



BOULDER COUNTY BAR NEWSLETTER

OCTOBER 2012

PROFESSIONALISM MONTH 2012

By KEITH COLLINS

In May of this year, Chief Justice Bender, of the Colorado Supreme Court, together with the Colorado Bar Association, declared and proclaimed October as Legal Professionalism Month in Colorado.¹ As part of the proclamation members of the legal profession are encouraged to “rededicate themselves to demonstrating the highest standards of professionalism and integrity, and promoting public trust in the rule of law.”

When I first read the proclamation I felt like it was a ‘call out.’ Has professionalism in the legal profession disintegrated so much that an intervention is needed? Are we being ‘called out’ by our Chief Justice for how we handle ourselves in the course of our work? Indeed, I believe that is exactly what is happening.

The lack of professionalism has gotten so bad that studies show society rates lawyers below used car salesmen.² This may bring a chuckle to some, but it is no laughing matter. Our profession is dangerously close to completely losing the honor and prestige that has long since accompanied the practice of law.

Justice Bender was right in calling us out. It is time to *rededicate* ourselves to rebuilding the reputation of our profession. To gain back the respect of the community we serve. To remind ourselves that we are officers of the court and the honor that goes along with that. So how do we begin to regain some of what we have lost? I think we first need to define professionalism.

To define professionalism we need to answer the question: “What is the nature of the profession that we occupy and practice?”³ There is no short answer to this question. Fortunately, the Chief Justices Commission on the Legal Profession tackled this question for us and came up with a core group of attributes that help define legal professionalism. They are: service, trustworthiness, ethics, diligence, and civility and respect.⁴

Service is appropriately listed first. I believe it is important to our profession that we keep the fact that we serve at the forefront of our thoughts. Our profession exists

solely to assist in the administration of justice for the public. Our roles maybe drastically different as professionals, but in the end, we are here to serve. For me, this is where I derive a lot of fulfillment in my work. I believe it is rewarding to serve others, by assisting one in their pursuit of justice within the structure of the legal system. I have also found that when I really dedicate my efforts to serving I seem to gain back a lot of the respect and honor that our profession has lost along the way.

Competence in our craft allows us to effectively serve. We are very fortunate here in Boulder to live in a community that offers so much support

(continued on page 3)

MARK YOUR CALENDARS

NOVEMBER 8, 2012
BENCH BAR RETREAT
CU LAW SCHOOL 1 - 5 PM
FOLLOWED BY
ANNUAL JUDGES’ DINNER
AT THE ACADEMY

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CALENDAR OF EVENTS

Pre-registration is required for all BCBA CLE programs. Register by e-mailing lynne@boulder-bar.org, or pay online with a credit card at www.boulder-bar.org/calendar.

Tuesday, October 9

Employment Law
The Landmark Sexual Orientation
Discrimination Case of
Williams v. Colorado State Patrol
Presenter: Keith Shandalow
Noon at Caplan and Earnest
1 CLE \$20, \$10 new/young lawyers
Lunch \$11

Wednesday, October 10

Solo/Small Firm Happy Hour
5 PM at Connor O'Neill's
Join us at our new location!
13th between Walnut and Pearl

Thursday, October 11

Intellectual Property Law
The Patent Cooperation Treaty
Presenter: Carl Oppedahl
Noon at Hutchinson Black and Cook
1 CLE \$20, \$10 new/young lawyers
Lunch \$11

Thursday, October 11

Longmont Lawyers Happy Hour
5:30 PM
255 Weaver Park Road, #200
Offices of Samson & Vidergar LLC and
Pipis Marsh Law LLP

Friday, October 12

Availability of Legal Services
Noon brownbag at BCLS in Louisville
315 W. South Boulder Road, Suite 205

Wednesday, October 17

Family Law with Employment and
Civil Litigation
Vocational Evaluations
Presenter: Kristine Harris, MS, CRCC,
CRC; Rehabilitation Consulting
Noon brownbag in Courtroom N
1 CLE \$20, \$10 new/young lawyers

Thursday, October 18

Bankruptcy Roundtable Lunch
Noon at Agave Bistro
2845 28th Street in Boulder

Friday, October 19

Immigration Monthly Roundtable
Discussion of Current Issues and
Workshopping Cases, 9 – 10 AM
Broadway Suites 3rd Floor

Friday, October 19

Ethical Considerations in
Public Sector Law
Sponsored by ABA, CBA and
Boulder County Bar Asso.
See details on page 8
Reception following sponsored by the
CBA and BCBA.

