaningful career and what I wanted to do. If somebody had told me I would do it for 45 years, I probably wouldn't have believed it at that point. I'm not sure I believe it even now, really, but that's how it's played out.

AH: Let's return to your work at CRLS. First, describe a bit more about CRLS, and then what would you say were your major accomplishments while you were at CRLS?

JA: CRLS was founded by a dynamic University of Colorado Law School professor, Jonathan "Skip" Chase, in the summer of 1969. He had worked in the fields and got LSC or predecessor Office of Economic Opportunity (OEO) funding to start a migrant farm worker program patterned in large part after the California Rural Legal Assistance. CRLS started with five offices -- a main office in Boulder, because that's where Skip lived, and offices in Grand Junction, Greeley, La Junta, and Alamosa.

JA: There were very good lawyers in the program. Jean and Frank Dubofsky, who had come from Florida, both worked in the program. Jean went on to be the first woman appointed to the Colorado Supreme Court. Frank went on to the

Court of Appeals and to be a trial court judge in Boulder. Bill Pracken was first deputy director then supervising attorney of the new CRLS office in Trinidad, Colorado and finally a distinguished attorney in Grand Junction. Larry Marquez in the Grand Junction office became a trial court judge and then Colorado Court of Appeals judge. So there were a number of very good, committed, aggressive lawyers picking a whole lot of low hanging fruit legally and in client and community involvement as well.

JA: I guess if I look back, Jean Dubofsky and I worked on one of the first three Hill-Burton Act cases. We filed a lawsuit against the Weld County General Hospital. It's now Northern Colorado Medical Center. The Hill-Burton Act, I'm sure you remember, provided federal funding for the construction or expansion of hospitals. It was passed right after the Second World War, and really there were only three requirements that a hospital had to comply with in order to get Hill-Burton funding. One, the construction or expansion had to be consistent with the state plan so that all of the hospitals weren't in Denver, but were statewide. Two, you couldn't discriminate based on race or ethnicity. Starting in '46, it could be separate but equal facilities. But after Brown that ended.

JA: Third, and most importantly for our purposes, the Act said the hospital had to provide a reasonable volume of free medical care. Well, we had migrant women who went to the Weld County General Hospital for obstetrical care to deliver a kid, and the hospital said, "You either need to show proof of insurance or put up a \$500 cash deposit." Now, in 1971, a \$500 deposit for anybody was considerable money, but for a migrant farm worker, it was prohibitive, and that's what it was intended to do -- to make sure people tried to make the trip to Denver in order to deliver their kids and not do it at the Weld County Hospital. There was another Hill-Burton case in New York. A lawyer in New York by the name of Marilyn Rose, as I recall, was very involved in that litigation. There was also a case in New Orleans, which I always thought was interesting, because the litigation was against Charity Hospital for not providing free care. I always thought that was a touch ironic, that Charity Hospital did not provide charitable care. But those cases ultimately resulted in the first batch of regulations defining what a reasonable volume of free medical care was. While those regulations were more narrow and more limited than we might have liked, it was the first time that hospitals were held accountable for providing free care.

JA: There were other things we did. We challenged the state landlords' lien statute, which at the time provided for a possessory lien enforceable in court on all property of a tenant who was delinquent in rent, including medication and personal papers. Colorado still has an all too expansive landlords' lien but much less so than it was then.

JA: We had a barrio in a small town just north of Greeley on the east side of the railroad tracks. The town seat literally was east of Eaton. They had no indoor plumbing, sewers, or city water. They could have forced the city of Eaton to annex the area and provide water and sewer service to the barrio. But they couldn't afford the taxes from the city because they were farm workers or settled out seasonal workers. So we spent years trying to get a farmers' home grant to provide water and sewer. A couple of years after I moved to Denver I was invited back for the dedication of the water and sewer line on the east side of Eaton.

