

# **BOULDER COUNTY BAR ASSOCIATION NEWSLETTER FEBRUARY 2014**



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# CALENDAR OF EVENTS

Tuesday, February 4  
SOLO/SMALL LAW FIRM  
FEE AGREEMENTS  
Presenter: Bruce Wiener, Karen Burns, & Kirsten Jahn  
Noon @ Faegre Baker Daniels  
\$25 CLE, \$15 New/Young Lawyers

February 5  
Boulder IDC  
Developing and Structuring Effective Parenting Plans for Families  
Presenter Armand D. Lebvovits  
\$20 for members; \$25 Guests Noon at Avalon

Tuesday, February 11  
EMPLOYMENT  
Workplace Investigations  
Presenter: Jim Sawtelle  
Noon @ Caplan & Earnest  
\$12 Lunch, \$25 CLE, \$15 New/Young Lawyers

Tuesday, February 11  
MEDICAL/LEGAL CIVIL LITIGATION  
Medical/Legal Legislative Dinner  
6PM @ Boulder Country Club \$50 per person

Wednesday, February 12  
SOLO/SMALL FIRM  
Happy Hour 5:30 @ Conor O'Neills

Thursday, February 13  
INTELLECTUAL PROPERTY  
Copyright Developments in the 10th Circuit:  
Enterprise Management v. Warrick  
Presenter: Kirstin Jahn  
Noon @ Hutchison Black & Cook  
\$12 Lunch, \$25 CLE, \$15 New/Young Lawyers

Friday, February 14  
Availability of Legal Services  
Noon @ BCLS office

Tuesday, February 18  
BUSINESS  
Business Law Update  
Presenter: Professor Loewenstein  
Noon @ Caplan & Earnest  
\$12 Lunch, \$25 CLE, \$15 New/Young Lawyers

Tuesday, February 18  
ELDER LAW  
The Consequences of Disinheriting  
Presenters: Jessica Catlin and Tom Rodriguez  
Noon @ Dietze & Davis  
\$12 Lunch, \$25 CLE, \$15 New/Young Lawyers

Wednesday, February 19  
FAMILY  
View From the Bench Part 2  
Presenters: Judge LaBuda, Judge Mulvahill and Magistrate Brodsky  
Noon Brown Bag Lunch @ Justice Center, Courtroom Q  
\$25 CLE, \$15 New/Young Lawyers

Wednesday, February 19  
In-House Counsel  
Changes in Employment Claims: Prepare for Colorado's Anti-Discrimination Laws  
Presenter: Mark Wiletsky  
Noon @ Covidien (6135 Gunbarrel Avenue)  
\$25 CLE, \$15 New/Young Lawyer

Thursday, February 20  
Availability of Legal Service  
Legislative Update on Family Law and Domestic Violence  
Presenter: Jeremy Ramp  
Noon Brown Bag Lunch @ Justice Center Training Room \$25 CLE

Thursday, February 20  
REAL ESTATE  
Acquisition by Eminent Domain  
Presenter: Kathy Haddock  
Noon @ Faegre Baker Daniels  
\$12 Lunch \$25 CLE, \$15 New/Young Lawyers

Thursday, February 20  
BANKRUPTCY  
Lunch Roundtable Noon @ Agave

Thursday, February 20,  
Friday February 21 and  
**BOULDER HS MOCK TRIALS**  
4:30 - 7 @ Justice Center  
Saturday Feb. 22 8 AM and 10:30 AM

Friday, February 21  
CIVIL LITIGATION  
Five Key Things You Need to Know about E-discovery Now and How to Integrate them Into Your Practice Immediately  
Presenter: Kelly Twigger  
Noon Brown Bag Lunch @ Justice Center Training Room \$25 CLE

Wednesday, February 26  
TAX, ESTATE PLANNING AND PROBATE  
Pitfalls on the Path to Drafting Invulnerable Testamentary Documents  
Presenter: Renee Ezer  
Noon @ Hutchison Black & Cook  
\$12 Lunch \$25 CLE, \$15 New/Young Lawyer

Thursday, February 27  
NATURAL RES/ENVIRONMENTAL  
New Criteria for Environmental Due Diligence in Real Estate Transactions  
Presenter: Maki Iatridis  
Noon @ Faegre Baker Daniels  
\$25 CLE, \$15 New/Young Lawyer \$12 Lunch

Friday, February 28  
IMMIGRATION 101  
New/Young Lawyers  
An introduction to Immigration Law  
Christina Fiflis, Presenter  
\$15 CLE Young Lawyers  
Free for students  
Location TBD



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**Judge James C. Klein**

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February 12-14  
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# YOUR COMMITMENT TO LEGAL AID MATTERS

BY DIANA POOLE

Colorado Legal Services (CLS) had no excess capacity when the devastating floods occurred last September. Thankfully the Colorado Bar Association – together with the Boulder Bar Association and others – responded quickly to help meet the immediate legal needs of flood victims. But the legal problems confronting flood victims are far from over, particularly for low-income people, who are ill-equipped to handle sudden dislocation and unplanned expenses, and are especially vulnerable to exploitation.

