

BOULDER COUNTY BAR ASSOCIATION NEWSLETTER FEBRUARY 2014



PHOTO BY KELVIN-IMAGES.WEEBLY.COM

TABLE OF CONTENTS

CALENDAR OF EVENTS	2
YOUR COMMITMENT TO LEGAL AID	3
LAWYERS ANNOUNCEMENTS	4
PRESIDENTS PAGE	5
CLASSIFIED ADS	8



ANGEL LAW OFFICES
REAL ESTATE TRANSACTIONS



angellawoffices.com

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



Offering Alternative Dispute Resolution Services in Boulder County and Surrounding Areas.

Judge James C. Klein

303-448-8814

4450 Arapahoe Avenue, Suite 100

February 12-14
"Collaborative Teamwork – A Level II Training for Neutrals and the Attorneys who Work with Them"
A three-day workshop with
Linda Solomon, LPC, LCDC, LMFT,
presented by Colorado

Collaborative Divorce Professionals.
Linda returns with an in-depth collaborative divorce training. This is the future of collaborative practice in Colorado.
18 general & 2 ethics credits applied for
Contact Erika for more details
303.831.0808

or

Info@ColoradoCollaborativeDivorceProfessionals.com

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.

Thank you to those firms already sponsoring
Colorado State Bank and Trust
Purvis Gray LLP
Caplan & Earnest LLP
Hutchinson Black and Cook LLC
Hurth, Sisk and Blakemore LLP
Mark H. Carson, PC
Beverly C. Nelson, Mediation
Stevens, Littman, Biddison, Tharp & Weinberg LLC
Packard Dierking PC
Shoemaker, Ghiselli & Schwartz LLC
RBC Wealth Management, Brenda Dixon
Black Roofing, Inc.
Berg Hill Greenleaf & Ruscitti LLP
Dietze and Davis, PC
Garlin Driscoll LLC
Grund Dagner & Jung PC
Hutchinson, Black and Cook LLC
Judicial Arbiter Group
Robert E. Lanham PC
Lorenz Law, P.C.
Roberts & Olivia, LLC
Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC
Millstone Evans Group of Raymond James
Robinson Tweedy, PC
SWBC Mortgage, Amanda Sessa



BOULDER COUNTY BAR ASSOCIATION'S 13TH ANNUAL



Food · Wines · Jazz · Art

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



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.

DAVID J. DRISCOLL

Representing plaintiffs in personal injury and insurance
bad faith cases with integrity, diligence, and results



☎ 303.926.4222

245 Century Cir, Ste 101
Louisville, CO 80027

ONLINE AT:
WWW.GARLINDRISCOLL.COM




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

 **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

Email: 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**

If you are interested in volunteering please contact steve@willslawfirm.com

Domestic relations mediation and arbitration in Boulder

Experienced. Fair. Compassionate.

■ Dissolution ■ Post-decree matters

**CAPLAN
AND
EARNEST
LLC**

Est. 1969

Gwyneth Whalen

Former Boulder District Judge
gwhalen@celaw.com
303.443.8010 | www.celaw.com



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 pairings, 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.

A trusted Boulder law firm since 1969.

The Confidence of Trusted Counsel.®

303-443-8010 | www.celaw.com

CAPLAN
AND
EARNEST
LLC

Est. 1969

Education Health Care Litigation Estate Planning Immigration Real Estate Business Services

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



Steve Clymer, Esq.
Principal Mediator

**ADR in our *new* offices or yours
in the Denver Metro area.**

3223 Arapahoe Ave., Suite 300, Boulder, CO 80303
303-530-2137 | www.accordADRgroup.com

CLASSIFIED ADS

Legal Assistant seeking part-time employment in Bldr. County. Start date ASAP. Three years recent legal experience. Available Mon-Fri, 9:00 a.m. – 2:00 p.m. Professional, organized, excellent communication skills. **Contact Lucy: 303-808-9700.**

So. Boulder Office in suite with Six Diverse Practitioners: Domestic, Business, and PI. Office (approx. 10'X13') plus secretarial station available. Located at South Boulder Road and the Turnpike. Convenient access to Boulder, Denver, Longmont, Louisville, and east county. Free parking, two conference rooms. Rent includes utilities, janitorial, & various amenities. Come join the daily excitement. Call Steve Cook or staff (303)543-1000.

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.