JA: We had a neighborhood in north Greeley which was zoned for open zoning. You could have a small house but the next day they could put a feedlot or a factory next to you. So no bank would loan money for improvements or for the sale of that property. So we spent a good deal of time with the city planners in Greeley and got that area rezoned for commercial, but not open zoning. So, for the first time, people in that neighborhood could use the one resource they had, a home, to either finance a home loan to improve and expand their house or sell to somebody who could then get a mortgage on the property.

JA: All of those things come to mind. I'm not sure which were more important. We were very early in hiring minority and women lawyers. I think that Skip and all of us worked hard to set high standards for all of the staff, but then to invest in the success of those staff. So we worked with people like Federico Pena, who went on to be a mayor of Denver. We worked with a lawyer in Denver, Norm Early, who went on to be the District Attorney. All of them got their start in legal aid programs, either in Denver, CRLS, or elsewhere, where they both were encouraged to really practice high quality law but also provided the opportunity to grow and develop and really do interesting and important work.

AH: You then became director of metropolitan Denver, which ultimately became Colorado Legal Services.

JA: Yes.

AH: Looking over that long period of time up until today, what would you say some of your major accomplishments have been?

JA: Well, one accomplishment was playing a role in the survival of federally funded legal services against periodic and pretty dramatic assaults on federal funding. Those assaults started with President Reagan, who went to Washington with a history of antipathy for CRLA and other California legal aid programs. I simply worked with the Colorado Bar, the American Bar Association and other bar leaders literally to ensure the survival of federally funded legal services. Other accomplishments include: Navigating major cuts while trying to maintain high

quality service. Maintaining experienced staff who really became poverty law experts. Doing litigation on, for example, the right of the homeless and mentally ill to mental health treatment in Denver. That case took close to 20 years, I guess, but resulted in significant changes in mental health treatment.

JA: I think sort of the infrastructure of maintaining legal services an increasingly institutionalized part of the legal system through very difficult and trying times may be the most significant accomplishment. And making sure that lawyers and the community in Denver, really throughout Colorado, could increasingly support legal services, both financially and through pro bono participation, knowing that while they might not agree with everything we did that we would make every effort to do it professionally, to do it with quality, and to do something that would be worthy of their continued political, financial, and professional support.

AH: Let's just talk currently on Colorado Legal Services, just so we have a context for it. How many offices, staff, funding sources, that kind of thing.

JA: Right now we have a staff of about 105. We had 14 offices. As of about a month ago, we're down to 13. We had a pro bono coordinator and donated office in the Lake County Courthouse, which the court decided it needed back. The paralegal who staffed that office had resigned, so that gave them the opportunity. But we have 13 offices. A big office in Denver. About half the staff serves the Denver metropolitan area. We have significant but smaller offices in Boulder, Fort Collins, Greeley, Colorado Springs, Pueblo, La Junta, Alamosa, Durango, and Grand Junction and real small offices in Salida and used to be Leadville, but now Frisco and Hayden. Most of those offices are full service, but the smaller offices in the northwest, in Frisco and Hayden, are pro bono, using either free or reduced fee contracts for private attorneys to deliver service to low income people in their area of the state.

JA: The Legal Services Corporation is our largest funding source, about 40% of our funding. We get money from the state of Colorado through the Family Violence Justice Fund. We also get some money from other government sources, the Victims of Crime Act, and a number of Victim Assistance Law Enforcement grants given out through judicial districts in Colorado. Historically, we have gotten a good deal of IOLTA funding. For a while, that was our second largest funding source. In 2009, for example, we got \$2.4 million from the interest on attorney trust account program. This year we'll get about \$500,000. So it's been cut dramatically due to long-term low interest rates.

JA: We also have a very significant private bar public campaign through the Legal Aid Foundation of Colorado, which last year raised just under \$2 million. We're the only grantee of that Foundation, and Colorado Legal Services got a little

over \$1.5 million. So we're somewhere between a \$10 and \$11 million program with over 100 staff. Right now, I think it's 51 lawyers.

AH: How many funding sources? You named some of them.