Unfortunately, even before the floods, CLS was consistently turning away at least one of every two eligible applicants for services because of inadequate staffing and resources. Over the course of the last five years, and even as the number of Coloradans eligible for services has grown to over 900,000, funding cuts have reduced the number of legal aid lawyers statewide to only 47. By way of comparison, there are 420 public defenders to serve indigent Coloradans in serious criminal matters.

This year, for the first time since 2009, CLS will see a slight increase in the funding it receives from both the state and federal government. This is a welcome development, but does not come close to restoring CLS to its 2009 funding level, much less to putting the program in a position to meet current and future needs. The bulk of the increase in federal funding is due to an overdue census adjustment, recognizing the increase in Colorado's share of the nation's poverty population and thus an increase in the number of Coloradans eligible for CLS's services.

COLTAF funding, which has already fallen by over sixty percent since 2009 because of the extended period of very low interest rates, promises to get even worse before it gets better. For the last five years, COLTAF has been spending down a reserve to supplement current income for grants. That reserve will be entirely exhausted in 2014, and still there is no sign of an increase in interest

rates on short term deposits.

As lawyers we know that, in many cases, the most powerful and effective response to a problem or a crisis often includes legal assistance. The financial support and leadership of the legal profession has never been more important in keeping that response available for low income Coloradans.

*Diana Poole is the Executive Director of The Legal Aid Foundation of Colorado.*

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**Millstone Evans Group of Raymond James**  
**Robinson Tweedy, PC**  
**SWBC Mortgage, Amanda Sessa**



BOULDER COUNTY BAR ASSOCIATION'S 13TH ANNUAL



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A FUNDRAISER FOR LEGAL SERVICES FOR THOSE IN NEED

**February 27, 2014 at 5:30pm**  
Rembrandt Yard - 1301 Spruce Street, Boulder  
Tickets \$40 at the door or online at [FoodWineJazzArt.org](http://FoodWineJazzArt.org)



# LAW'D, HAVE MERCY!

CONSTITUTION OF THE STATE OF TENNESSEE  
[ADOPTED IN CONVENTION AT NASHVILLE, FEBRUARY 23, 1870.  
PROCLAIMED AND IN EFFECT, MAY 5, 1870, AS AMENDED.]

## Article IX DISQUALIFICATIONS

Tenn. Const. Art. IX, § 1 (2013)

### Sec. 1. Ineligibility of ministers and priests to seats in legislature.

Whereas Ministers of the Gospel are by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature.

### Sec. 2. No atheist shall hold a civil office.

No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

### Sec. 3. Duelists shall hold no office.

Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

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## LAWYER ANNOUNCEMENTS

**Thank you to the volunteers for the  
Boulder County Probate Court**

**David H. Brantz  
David P Dougherty  
Renee Ezer  
Kurt C. Hofgard  
Walter W. Kingsbery  
Richard E. Poley  
Thomas A. Rodriguez  
Michael A. Smeenk  
Sharon L. Svendsen**

If you are interested in becoming involved in the program the 2nd Thursday of the month from 8 - 10 AM, please contact [mike@frascona.com](mailto:mike@frascona.com)

 **DIETZE & DAVIS, P.C.**

is pleased to announce that

**MARK D. DETSKY**

has become a Shareholder of the Firm.

Mr. Detsky's practice continues to focus on water and energy, including renewable and alternative energy.

Mr. Detsky may be reached as follows:  
2060 Broadway, Suite 400  
Boulder, CO 80302  
Phone: (303) 447-1375 • Fax: (303) 440-9036  
Website: [www.dietzedavis.com](http://www.dietzedavis.com)  
Email: [MDetsky@DietzeDavis.com](mailto:MDetsky@DietzeDavis.com)

**Thank you to the volunteers of the (KLACH)  
Klein Legal Advice Clinic for the Homeless**

**Kristin Bailey • Bill Benjamin  
Franz Frechette • Alex Garlin  
Josh Landy • Dan Shea  
Craig Small • Steve Wills**

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## PRESIDENT'S PAGE



Leaving a legacy. We all get to a point of wondering if and what ours might become. Paraphrasing a disavowed quote: redeeming a social condition, raising a healthy child, allowing one person to breathe easier because of your existence – all would be successful legacies (apologies to Mr. Emerson ... maybe).

