



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 Colorado Business for the Arts (CBCA). CBCA is a 501c3 nonprofit that advances Colorado's creative economy by connecting arts and business. CAFTA is based on a national model that exists in over 20 states. CAFTA is a pro bono legal referral service that connects qualified artists and creative entities with attorneys willing to provide vital legal assistance. CAFTA boosts artists' career growth and self-sufficiency, while providing meaningful pro bono opportunities for attorneys looking to make tangible and positive impact.

### **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 a legal 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 300% 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 make 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.

### **Process and Policy 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](mailto: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 must clear conflicts in a timely manner 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 experience. 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](http://coloradoattorneysforthearts.org).

#### *CLE Credits*

Attorneys can receive CLE credits for their pro bono hours on matters referred through CAFTA. Notify CAFTA if you would like to redeem these CLE Credits and we will provide the paperwork. Attorneys can receive 1 CLE credit for every 5 pro bono hours on a matter referred through CAFTA.

Thank you for your willingness to volunteer your time and expertise. Please don't hesitate to contact us.

Meredith Badler  
Deputy Director  
Colorado Business Committee for the Arts (CBCA)  
1325 S. Colorado Blvd, Suite 605, Denver, CO 80222  
Direct Office: (720) 370-5920  
Cell: (267) 337-0196  
[CAFTA@cbca.org](mailto:CAFTA@cbca.org)  
[coloradoattorneysforthearts.org](http://coloradoattorneysforthearts.org)