JA: Somewhere between 60 and 70 separate funding sources. Colorado is a very locally centered, decentralized state. We believe in a sort of semi state-administered but a county-run welfare program. We also have 16 different Area Agencies on Aging, which give money to serve the elderly. We have 14 or 13 different United Ways in the state of Colorado. We have 22 judicial districts. Each one gives out different VALE grants, and we get money from 12 or 13 of those 22. So the good news is that we have diversified our funding dramatically. The bad news is we've diversified our funding dramatically, and it makes grant management, oversight, and accountability for grants a daunting management responsibility.

AH: I'd like to now turn ... We can come back in some of the later conversation, but I'd like to now turn to your work with the American Bar Association. First, I'd like you to describe the various committees that you've been on, I know you've chaired a couple, and a little bit about what they do and why you got involved with this.

JA: Well, I started as a member of the Standing Committee on Legal Aid and Indigent Defendants. I think I really became involved because you and Julie Clark called and told me I should and you wanted to submit my name for possible appointment. Some of that was due to my prior work through the Project Advisory Group and getting to know some of the more thoughtful and important people in the national legal services community. But that was an assignment that was based in large part on Julie Clark's relationship with Sandy D'Alemberte, who at that time was President of the American Bar Association. I served on SCLAID, the Standing Committee on Legal Aid and Indigent Defendants, which is the oldest committee of the American Bar Association, for six years. Generally they're three-year terms, but given a number of political issues at the time, I was fortunate enough to serve for six years, including the period in 1996 when the new restrictions under the Gingrich Congress and the Contract on America were being formulated and implemented.

JA: Subsequent to that, I served on the Commission on Homelessness and Poverty for three years. I was on the Delivery of Legal Services committee. I served on President Greco's special task force on civil Gideon and the civil right to counsel. I also helped develop with you and others the principles for a statewide delivery system. Then I was appointed chair of the IOLTA Commission by the first president of the American Bar Association from the state of Colorado, Karen Mathis. It might have been nice if she'd told me she

was going to appointment me. The first I heard about it was from people at the ABA. The IOLTA Commission had never been chaired by a grantee before, only by grantors and IOLTA people. Despite some trepidation on all of our parts, I think we managed that pretty well, all considering. I have not been on a bar committee now for a number of years, maybe eight, nine years. That also has been fine. But I believe that, if legal services is going to be a responsible, sustainable part of the legal community and the justice community, then we need to be involved in the work of state and local bar associations and the national bar, the American Bar Association, as well.

AH: You've also been active ... You just mentioned ... in state and local bars. You talked a little bit about that before, but what have you done at the state and local bar level?

JA: I'm currently on the Board of Governors of the Colorado Bar Association as a representative of Legal Services. I am one of 120 representatives either from local bars or the like. I have chaired the Availability of Legal Services Committee. I have been on a number of bar committees on pro bono initiatives and the like. I've been a member of the Board of Trustees of the Denver Bar Association twice for three-year terms. I have been a member of the Legal Services Committee of the Denver Bar for 36 years, I guess, and continue to be an active member that deals with pro bono issues, legal services issues, and community service clinics and the like outside of the pure pro bono context. I don't believe that legal services can be institutionalized and sustained unless the leadership and lawyers throughout legal services are well-respected, active members of the bar. Some of that can be disorganized. Some of it has to be within the organized structure of the profession.

AH: You've also done a significant amount nationally with NLADA, the National Legal Aid and Defenders Association, the Project Advisory Group, the Management Information Exchange, and other national kinds of groups. Describe a little bit of that work and why you think that's important.

JA: Well, I guess because it affects the program. It affects the quality of the work we do. So from very early on, I think I was respected among a number of peers and colleagues who felt comfortable with my being a regional representative to the Project Advisory Group and particularly the Funding Criteria Committee, which early on helped influence funding decisions by the Legal Services Corporation starting in '75 and thereafter. Somewhat later, I was elected to the board of NLADA twice. While I don't always agree with everything NLADA has done or even continues to do, it is a vital institution for advocating on behalf of high quality defender and civil legal assistance. When asked to represent the southwest and other project directors or program staff, I have been pleased to serve on the NLADA board on at least two occasions.