2 OFFICE SUITES: 2575 SPRUCE STREET IN BOULDER! Two adjacent offices with shared furnished waiting room and bathroom in historic house on bus line with on-street parking and 2 allocated parking spots in private lot. Perfect for attorney, psychotherapy, etc. or a home-away-from-home office. Smaller office: 131 square feet, \$500/month. Larger space, 219 square feet \$1000/month. Both: \$1400/month. Lease includes everything but telephone and internet. email for showing: HBROWNERED@GMAIL.COM

BANKRUPTCY: Sean Cloyes can help your debt heavy clients obtain a fresh start. Free consultations, phone inquiries welcome. Over 12 years experience, reasonable rates, Offices in Boulder and Louisville. 303.217.8130.

Mobile Notary and Contract Paralegal Services. Civil litigation ADC/CJA. Real estate transaction. Roz Lynn Dorf, M.A. 303.494.6935.

LEGAL RESEARCH - experienced local attorney seeks legal research, possible overflow contract work. Resume and writing samples available upon request. Rates negotiable. Contact Erik S. Burns at 720-560-9685 or eriksburns@gmail.com.

Experienced Billing Clerk/ Paralegal Services/Bookkeeper & Mobile Notary. Are you a small firm or solo practitioner in need of a monthly billing administrator? If so, I can manage your clients professional fee invoicing, A/R, A/P for your firm. All work done on a contractual basis. Sally Carroll 720-353-1447. sallyvp@yahoo.com



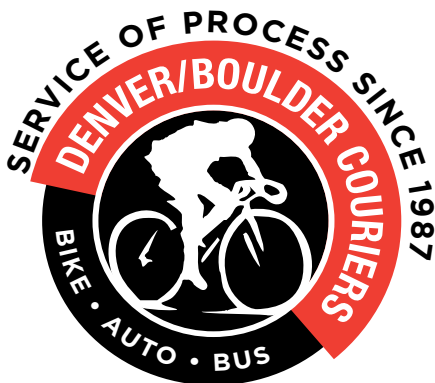
LARRY RIDER MEDIATION/ARBITRATION

Over 40 years of assisting people to resolve disputes.

"A good listener helps us overhear ourselves"

Yahia Lababidi, author

My office or your office
7373 Old Mill Trl. • Boulder, CO 80301 • 303.579.5433
lcridermediation@gmail.com



303.571.5719



RUSH SERVICE OF PROCESS AND LEGAL COURIER FOR THE ENTIRE FRONT RANGE



FAST AND EASY QUICK QUOTE AND ONLINE ORDERING AT www.dbcouriers.com



**OR ORDER BY PHONE
303.571.5719**



Over Sixteen Years of Experience with

- **Mediation**
- **Arbitration**
- **Settlement Conference Services**

Also accepting referrals for personal injury civil and criminal litigation.

Past President of Colorado Trial Lawyers and Boulder County Bar Association; Colorado Super Lawyer 2007-2014.

Jim Christoph, JD

303.381.2560 christophlaw@comcast.net

LAWPAY
CREDIT CARD PROCESSING

Over 80 Years of Quality Performance
BOULDER COUNTY BAR ASSOCIATION
Member Benefit

ACCEPT
VISA MasterCard
GREAT CLIENT
PAID ON TIME, INC.

THE CORRECT WAY TO ACCEPT PAYMENTS!
Recommended by Over 80 Bar Associations
LawPay.com/bcba | 866.376.0950
AffinPay is a registered ISO/MSP of BMO Harris Bank, N.A., Chicago, IL



BOULDER COUNTY BAR ASSOCIATION

THE BCBA NEWSLETTER IS A MONTHLY ELECTRONIC PUBLICATION BY THE BOULDER COUNTY BAR ASSOCIATION. ARTICLES BY GUEST LAWYERS MAY NOT BE REPRODUCED WITHOUT PERMISSION FROM THE BOULDER COUNTY BAR ASSOCIATION OR THE AUTHORS.

COMMERCIAL ADVERTISING INFORMATION IS AVAILABLE BY CONTACTING christine@boulder-bar.org

OR THE BAR'S WEBSITE

www.boulder-bar.org

Phone: 303.440.4758 • 1942 Broadway, Suite 205 • Boulder, CO 80302
Executive Director and Newsletter Editor Christine Hylbert
Executive Assistant Laura Zang