



The Unraveling Thread

How Undermining the Rule of Law Imperils Access to Justice

BY ELISA OVERALL AND KIMBERLY GENT

During the 2025 Colorado Access to Justice Commission's¹ statewide listening tour, we have heard a consistent message from hundreds of Coloradans across every judicial district: navigating the civil justice system is profoundly difficult even in the best of times. This is true for single parents piecing together custody filings after hours at a public library, rural veterans trying to appeal benefits decisions without any understanding of what rules apply, and families overwhelmed by eviction notices written in a language they don't speak.

These are not fringe cases. People throughout this state are facing serious civil legal issues in their lives. And the overwhelming majority do so without any legal representation. They must decipher complex rules and procedures, respond to court orders and motions, and prepare for evidentiary hearings on their own—all while under immense stress. Their confidence that they will be heard and that they will succeed is often low. Many people emerge from the experience not just confused and without resolution, but also convinced the legal system is indifferent, inaccessible, or worst of all, rigged.

People's perception that the legal system is stacked against them is, on its own, threatening to the rule of law, which is measured in part by whether ordinary people can resolve their grievances peacefully and effectively through the civil justice system.² Fear that they cannot get a fair shake erodes people's trust in the courts and discourages them from seeking redress.

In this context, the current unfolding reality confronting our judicial system is deeply troubling. Over the past nine months, our legal system nationally has been under growing threat. Judges—whose independence from

For those who cannot afford a lawyer, the judge may be the only person in the courtroom capable of ensuring a fair outcome. If the judge's independence is compromised, if the courts themselves are weakened by political intimidation, or if trust in the system has been deeply eroded, then the only safeguard left for unrepresented litigants is diminished.

politics is fundamental to our system of checks and balances which serves as the bedrock of our democracy—are vilified and threatened for rulings that displease elected officials. Legal orders are openly defied. Law firms face governmental retaliation for representing clients who oppose administration policies or who displease government officials. These efforts go beyond normal disputes over legal interpretation and serve to undermine the credibility and authority of the judicial system itself.

This threat to judicial independence and legitimacy imperils the rule of law and access to justice. When those in power seek to delegitimize the courts because they disagree with judicial outcomes, they are unraveling the shared agreement that gives the courts their power in the first place and are fraying the fragile thread that binds the rule of law and access to justice together.

The rule of law is not just a legal principle ensuring accountability, but also a social contract. Our legal system relies on a collective agreement that no one, including those in power, is above the law. We have agreed to abide by the rule of law because it allows us to resolve disputes peacefully, and to protect our rights without violence or coercion.

Breach of this shared social contract is dangerous for everyone, and especially perilous for people who are already navigating the many barriers to justice in our system. For those who cannot afford a lawyer, the judge may be the only person in the courtroom capable of ensuring a fair outcome. If the judge's independence is compromised, if the

courts themselves are weakened by political intimidation, or if trust in the system has been deeply eroded, then the only safeguard left for unrepresented litigants is diminished.

The lawyers who do take up disfavored causes are also increasingly targeted. To chill lawyers into silence, firms have been singled out and formally sanctioned; and contracts have been revoked for the simple act of representing disfavored clients. These attacks undermine the right to counsel and decrease the number of lawyers willing to represent those most in need of an advocate.

The political threat to judicial legitimacy and the rule of law is not mere partisan disagreement. These attacks on judicial independence forewarn of a legal system in which access to justice is conditional and available only to those who align with prevailing political views. We have seen versions of this in non-democratic regimes around the world, where the “rule of law” is merely a rhetorical cover for those in power. In such systems, courts serve not as a check on authority, but as a means of enforcing it. Legal protections exist on paper, but in practice are distributed unevenly, arbitrarily, or not at all.

That is not the American ideal. Our independent judiciary, our rule of law, the right to due process, and the right to counsel are not partisan positions; they are what distinguish us as a democracy ruled by law, not by power. Any legitimate claim to American exceptionalism rests on these principles.

The justice gap in Colorado is real, and it is vast. Even in a healthy democracy, too many people face life-altering legal problems without help, but what we are currently witnessing threatens to turn that gap into an unbridgeable chasm. When we allow the institutions of justice to be undermined, those without power or privilege fall into that chasm first, with no cushion to land on. If we lose the rule of law, we lose the very framework that gives anyone, regardless of their background, wealth, or beliefs, a chance to be heard and treated fairly.

To ensure the rule of law and its key component of access to justice, we must recognize their critical value and guard against their demise. Judges and lawyers are uniquely positioned to understand both the threats to the rule of law and how these threats strike at the core of ensuring justice for all in our country—and in Colorado. **CL**

Elisa Overall is executive director and **Kimberly Gent** is chair of the Colorado Access to Justice Commission.

NOTES

1. The Colorado Access to Justice Commission was formed in 2003 to create solutions for those who lack the information, tools, and services necessary to resolve their civil legal problems fairly, quickly, and economically. <https://www.coloradoaccesstojustice.org>.
2. Factor 7 of the *WJP Rule of Law Index*, <https://worldjusticeproject.org/rule-of-law-index/factors/2024>.