JA: When I started as Director of the Legal Aid Society of Metropolitan Denver, the program had just negotiated its first collective bargaining agreement with its staff union. The union had been organized and voted in in 1978. It followed Boston and Chicago and New York and a number of other programs, but was pretty early for the West and the Mountain West area. So when I became director in December 1980, the first collective bargaining agreement had been signed earlier that year. But it had not been fully costed out, and we ran a projected deficit of some size. I made a number of commitments to myself and the board. One was to know exactly what any agreement we reached with the staff union was going to cost and how we anticipated to pay for it.

JA: But also, the unions had a National Organization of Legal Services Workers, a division of the United Auto Workers. They shared contracts. They shared bargaining ideas. They shared all sorts of information, all appropriately and legitimately and in their interest. But program directors had no vehicle for sharing the management perspective on labor relations. So a number of us started the Management Information Exchange, really as a vehicle for sharing information, ideas, and strategies on occasion, among unionized program directors and managers. In pretty short order, given the quality of the training and the information MIE provided, it grew beyond just unionized program directors to all legal services managers. Through its publication, its Journal that comes out three or four times a year, its training of new program directors and financial staff, I think it has served a very helpful function within the legal services community. There are times when I wish we could put some of these groups together. The Project Advisory Group was subsumed by NLADA in large part. I sometimes wonder whether we could be a little more collaborative and a little more efficient. But there's no question that MIE serves a very important and useful function for those of us trying to manage legal aid programs.

AH: One of the more interesting things you did was for a while you worked as a special assistant to the president of LSC, Helaine Barnett, when she was president. Tell us a little bit about what that was and why you did it and why you think it was important.

JA: Well, that was, I'd say it was a fortuitous. Bizarre may be a little strong, but it was fortuitous. Helaine Barnett I think had started in the winter of 2004 and by June, she was making some pretty significant internal staff changes. It was the afternoon of NLADA's annual fundraising dinner, as I was told later. Helaine met with a friend of hers, Bucky Askew, that afternoon. Helaine was saying how she was making changes but felt very alone. It's my understanding that Bucky said, "Well, maybe you ought to call Jon Asher in Denver. I understand that he may be at a point in his career where he's looking for a challenge or something," which I had shared with Bucky at some point not long before then.

JA: I got a call the next morning. Bucky told her that if she called really early, I would be at the office already, D.C. time. So I think she called at about 7:00 Denver time and asked whether I would come in to D.C. and talk to her. She was the President of our largest funding source. I said, "Well, I have time." This was, I think, Thursday or Friday morning. I said, "Well, I have a couple of days next month." She said, "No. Could you come sooner?" So that Sunday night, I was on a flight to D.C. and I met with Helaine Monday morning. She had a stack of files. She just asked me questions like, "If I told you that I wanted my agenda to be about quality in legal services, what would you do?" I said, "I don't know what I would do. But I know that I would try to bring together a group of people like Dee Miller and Alan Houseman and Terry Brooks to talk about what that meant." She said, "What about this issue?" I just told her what I thought. As I recall, we started at about 8:30 in the morning, and about 8:30 that night, she said, "Well, when can you come back?" I said, "In a couple weeks."

JA: From that, she asked whether I would be willing to take a leave of absence from the program. The general counsel's office tried to make it really clear that, during my time at LSC, I would have no actual responsibility for decision making at CLS as a grantee. We worked that out, not to the satisfaction, probably, of Congress or the Office of Inspector General, but to the satisfaction of CLS and the Office of Legal Affairs at LSC. So I worked full-time as special counsel to her from about mid-October 2004 to mid-July 2005. I had no formal decision making responsibility. It was my job to be available to President Barnett and give her the best advice that I possibly could, but all decisions were hers.