Tuesday, October 23

Paralegals and all Lawyers
Criminal Law Basics and Boulder
District Attorney: How a case travels
through the criminal justice system
Presenter: Tim Johnson, Asst. DA

Noon at Boulder County Justice
Center Jury Assembly Room
1 CLE \$20, \$10 for new/young lawyers
Lunch \$11

Tuesday, October 23

Elder Law and Tax Estate Planning
Trust Protectors
Presenter: Gregory T. Densen,
Noon at Caplan and Earnest
1 CLE \$20, \$10 new/young lawyers
Lunch \$11

Wednesday, October 24

Tax Estate Planning and Elder Law
Secrets of Successful Families:
Transferring Values with Wealth for a
Lasting Legacy
Presenter: Justin T. Miller, J.D., LL.M.,
CFP®. Senior Director, National
Wealth Strategist
Noon at Hutchinson Black and Cook
1 CLE \$20, \$10 for new/young lawyers
Lunch \$11

Friday, October 26

Civil Litigation
What Every Trial Litigator Should
Know About Having Her Case Taken
Up Upon Appeal
Presenter: Judge James Casebolt,
Colorado Court of Appeals
Noon brownbag in Courtroom B
1 ethics CLE \$20, \$10 new/young
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PROFESSIONALISM MONTH *(continued from page 1)*

in helping educate attorneys. Between the Boulder Bar Association and the Colorado Bar Association there are thousands of CLE programs available to our members covering countless topics related to the legal profession. The leaders of our profession are dedicated to providing the best in ongoing legal education. The resources to be a competent attorney are readily available.

In addition to the CLE programs, there are wonderful mentoring programs available at both the local and state level. In the past few years, during the downturn in our economy, I have witnessed an increase in the number of practitioners who are forced to broaden the scope of their practice to other areas of law. Whether a recent graduate or a senior attorney, it is our duty to be competent in our practice and I believe there is no better way to learn the law than by having someone help show you the ropes.

Trustworthiness is a broad reaching attribute. I was lucky enough to have a mentor early on who told me that all you really have in this profession is your word. This has been invaluable advice. There is no one case, client, or situation that is worth forever losing the value of your word. This goes whether we are dealing with clients, opposing counsel, or judges. If our word means nothing then we cannot effectively serve and fulfill our duties to the standards our profession demands.

Ethics is defined as a system of moral principals. Certainly, the attributes the Commission outlined help define the ethics of our profession. For me, I have a very simplified definition for ethics, it means to do what is 'right'. Meaning, to do what is honest and above board. To choose the route that I can explain without shame or embarrassment.

When I find myself in murky waters, I try to assess what I believe is the 'right' thing to do and stick with it. However, please do not interpret this to mean that I am saying I do everything right, far from it. Our jobs are challenging and we can often find ourselves in uncharted waters where we need to plot a course of action and it can be awfully tempting to take a short cut.

Diligence is the attribute that I probably struggle with the most. For me it is not always easy to find the motivation to tackle what needs to be done. This leads to a dangerous conversation with myself where I begin to reassess what it is I really need to do. I have become pretty good at convincing myself at times, that I can probably get away with less. I probably do not need to read those extra cases, or I really do not need to call so-and-so. This conversation inevitably leads me to cutting corners and failing to provide the level of service I expect of myself. I can usually get myself reenergized by reminding myself of what an honor and privilege it is to practice law, or just by turning up the volume to my workout mix while I am sitting at my desk.

