



JANUARY 2003



THE PRINCE, PRINCESS AND MAINTENANCE/PROPERTY DIVISION BY BOB COOPER, WENDY L. STEVENS AND LENNY TANIS

CONTENTS

• <i>PROPERTY DIVISION</i>	1
• <i>PRESIDENT'S PAGE</i>	4
• <i>CALENDAR OF EVENTS</i>	6
• <i>ANNOUNCEMENTS</i>	7
• <i>INVENTIONS FOR PATENTING</i>	9
• <i>PRO BONO PAGE</i>	11
• <i>H.R. OUT-SOURCING</i>	12
• <i>CLASSIFIED ADS</i>	15

Once upon a time, there was a handsome prince riding on a large white horse. The prince had long, flowing hair, beautiful clothing and a body to match the image. He had everything that wealth, education and ambition could get him, except the perfect wife. He searched the land for a lovely princess to marry and one day found that perfect woman sitting on the side of a pond in a lush green meadow. It was love at first sight. He rode towards her on his horse and, bending over while still in the saddle, gave her his muscular hand and lifted her into the saddle behind him. The lovely couple rode off into the sunset. They were married and he loved and cared for her for all the days of her life. Unlike most of today's marriages, they lived happily ever after.

This Disney image of the handsome prince and princess is now deep within our subconscious. When you grew up and saw "Cinderella," "Sleeping Beauty" or "Snow White," you probably dreamed of being a prince or a princess. Deep within our souls is the thought that the prince will take care of the princess. We learned this as young children long before we went to school and became politically correct. It was reinforced by television shows from "Leave it to Beaver" to "The Brady Bunch." If you doubt this supposition, consider the following:

Once upon a time, there was a gorgeous princess on a large white horse. She had the face of an angel, a white flowing dress and beauty equaled by none. Not only was she gorgeous, but was a very intelligent, highly ambitious princess who had inherited her family's small business and turned it into a Fortune 500 company. She had only one problem: She wanted and needed a mate. So, she searched the land high and low and one day found a prince next to a well. She rode her horse up to the prince and asked him to join her. She lifted him on the back of her horse and

3RD ANNUAL LEGAL AID FOUNDATION WINE TASTING FUNDRAISER

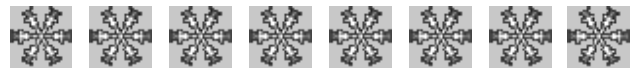
FEBRUARY 19, 2003

SEE PAGE 8 FOR DETAILS.



(continued on page 3)

JANUARY 2003 *(Details for programs on page 6)*



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 New Year's Day	2	3	4
5	6	7	8 Real Est./Business	9	10	11
12	13	14 Employment E-Filing	15 Family	16 Civil Litigation	17	18
19 Legal Aid Fundraiser Bench/Bar	20	21 Business	22 Tax, Estate Criminal	23	24	25
26	27	28				

MAINTENANCE/PROPERTY DIVISION *(continued from page 1)*

they rode off to her mansion in the fading light of alpenglow. They married and loved each other deeply and she took care of him financially all the days of her life.

This modified version of the prince/princess story is not the story we learned. From the time we were infants we were taught, through stories such as Cinderella's, that princes take care of princesses, not the other way around. But the reality of today's world is far different.

Why is this important in family law? Because the Constitution of the State of Colorado provides: "Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions on account of sex." COLO. CONST. ART. 2, § 29. In reality, our courts are still dealing with princes and princesses.

Imagine that your new case involves a doctor who has worked long and hard and become quite successful. The doctor's spouse has a good life. The spouse oversees the management of the household and is there for the children before and after school, and the doctor spends considerable time with the children when not working. The spouse enjoys life and has a pleasant but not terribly lucrative consulting job, and has never had the driving motivation to use the graduate engineering degree obtained prior to the 15-year marriage. Both parties believed the arrangement was the best for the family and both were happy in their roles. For years, they have enjoyed what some would consider an extremely pleasant, if not lavish, lifestyle based primarily on the doctor's substantial income. However, over the past few years, they have grown apart, have different friends and interests, and now want to dissolve their marriage.

If the spouse is a woman, she will probably get maintenance and an unequal property division. After all, she meets all the statutory criteria for maintenance in § 14-10-114, C.R.S. She is unable to meet her reasonable needs, it is a long-term marriage with a high life style, it will take years of re-education and training to put her degree to use, and her husband is quite capable of paying maintenance and still meeting his reasonable needs. Given all the economic circumstances of the marriage, she is also probably entitled to a disproportionate share of the property under § 14-10-113, C.R.S.

Now consider what will happen at court if the doctor is the woman and the spouse is the male. In our courts,

can the spouse obtain a disproportionate share of marital property or even get maintenance? In once sense the answer is easy: the law provides that Judges must insure that their application of the law to the facts of any case is blind to gender. But are they? And are we?