JA: It was a good break. I think, after 40 years of marriage, it was probably pretty good for my wife and me to realize that being apart wasn't really so great, that there's a reason why we were together. I think it was good for me professionally to have a change. I hope it was helpful to President Barnett. You would have to ask her about that. But I know that the first Justice Gap Report came out, the first revisions to the LSC performance criteria. It was part of that quality initiative. There were a number of issues on diversity and mentoring that came out of my work with her. I had some successes in advising her and some not so successful initiatives with her. I have a great deal of respect for Helaine. She is a strong, experienced, and independent. I think we both got a lot out of it, I would like to think. As I say, you'll have to ask her.

JA: I think some people were surprised that, after nine months at LSC, I was more than happy to come back to Colorado and running a grantee program, and not sitting in the belly of the beast any longer or dealing with the larger federal bureaucracy. I did what I could. In all the time I was back with Helaine, I think I couldn't sleep one night, and that was because of the volume of what I needed to do, not the responsibility I had for making decisions. I never realized until I was back there giving her as good advice as I could, but having no actual

responsibility for the decisions how heavy a weight it is to be responsible for staff, funding, high quality legal services, dealing with the board, dealing with funders, and dealing with potential liability, in terms of both employment and the legal work. I think being a good program director is much more difficult than a lot of people think.

AH: I want to move into a discussion about your views on the future of civil legal aid and access to justice. I don't want to vertically script it, so there's a lot of things, as you well know, going on on the access to justice front. In civil legal aid we've, for many years, been required, as an LSC funded program at least, to provide 12.5% of our money, our LSC grant money or equivalent of that, for private attorney involvement. And legal services and pro bono has been a twin effort over many, many years with the strong support of state and local and the American Bar Associations. We're in an era now where we're trying to address the huge burden of self-represented litigants in courts. We're in an era where there's some experimentation going on with non-lawyers and others. Given all of this and other developments that are occurring, I'd like your thinking about the future of civil legal aid. Where do you think it's going or should go? How does it relate to this broader access to justice agenda and what thoughts you have about that agenda as well.

JA: Good questions. First of all, I try not to let the 12 and a half percent requirement drive my relationship with the private bar or what clients need. The 12 and a half percent requirement is one more regulation for which I'm responsible to ensure compliance. But I don't want to develop a pro bono or low fee delivery system based on that. I want to try to do with the bar what's best for clients, and part of that is meeting our LSC requirements.

JA: I believe that we do not come close to meeting the legal needs of low income Americans. It's an absolute necessity to effectively mobilize high quality service from lawyers who are not employed by the program. But it has to be done thoughtfully. It has to be done well. So you look at the Rules of Professional Conduct. I don't know whether pro bono service ought to be mandatory. When I talk to classes of law students and I talk about pro bono, I say there are really five things that immediately come to mind. One is should it be mandatory? No matter how you come out on that, how do you define it -- how broadly or narrowly? Should serving on an NLADA board be pro bono work? Should it include sitting on a symphony board? Should it only be representing low income people? Do you quantify it as the model rule does and say you ought to do 50 hours in a year? You've got to aspire to at least think of maybe doing it. We don't say you ought to aspire to maybe think of being competent or aspire to think about maybe maintaining confidences or avoiding conflicts of interest, but as to pro bono, we say you ought to think about maybe possibly doing it each year.

JA: The two trickier questions are whether you ought to be able to aggregate time among lawyers and should you be able to buy your way out of a pro bono requirement by paying for staffed legal services? Because that goes to what the purpose of pro bono is. If it's an access to justice initiative, then it doesn't matter if you pay for me to pay for a lawyer and you don't do it. But we get maybe more efficient or more work out of it. So too, if you aggregate, if your purpose is to provide access to lawyers, then it doesn't matter if two lawyers in the firm work full-time doing pro bono work or if every lawyer does 50 hours. But I, at least, believe that it's in low income clients' interest to have it be part of every lawyer's professional responsibility. I think that improves the relationship between lawyers and low income clients and legal aid delivery. I think pro bono service makes them better lawyers, myself, but I also think that that's part of being a professional. So I don't think everywhere and always pro bono is the most efficient delivery system, but I think it's in our clients' interest to try to make it as robust and as efficient as possible.

