



Thank you for being part of Colorado Attorneys for the Arts (CAFTA) and advancing Colorado's arts and creative sector. Below is key information about CAFTA and the legal referral process.

About Us

Colorado Attorneys for the Arts (CAFTA) is a program of the Colorado Business for the Arts (CBCA). This program is based on a national model that exists in over 20 states. CAFTA is a pro bono legal referral program that supports the growth of Colorado's creative sector. CAFTA boosts artists' career growth and self-sufficiency, while providing meaningful pro bono opportunities for attorneys looking to make tangible and positive impact. CAFTA also provides CLE credit for pro bono hours.

Client Eligibility

Residency Restrictions

CAFTA makes referrals for Colorado residents. CAFTA also makes pro bono referrals for entities incorporated or registered in good standing in Colorado.

Arts- Related Matters

CAFTA only refers legal matters directly related to a person's creative practice, art business or cultural organization. Our definitions of "art" and "creative" are broad and include visual, literary, film, media, design, crafts, music and performing arts, as well as non-traditional art forms. For example, we might ask a volunteer attorney to help an artist negotiate a lease for their studio space but would not handle an issue for their personal residence.

Financial Criteria

In order for a client to receive pro bono assistance through CAFTA, the client must demonstrate financial need by meeting eligibility requirements. These criteria are determined by the CAFTA Advisory Committee and are consistent with similar legal referral and volunteer organizations across the country. Prior to referral, each client must provide documentation to verify their financial eligibility for pro bono help (e.g., federal tax returns, financial statements).

For an individual, the income threshold for pro bono eligibility is 250% of the federal poverty guideline (adjusted annually) with additional allowances for multiple people in the household. For a cultural nonprofit, the eligibility threshold is an annual operating budget at or below \$500,000. For a for-profit creative entity, CAFTA evaluates pro bono eligibility based on the financial health of the business and the individual income of the owners.

*CAFTA does assist with attorney referrals for clients whose income exceeds CAFTA's pro bono eligibility threshold. It is up to the potential client and attorney to negotiate that arrangement, including pro bono, reduced rate, flat or standard fees. CAFTA does not participate in that negotiation.

Scope of Representation

Volunteer attorneys select the matters they want to assist based on their personal interest, expertise and availability. Upon accepting a pro bono referral, the volunteer attorney maintains discretion as to the scope of representation.

The client will be informed that the attorney has only expressed interest in assisting with the matter presented and that they must contact the attorney directly to arrange a possible engagement. The client

is also informed that the attorney is NOT his/her general counsel, consultant, or attorney for any issue other than the single, specific matter referred. CAFTA attorneys are only asked to consider handling the specific matter assigned. We understand that it is not always easy to separate issues, so we rely on our attorneys to define the scope of the representation. The client has also been informed that if they require assistance with a different issue, they must return to CAFTA for a new referral. If an attorney wishes to consider working with a client on further matters, that should be handled as a separate engagement and the attorney can determine whether to handle it on a pro bono basis or not.

Litigation

The client has been informed that their volunteer attorney's duties are not expected to include litigation. Upon meeting with a CAFTA client, attorneys are encouraged to discuss whether litigation may be required, and if so, whether they will handle litigation. In the event that litigation, arbitration, or a similar proceeding becomes necessary, the client has signed an agreement representing that he/she will not oppose the attorney's decision (or formal motion) to withdraw from their representation.

Other Logistical Notes

Malpractice Insurance

CBCA carries professional liability insurance that covers attorneys acting in a professional capacity performing pro bono legal services on behalf of a client referred through CAFTA. This coverage shall be primary and all other insurance shall be considered excess thereto. If you'd like a copy of this policy, please contact CAFTA@cbca.org.

Conflicts Checks

When an attorney accepts a CAFTA matter, we provide the client's contact information so that the attorney can clear conflicts. The attorney has three business days to clear conflicts and notify CAFTA of the status. Once conflicts have cleared, CAFTA will provide the client with the attorney's contact information and notify the client of the referral. It is the client's responsibility to contact the attorney promptly. If an attorney does not hear from the client within five business days after conflicts have cleared, please contact CAFTA immediately.

Out-of-Pocket Expenses

CAFTA is grateful for our volunteer attorneys' pro bono time. Clients are informed that they may be responsible for out-of-pocket expenses incurred such as filing fees, copying, messengers, etc. in relation to their matter. Please be sure to discuss any potential expenses with a client in advance and include the provision of such expenses, if any, in the engagement agreement with a CAFTA client.

Evaluation Survey

When an attorney concludes their representation, we strongly encourage them to complete an online Evaluation Survey detailing the number of hours volunteered and an evaluation of the overall referral process. We very much appreciate attorneys completing this report and helping us track the value and efficiency of this program. The Evaluation Survey is found at coloradoattorneysforthearts.org.

Thank you for your willingness to volunteer your time and expertise. If you have any questions or concerns about CAFTA or CBCA, don't hesitate to contact us.

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