



## BOULDER COUNTY BAR NEWSLETTER

# JANUARY 2013

### HOW MUCH TO YOU LOVE YOUR CELL PHONE?

By JULIE CAPUTO

Happy New Year to everyone! It is 2013 and the world did not end. Although I had only been asleep for a few hours, I was awakened by the ringing of my cell phone to start this new year off right. It was an emergency about an exchange on January 1. (Not a surprise). Yes, I had given my cell phone number to a traveling client anticipating a potential problem so it is my fault that a call woke me at that time. I also had my cell phone on that morning compounding my own lack of foresight as I crawled into bed around 2 AM. Regardless, I began the year with technology waking me up and it got me thinking about technology in 2013. Unless someone has been hiding out in a library for the past 10 years, technology has become a necessary facet of our lives and law practices. We have moved towards paperless offices, paperless courts, twitter accounts, blogs, emails, Facebook and many other forms of media such that I am beginning to feel guilty that I do not own an I-Pad! Now anyone who really knows me, knows that I am not a fan of technology for many reasons. Yes, I have a smartphone (nope not an I-Phone) and a laptop that I schlep around, and I am "Linked in" and can blog if absolutely necessary. On a daily basis I email from both my computer

and my cell phone, and I do not shut my cell phone off generally until after 10 pm each evening. I have accepted the fact that it is more efficient to keep my cell phone on into the evening because many times I receive emails or texts from opposing counsel working just like me, late into the evening and even e-filing a document that evening before midnight. We can do this now because we are connected by technology and we might

*(continued on page 3)*

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## CALENDAR OF EVENTS

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

Wednesday, January 9  
Boulder Interdisciplinary Committee  
Early Neutral Assessment:  
Pilot in Boulder County  
Presenter: Bob Backerman, Christie  
Coates, Monica Haenselman  
A Spice of Life Event Center/Flatirons  
Golf Course  
11:30 to 12:00 Networking, Noon to  
1:15 Lunch and speaker  
RSVP the Friday prior to the  
meeting. 720-232-4573

Wednesday, January 9  
Solo Small Firm  
5PM  
at Connor O'Neill's

Thursday, January 10  
Intellectual Property Law  
Presenter: Justin Konrad  
Copyright and the Creative Commons  
Hutchinson Black and Cook  
1 CLE \$20, \$10 new/young lawyers  
Lunch \$11

Tuesday, January 15  
Business Law  
Derivative Actions  
Presenter: Jennifer K. Birlem,  
Shoemaker Ghiselli & Schwartz  
Noon at Hutchinson  
Black and Cook  
1 CLE \$20, \$10 new/young lawyers  
Lunch \$11

Wednesday, January 16  
Family Law and Elder Law  
Elder Divorce: Social Security,  
Medicaid, and Medicare  
Presenter: Rose Mary Zapor, Esq., The  
Zapor Law Office, P.C.  
Noon brownbag at the Boulder County  
Justice Center  
DA's Conference Room, 2nd floor  
1 CLE \$20, \$10 for new/young lawyers

Thursday, January 17  
Colorado Bar Association Presidential  
Visit  
Mark Fogg  
*Traveling the Four Corners:  
Practice, Access to Justice  
Professionalism and  
Community Service*  
11:45 AM - 1:15 PM  
at Laudisio's on 29th Street  
\$20 lunch and Ethics CLE  
Thursday January 17  
Bankruptcy Section  
Noon lunch at  
Agave in Boulder

Friday, January 18  
Immigration Roundtable  
8:30 a.m. at the Broadway  
Suites - 3rd Fl. Conference Room

Tuesday, January 22  
All Sections  
New Rule 45- Subpoenas  
Get a Major Makeover  
Presenter: Magistrate  
Hamilton-Fieldman  
Noon brownbag at the Boulder County  
Justice Center  
Courtroom N  
1 CLE \$20, \$10 New/Young Lawyers

Thursday, January 24  
Natural Resources  
and Environment Section  
The Colorado Roadless Rule – what it  
means for Colorado roadless areas  
Presenters: Lisa Reynolds  
and Lori Potter  
Noon at Bryan Cave HRO  
1 CLE \$20, \$10 new/young lawyers  
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## HOW MUCH TO DO YOU LOVE YOUR CELL PHONE *(continued from page 3)*

believe, in theory, that we get more work done. But, I ask myself at the start of this year, is that a good thing? As I reach for my cell phone to return an email and a new text, I think, how often do I turn my cell phone off? Do I panic if I leave my cell phone at home while I go for a “leisure” walk (if there is such a thing)? When I am out of range of my gadgets, I find myself begin to panic and feel uncomfortable. I wonder how many of you have considered these thoughts. When I was reading over my northwest sidebar blog (I am also a member of Washington State Bar) I found that people in Seattle are thinking the same thing which I considered a bit shocking given that it is the home of Microsoft and numerous software companies. I came across the following article and I thought that it would be great to share it with all of

you here in Boulder. It appears others are thinking about cell phones and being “jacked in” as much as I am. I hope you enjoy the article and find a way to unplug at some point during the day each day-- I am going to turn my phone off now.