Civility and respect is the attribute that seems most vulnerable to our

emotions. I have witnessed on many occasions attorneys getting so fired up during the heat of battle that personal attacks on opposing counsel begin to be volleyed. I am sorry to say that I am guilty of this myself. It can be very difficult not to hold a judge or opposing counsel personally responsible for their position. However, as discussed above, we are all just doing our jobs. We are all playing our role in the legal system and we are never justified in personally attacking others in our profession for merely doing their job. Fortunately, here in Boulder we have a very respectful bar and bench making it an enjoyable place to practice.

I want to join the Commission in encouraging all of us to remind ourselves what it means to be a lawyer. To remember our profession is a noble and honorable profession but it can only remain that way if we remain steadfast to the attributes that define us.

Footnotes:


1. The proclamation in its entirety can be found at the end of this newsletter.
2. Commission on the Legal Profession, Minutes from February 17, 2011 .
3. Keynote address at Florida State University College of Law Symposium,

(continued on page 4)

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PROFESSIONALISM MONTH *(continued from page 3)*

Defining and Refining Professionalism: Assessing the Roles and Regulations of Lawyers in the Twenty-First Century (February 12, 1999).
4. Commission on the Legal Profession, Minutes from May 5, 2011.

Chief Justice Bender proclaims October 2012 as Legal Professionalism Month

DENVER – Furthering the mission of the Chief Justice’s Commission on the Legal Profession, Chief Justice Michael L. Bender has declared October to be Legal Professionalism Month in Colorado. More than 30 bar associations across the state have committed to celebrating Legal Professionalism Month and will

be holding events throughout October. The events will culminate with the Assembly of Lawyers on Oct. 29, 2012, from 2 to 4:15 p.m. at Boettcher Concert Hall when a special session of the Colorado Supreme Court will be held to administer the oath to Colorado’s newest lawyers. More than 300 legal professionals have already committed to attending the Oct. 29 court session. The Assembly of Lawyers event will also feature a video tribute to Governor Ralph L. Carr (1939-1943) and his commitment to equal protection under the law during World War II, as well as a discussion with Attorney General John Suthers and Denver County Judge-designate Gary Jackson about what professionalism in the legal community means.

“While I believe that our profession has been and continues to be a positive force for society, it is clear that we have, at times, lost our way in the face of economic and professional pressures,” Chief Justice Bender said. “Accordingly, I believe that now is the time for each of us to renew our efforts to the legal profession through increased civility for one another and a focus on instilling these values in law students and new lawyers.”

Formed in Feb. 2011, the Chief Justice’s Commission on the Legal Profession set out to improve the training of law students to help them better appreciate the vital role that attorneys play in our society; increase the training of and support for new lawyers in Colorado; facilitate news Colorado Judicial Branch Michael L. Bender, Chief Justice Gerald Marroney, State Court Administrator communication and cooperation between judges, attorneys and the state’s two law schools; and encourage the entire bar to recognize the broad legal needs of our community and improve public attitudes towards the profession through a renewed dedication to pro bono service.

“When I became Chief Justice in December 2010, I wanted to bring together the threemajor groups of the legal profession – the judiciary, bar and legal training academy – to better understand the needs of new attorneys and the community in which we all serve,” he said. “It is the duty of the state’s legal professionals to maintain a tight focus on our professional responsibilities and to educate new attorneys about their new found responsibilities in preserving the rule of law.”

A complete listing of events for Legal Professionalism Month can be found at: <http://www.cobar.org/index.cfm/ID/22250/DPCOM/Professionalism/>

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PRO BONO PAGE

Pro Bono Referrals

Thirty-one cases were referred during August. Thank you to the following attorneys:

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Thank you to the following attorneys who accepted pro bono referrals for the Boulder County AIDS Project in August.

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Brandon Fields

Pro Bono Corner

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Boulder County Bar Association Professionalism Committee On-Call Schedule

October 1	Curt Rautenstrauss	303.666.8576
October 8	Bruce Fest	303.494.5600
October 15	Trip DeMuth	303.447.7775
October 29	Mark Langston	303.440.9684

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