Some of us will become published and our work advance the development of law. Others will amass and exert political influence. Others yet will create and build monuments or institutions. Many, possibly like myself, will know contentment having simply procured food, clothing, shelter, and the occasional sun filled rum run/nap.

It is mentoring however that is the topic of this rant. There are few better ways to leave an indelible mark and perpetuate professionalism than guiding the development of another through shared insight. Tutoring the trade raises the bar, creates better adversaries, and delivers self fulfillment. Making yourself responsible for another attorney's advancement has risks and rewards. Some may fail, others soar.

Mentoring can be formal or not. Of the many established programs, ours of the Boulder Bar seeks to match mentors and mentees and offers expanded CLE programming to foster those relationships. The Supreme Court, through the Colorado Attorney Mentoring Program (CAMP), has made mentoring part of the attorney regulation system: voluntary counselors and charges participate in an extensive 12-month curriculum and are rewarded with 15 free CLE credits. Both local law schools encourage alumni to tutor students and recent graduates. Most law firms have junior and senior parings, some more formal than others. I admit being clueless when it was suggested I find a "rabbi" as a young associate, and wonder yet what might have been had I chosen better.

We all might have chosen better. But once chosen, or sought, or having identified another needing guidance, a commitment emerges, on both parties. The mentee

must be willing to listen, to respect the offer of advice, and the source. The source must be honest in her critique and counsel, and not so self absorbed to fail listening to her camper's attempt of justification. Possibly a different way of thinking may emerge from the collaboration of old and new school approaches.

In each of our everyday practices we are confronted with situations where others are working at different levels of competency or efficacy. It does not breach a commitment of zealous representation to gently suggest an appropriate legal standard, or of the two ways to attract flies, that one is generally less offensive than the other. After a controversy is resolved, without betraying a confidence, it would raise the bars of competence and professionalism and create a better adversary, to reveal how that adversary might have been more compelling or successful in the concluded matter. To paraphrase another quote: there won't be any money, and on your deathbed you may receive total consciousness, but mentoring offers the possibility of an appreciated, respected and satisfied life. A legacy.

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## PRO BONO PAGE

### Pro Bono Referrals

Seventeen cases were referred during the month of December. Thank you to the following attorneys:

Steve Barnett  
Evan Branigan  
Christina Ebner  
Connie Eyster  
Andy Gitkind  
Kurt Hofgard  
Matt James  
Roseann Murray  
Richard Samson  
Jeff Skovron  
Craig Small

Thank you to the following attorneys who accepted a mediation case in December:

Lauren Ivison  
Jim Lionberger  
Alice Robbins  
Brandy Rothman  
Pro Se Program Volunteers

Joyce Bergmann  
Evan Branigan  
M.L. Edwards  
Lauren Ivison  
Chris Jeffers

### BCAP Volunteers

Thank you to the following attorneys who accepted pro bono referrals for the Boulder County AIDS Project in December:  
Paul Bierbaum.

### Pro Bono Corner

**Interested in a Pro Bono case?  
Please call Erika at 303-449-2197. CLE credits available for pro bono service.**

### PROFESSIONALISM ON-CALL LIST

February 3	Curt Rautenstrauss	303.666.8576
February 10	Lee Strickler	303.443.6690
February 17	Mark Langston	303.440.9684
February 24	Meghan Pound	303.443.8010



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Paralegal seeking part-time employment beginning January 2014. Available up to 25 hours per week. Experience in transactions, administrative proceedings and litigation, drafting contracts, pleadings and correspondence, calendar management and scheduling, client intake and screening. Works independently, flexible, and has excellent research skills. \$20/hr. Please call 303.717.0554.

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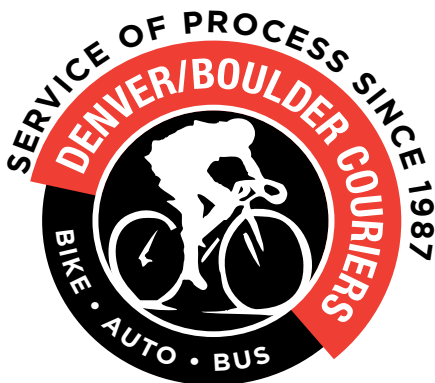
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Yahia Lababidi, author

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