*Julie A Caputo practices Family Law and is the co-chair of the BCBA Family Law Section.*

### **Nomophobia: My Cell Phone Is Running My Life**

You’re eating lunch with a colleague. As you discuss a case your firm is trying, the person across the table taps their smartphone just long enough for the screen to light up. The phone isn’t ringing or vibrating, but they check it anyway. They make eye contact with you, only to look away a few minutes later to check their phone again.

Most of us have been on both the giving and receiving end of this situation. We constantly check our phones, looking for text message notifications or emails. We all know that phantom buzzing feeling we think is our phone and we sometimes think we hear our alert tone, only to see there is nothing new to read.

Legal professionals may be more guilty of this than most. We have constant deadlines, clients trying to reach us, bosses sending texts, and family members asking when we will be home. We need to stay connected — always. While we think this means we are just committed to our work, it can be more than just an annoying (and often rude) quirk.

*(continued to page 4)*



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## HOW MUCH TO YOU LOVE YOUR CELL PHONE ? *(continued from page 3)*

Obsession with constant communication and fear of being out of touch is now categorized as a phobia, one from which more than 66% of mobile phone users suffer. With the United States' cellphone usage at about 327,577,529, that means statistically 216,201,169 people suffer from what is called "nomophobia," an abbreviation for "no-mobile-phone phobia."

Nomophobia is the fear of being without mobile phone contact. A 2012 British study, sponsored by SecurEnvoy, found mobile phone users tend to be anxious when they "lose their mobile phone, run out of battery or credit, or have no network

coverage." It is categorized as a specific phobia, on par with a fear of flying. The study found about 58% of men and 48% of women experience symptoms of nomophobia. These numbers jump by 9% for both men and women when their mobile phones are off.

Signs of this communication obsession include:

- Keeping your phone constantly within reach during both sleeping and waking hours
- Checking your phone in the middle of the night
- Taking your phone with you everywhere you go, including inappropriate places like the restroom

- Obsessively checking battery life
- Checking your phone every few minutes, even when interacting with other people
- Feeling anxious when separated from your mobile device
- Constantly checking your pocket or purse to ensure your phone is there

While you may think these signs describe everyone you know, is that really a good thing? The study cites a variety of reasons that people become so attached to their phones. For some, the connection offers security. It makes them feel safer knowing they can call for help if they need it. For others, compulsively checking their phone relieves anxiety that they are missing something and reassures them that there is nothing they need to respond to.

I myself am guilty of most of the described symptoms. If my phone is dying, it is time to head home. (Sorry, guys, I know we're hanging out, but I gotta charge up in case one of you tries to text me.) My phone died the night of the presidential election. I was unable to text friends and family as election results crawled in. I couldn't check political trends on Twitter! I had no email access. I went from panic to depression to acceptance before realizing this behavior was probably unhealthy.

If any of this behavior sounds familiar, you should try to control it now. Don't take your phone to the dinner table. Set a time every evening to put your phone aside and don't check it again until the morning. Choose one day a week (weekends will probably work best) to turn your phone off, even for just a few hours. Spend that time with your family, grab a beer

*(continued on page 10)*

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## PRESIDENT'S PAGE

BY KEITH COLLINS



### Enough is Enough

*"It is no measure of health to be well adjusted to a profoundly sick society." – Jiddu Krishnamurti*

I struggle to keep my eyes free of tears as I sit to write this article. Three hours ago, a gunman opened fire at an elementary school, killing 26 people, including 20 children. Children! You do not have to be a parent to be devastated by such a senseless tragedy.

I suppose that senseless acts of violence have always been a part of human history. However, when do we get to a point, as a society, when we say enough is enough? What is our tipping point? It is the time when we are ready to acknowledge a change is needed and are willing to initiate action. Of the 12 deadliest shootings in U.S. history, half have taken place since 2007. I think now is the time for change.

I do not know the answer to remedy this awful trend of violence. I do know that if we are not willing to make some changes then we will continue to suffer from tragedies like Sandy Hook Elementary, Columbine, and the Aurora theater shooting. For me, the price of

status quo is too much to bear. Change is needed. Change in how our nation regulates firearms and how we address mental health issues.

Many who know me, may be surprised to learn that I am an avid hunter. As a child, I was fortunate to spend my youth hunting in the backwoods of upper Michigan and hunting still remains a passion. Despite being an active hunter and growing up in a pro-gun culture, I personally

believe we need to take a hard look at our gun laws. I do not say this as a means of pointing blame or finding fault for these senseless shootings. I say this to demonstrate the depth of my belief that something must be done. I got my first gun at a very young age, and have always had guns for hunting. I have strong beliefs that we should have the right to own and possess guns. However, if restrictions

*(continued on page 7)*



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## PRO BONO PAGE

### Pro Bono Referrals

Sixteen cases were referred during November. Thank you to the following attorneys:

**Norm Aaronson CULADP**  
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**William Meyer**  
**Laura Moore**  
**Craig Small**  
**Christopher Tomchuck**  
**Cyril Vidergar**

Thank you to the following mediators who accepted a pro bono referral in November:

**Kimberly Gent**  
**Lauren Ivison**  
**Beth Ornstein**  
**Alice Robbins**

### Pro Se Program Volunteers

**Evan Branigan**  
**Mary Louise Edwards**  
**John Hoelle**  
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**Chris Jeffers**  
**Michelle Stoll**  
**Leonard Tanis**

### BCAP Volunteers

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## PRESIDENT'S PAGE *(continued from page 5)*

would help reduce or prevent any of these tragedies, then we must enact them.