JA: As to unrepresented litigants, I think calling themselves self-represented litigants is a euphemism. You ask anybody going to court alone, "Are you self-represented?" They don't know what the hell you're talking about. They say, "I don't have a lawyer." So to me, they're unrepresented. I think it's troubling because I think we are increasingly conflating what low income litigants need and what we're able to offer. We are doing things with navigators and self-represented litigant coordinators. In Colorado, we now have one in each of the 22 judicial districts. More in several of those districts. We are using technology, which is a tool but is sometimes seen as an end. So I think we are more and more being driven by limited resources and the needs of courts to try to more effectively manage the flood of people coming to court without lawyers. I'm not sure that we either can avoid trying to deal with that effectively or the unfortunate consequence of conflating what people need with what we are able or willing to provide. We may need websites. We may need technology. We may need non-attorneys or a broader range of advocates helping people. I'm not sure that secures ultimate justice. For me, while that may be the best we can do right now, it's not what brings us to the pursuit of justice and what our low income clients or would-be clients actually need.

AH: Where do you see ... What would you like to see happen with civil legal aid in an ideal world?

JA: Well, I think there are two pieces to that. One, there needs to be a commitment to a civil Gideon, ultimately. That is if we really believe in justice, at some point those people who need a skilled advocate ought to have one. That is a resource question. We have the ability to do that. We don't have the will.

JA: The other issue is more narrow. A subset of the question of, are we giving people what they really need or are we giving them what we can, is the whole issue of a portal and triage. Now, whether you do it through artificial intelligence or the limited intelligence of staff, I want to know whether in fact that can be done well, because I have serious doubts about that. The talk from the Legal Services Corporation, the talk from the American Bar Association, the Public Welfare Foundation, the talk about 100% access hinges on the ability to give people the level of care and service that they really need.

JA: I have thought for years I want to write a little paper about the difference between legal aid and a big law firm. At a big law firm, you start out as an associate three floors below a senior partner. You write memos for a couple of years. After a while, you might be third chair and be able to put stickies on a deposition. After five or six years, you get to really talk to a client. Maybe then you are second chair at a trial or a deposition. Very few things go to trial. So you earn your right to see clients. In legal aid, you earn your right to stop seeing clients. That is, the more experienced you are, you tend to have increasingly less direct contact with clients. I see the clients who complain the most. That's virtually the only clients I now see.

JA: The people who do screening and the intake are your least experienced. Or better yet, maybe a law student or a pure volunteer or a lawyer from the big firm who spends a day a month helping with intake. We push the most important function to the lowest denominator, not to the highest. Now, who's going to do this triage? Who is going to decide whose education, whose language ability, whose self-confidence makes them able to effectively not just get a form that comes down off of a computer, but actually talk to the landlord's attorney and not cave in to a stipulated judgment, who can get in front of a judge and say, "Wait a minute. I didn't agree to ..." We give people forms in Colorado. They're well done forms now, and they never get filed. The same stipulated judgment that used to be done with no advice still gets done the same way. So are we effectively triaging people if we say to them the equivalent of saying to the head of a corporation, "You run this big pharmaceutical company, but your English is pretty good. You're pretty well educated. You ought to go to a website and we'll walk you through how to defend a patent infringement case."

JA: My concern is that we are institutionalizing, through the best of intentions but scarce resources, two tiers of justice. One for those who can still pay for what they need, and that which we will provide for those who can't. And that may be a way station. That may be the best we can do now. That's not what brought us into legal services. That's not what low income people need or deserve. Maybe it can be done better than I think. But nobody has told me by whom, what training they're going to have, what sort of true evaluation there will be as to

whether the outcomes are the same if somebody has a form or if somebody has a lawyer. So I think we have a way to document and find out whether this really is what some people need or just what we're willing to give them.

AH: You have received a number of awards and honors over the years.

JA: Many more than I deserve.

AH: Doubtful. Your bio will be part of this oral history. But of those, what were the most rewarding ones in your mind? The ones you respected the most or you were glad you received? You find sort of the highest honor in your head?

