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Bill Protects the Rights of the Middle and Working Class *Measure addresses the financial obstacles caused by Colorado's outdated cost bond requirements in civil lawsuits.*

March 10, 2009 (Denver, Colorado) - Sponsored by Rep. Claire Levy, D-Boulder, and Sen. Jennifer Veiga, D-Denver, HB09-1305 ensures Colorado's middle and working class have access to the civil justice system by eliminating cost bond requirements.

"Regardless of someone's financial status, everyone has the right to have a case heard by a jury of their peers," said Levy. "Anything less is unacceptable," she added.

Under current Colorado statute enacted in 1885, courts use cost bonds, at their discretion. It is a security deposit for people who do not have enough money to pay for their opponent's costs in the event they lose. If the plaintiff cannot get a cost bond, the court must dismiss the case. The judge determines the value of the bond.

"Too many times, attorneys representing insurance companies ask the courts to order cost bonds as a way to leverage a middle or working class plaintiff into dismissing their case or settling for inadequate compensation," explained Natalie Brown, an attorney and partner at Leventhal, Brown & Puga.

"Insurance companies and their lawyers know middle and working class people do not meet the low income qualification to get the bond waived. It's difficult for someone living paycheck to paycheck to afford or even qualify for a bond necessary to access the judicial system. It's simply unfair and discriminatory," Brown added.

For example, at the request of the defendant who allegedly caused the death of a 40-year-old mother of two, a Colorado court ordered her husband, a client of Brown's, to post a \$30,000 cost bond. Prior to her death, his wife earned more than 50 percent of the families' income. As a result of her death, the family faced a dire financial situation.

Brown's client had a negative net worth and tremendous debt due to his wife's death. His only remaining asset was a college fund for his two college-aged children. The court required him to liquidate the college fund and use the money as a bond or face dismissal of the lawsuit.

Because there was no guarantee he would win his lawsuit, he agreed to drop the case rather than risk losing his children's college fund in the event of a verdict in favor of the tortfeasor.

The Colorado Trial Lawyers Association is comprised of Colorado trial lawyers who are committed to the protection and advancement of individual rights and to the advancement of trial advocacy skills, high ethical standards and professionalism in the ongoing effort to preserve and improve the American system of jurisprudence.

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