The issue of gun control is one of those hot topics that can be very polarizing. Having strong beliefs is not necessarily problematic. Strong beliefs leads to good advocacy, and good advocacy should lead to good discussions and debates. In a perfect world, the debates would lead to positive changes. I trust that regardless of what you believe in regards to gun control, each side can agree that we do not want to continue down the road we have been on. We all should agree that we can not sit idly by and do nothing, waiting for the next mad gunman.

There is no easy solution. There is no law that can be passed that will guarantee future tragedies will not take place. Even admitting for the sake of argument that gun restrictions would help, I believe that this issue is bigger and broader than mere gun control. This issue seems to strike at the core of our society. How as a society we deal with mental illness, and how we treat and relate to each other as individuals and human beings.

The treatment of mental illness, or the lack thereof, is a significant problem in our country. According to the World Health Organization, mental illness is the leading cause of disability in our country, more than any other type of illness. In addition, people who suffer from mental illness are 2 to 6 times more likely to inflict or suffer physical harm than healthy adults. We are seeing these statistics play out in the headlines of our nightly news stories.

Historically, we are reactive in dealing with the mentally ill who are violent. We lock them up in prison.

According to the Department of Justice, more than half the inmates in prison suffer from mental illness. Our prison population is exploding and our government is struggling to manage it.

As a nation, and at home in our community, we need to be more progressive in how we deal with mental illness. Our goal should be preventing these mass tragedies, not simply waiting to lock up those responsible.

I am not naive enough to believe that there is a simple solution to all of this and that all such atrocities can be prevented. What I do believe is that there is a problem, which is the first step to creating change. I hope that those of you reading this article will agree.

The purpose of this article is not necessarily to discuss gun control or how to treat mental illness. The real purpose in writing this particular article is to try and start a discussion. It is an attempt to move those of you reading this to start talking with your friends, family, co-workers, anyone, about making a change. To keep a discussion going so that our voices of discontent grow loud enough to be heard by our government leaders. To insist that our government address this issue in earnest.

The Boulder Bar Association is comprised of nearly 1500 highly educated professionals. I encourage each of you to get active in a discussion to create change. Some of you may be so moved, as I have, to reach out to

*(continued on page 8)*



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## PRESIDENT'S PAGE *(continued from page 7)*

your government leaders and ask them to address this issue. Others of you may write letters to the editor in the local paper, or post something on your Facebook page. I encourage you to be active in sharing your thoughts, ideas and suggestions.

I could fill a page with awful atrocities that our society has endured since the shooting at Columbine High School nearly 14 years ago. We have witnessed these meaningless acts while enacting no meaningful change. Enough is enough. Our children cannot afford for us to become silently numb to this violence. Take action, write a letter, speak up and be heard, collectively

we can begin the process of change. Below is a list of our representatives to contact. Now is the time.

State – House Representatives for Boulder County  
Clair Levy,  
Claire.levy.house@state.co.us  
Dickey Lee Hulinghorst,  
Dl.hulinghorst.house@state.co.us  
Johnathan Singer,  
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State Senators for Boulder County  
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### The Furthest City Light



Jeanne Winer

### GOOD-BYE AND A SHAMELESS PLEA

As many of you know, I practiced as a criminal defense attorney here in Boulder for more than twenty-five years. It was an honor and a privilege to have been a member of such a professional and collegial community. But enough is enough. I have finally made the leap to full-time fiction writer. My debut novel, *The Furthest City Light* (about a female public defender), has just been published by Bella Books.

Here's the shameless plea: If you remember me, please don't say farewell or wish me luck, just buy my book. It's available on Amazon or through Bella Books. If you really liked me, please buy the book at my book signing at the Boulder Bookstore on Wednesday February 6th at 7:30. I'd love to fill the room with lawyers.

If you've ever cared too much about a case, you're the kind of reader I'm looking for. Also, please visit my website at [www.jeannewiner.com](http://www.jeannewiner.com)

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## HOW MUCH TO YOU LOVE YOUR CELL PHONE ? *(continued from page 4)*

with a friend, go for a jog.

This obsession with our phones not only increases stress and anxiety, it distracts us from experiencing life in the moment. When you're in a meeting, sharing a meal with someone, or just trying to relax, get your face out of your phone.

*Sara Wilmot is a legal assistant at McDougald & Cohen P.S. in Seattle, WA. She can be reached at [swilmot@mcdougaldlaw.com](mailto:swilmot@mcdougaldlaw.com)*



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