JA: Well, I think that three come to mine. One is the Colorado Bar Association Award of Merit. One is the ACLU's Whitehead Award and the ADL, Anti-Defamation League, Civil Rights Award. None of them because of what the award is itself. All because of other people who have received those awards who I respect. I think there are two things. One is I got awards probably too early in my career. That is, I think I might have appreciated them more now than I did 10 years ago or 15 years ago when I got them. Two, I was pretty ungrateful and I told a number of people and still believe that if a bar association or lawyers on selection committees really wanted to acknowledge what I had chosen to do with my career, it was a cop out to give me a plaque to put in a box in the basement that my wife or kids were going to have to throw away once I was gone. If they really cared about what I tried to do, they ought to take a pro bono case. They ought to do something real, not just give me an award. That that was easy and that was not what I needed, wanted, or really would appreciate. That's a little self-righteous and a little smug, so they stopped even giving me awards, which is fine, because the box doesn't need more stuff in it down in the basement.

JA: I suppose the award that may have meant the most was the ADL award in 1999. Not because of the Anti-Defamation League itself, but because in presenting the award, they not just read from my bio and said I'd spent my life doing legal aid work -- we can talk about those tensions, too, because there really are trade offs -- but because of what other well-respected lawyers who they talked to said.

JA: Let me just share something that Bruce Campbell, who was a senior partner at a big Denver firm said when the ADL gave me the award in 1999, I believe. Bruce went on to be a bankruptcy court judge, and he's now retired and back on the Legal Aid Foundation board. He said: "In the 20-odd years that I've been a lawyer in this community, Jon has done more for the empowerment and human dignity of the underprivileged people of Colorado than any other lawyer I know or perhaps any other person, lawyer or non-lawyer. This has not been

by winning landmark civil rights or welfare rights cases, but by accomplishments far more mundane. By being a principal architect and caretaker of the infrastructure that supports Colorado's institutional effort to make at least minimal access to justice, the justice system, a reality for Colorado's poor. In this effort, Jon is tireless. He has time for everyone. I think he never sleeps. Jon, could you sit on another committee or task force? Could you help me raise money from the bar? Could you be part of our panel? He never says no when a spokesperson is needed for the constituency that all too often has had no spokesperson: Colorado's indigents. And all of this while discharging the responsibilities of senior partner of one of Colorado's most important law firms that he has led for many years, a law firm that by the standard that Jon's professionalism and quality has set stands with the other first rate firms in its level of professionalism and quality of service to its clients. As a general rule, I find people with the devotion, commitment, and record of accomplishment of Jon a bore. They cannot help but take themselves too seriously, but not Jon. Somehow his intensity is tempered with another gift, the humor that makes Jon a joy to be around."

JA: I don't think I could ask anybody to say anything much nicer than what Bruce said. So that award, not so much because of who gave it, but because he and the chief justice and other lawyers said pretty nice things about how I've chosen to spend my professional life.

AH: It's hard not to end after that. We should end after that. The question is, is there anything that we've left out that you want to add, either about your work, your life, or your vision of the future?

JA: Well, in terms of the library and the legacy, I'd like younger lawyers to know that it's the journey that really matters. When I look at the progress that has been made in terms of affirmative action, minority rights, the legal system itself, it's all very temporal. I think you could look back at where we are now and where we were in the mid '60s and say that it's been a wasted life. That we are farther behind in terms of equality and fairness than we were then. That while there are minorities that have better lives, many are still getting shot and killed. That in terms of the legal system, it may be better, but not good in many, many ways.

JA: But I do know that there are thousands of people who at a time of legal crisis, had a lawyer or had somebody with them as a spokesperson and that their lives were made more manageable, better, and that they were well served by our efforts. So you can look at it and say, "What have we really done?" On the other hand, I might have been able to make more money, but I don't think I could have lived a more purposeful professional life than by dedicating myself

in helping to build an infrastructure where good lawyers can provide good service to people in need. I think it's still a career worth living and worth doing.

AH:

Thank you.