Although § 29 of Article 2 to our state constitution was added in 1972, it was not until 1979 that the legislature enacted paragraph 3 of § 14-10-124, C.R.S., eliminating the "Tender Years Doctrine." Although the basic idea of equal protection for fathers is now well ingrained in our legal system, it is only recently that courts have actually begun to accept the idea that fathers can be the primary caretakers. Only after extensive research by the mental health community demonstrated that fathers can actually function as primary caretakers and produce healthy children did the courts begin treating fathers equally with mothers in custody matters. Joan Kelly and other researchers have now gone even further to challenge our views as to what "primary caretaker" actually encompasses.

Obviously only a detailed statistical study can show the reality of the treatment of the two sexes under our maintenance and property division statutes. However, an informal survey has shown that, given the facts above, Denver area courts would likely award only a 50-50 property division, and, if the man is able to survive on his limited income, decline to award maintenance at all.

The drive for equal rights for women has succeeded in creating the groundwork whereby women can be the primary financial providers for the family. However, it has apparently not succeeded in eliminating the underlying mindset that princes take care of princesses, and not the other way around. In fact, the courts have a long way to go in handling their dissolution cases to allow role reversal to play an increasingly important role.

2002 JUDGES' DINNER: BEYOND THE GAVEL

The 2002 Annual Judges' Dinner was held on November 13 at The Academy. We were pleased to have 95 attending, including judges and magistrates, almost all of the 20th J.D., for a collegial evening with the Bench and Bar.

This year the Bar Association gave the *Beyond the Gavel* award. The BCBA bestows this award on a judge who has been deeply involved in the community and deserves special recognition. We were honored to give the 2002 award to Chief Judge Roxanne Bailin.

President Seth Benezra gave welcoming remarks, discussed the award and gave an overview of Judge Bailin's achievements in the Boulder County community and in Colorado.

We would like to highlight a few of Judge Bailin's community achievements. In 1999 Judge Bailin formed a Mental Health Task Force to develop a special probation program for mentally ill defendants. Many Boulder County agencies collaborated on the resulting PACE program, which began in 2000. The program provides mental health services including therapy and medications, nursing services, case management through probation, life skills, employment assistance and housing assistance all under one roof. The program has reduced jail days served by its clients by 75%. With the help of a federal grant and donated staff time from collaborating agencies, the program continues to be successful.

Judge Bailin also formed the Family Access Task Force, made up of therapists and domestic relations lawyers, to develop safe exchange services

and supervised visitation for children of families in conflict. The purpose is to allow children to be exchanged by their parents without violence and conflict and to allow children to see parents who are incapable of safely caring for them in an unsupervised setting. The Boulder office, called The Safe Exchange program, is part of the non-profit Counseling Center. A Longmont office, S.A.F.E., has also been established. These services are used extensively by parents who are either ordered to use them by the courts or referred to them by therapists and mediators.

The Open Door program was created for foreign-born defendants who may not understand the criminal justice system and therefore risk violating their probation. Judge Bailin has supported the development of educational programs in the county, specifically for the growing Spanish-speaking immigrant community. The probation department staff and other public and non-profit agencies in Boulder County assist the Open Door program and are working on a plan to insure that interpretation is available for bond commissioners on a 24-hour basis so that recently arrested defendants are not put at a disadvantage by their inability to speak English.

Judge Bailin has also initiated a truancy project that uses a conferencing model to develop treatment plans for truant youth. It uses the services of the juvenile magistrate and the juvenile case facilitator and requires that school personnel and families work together to create a solution. The project has been running since September 2002. Primary credit for the success of the program is given

to Magistrate T.J. Cole and staff members Rita Risom and Carolyn MacLean.

The county court recently experienced a reorganization with the help of Judge Bailin and consultants. On the advice of the consultants, the new criminal justice system began in January 2002 and benefits the public, staff, and judges.

Judge Roxanne Bailin has been Chief Judge of the 20th J.D. since 1998. She was named to the district court bench in 1987 after four years as a Boulder County court judge. As Chief Judge, she oversees administration of the courts and probation in addition to her duties as a District Court Judge. She also chairs the Supreme Court Committee on Civil Jury Instructions. This year, Judge Bailin received the 7th Annual *CASA Judge of the Year Award*, the American Board of Trial Advocates Colorado Chapter *Award for Judicial Excellence*, and the YWCA *Woman of the Year Award*.

Congratulations to Judge Bailin, and thank you for giving so graciously to the Boulder County community.

Information was provided by the 20th Judicial Court and Colorado State Judicial.

PRESIDENT'S PAGE

BOULDER COUNTY AIDS PROJECT: OPPORTUNITIES TO VOLUNTEER

BY SETH BENEZRA

"We do not serve the weak or the broken. What we serve is the wholeness in each other and the wholeness in life. The part in you that I serve is the same part that is strengthened in me. Unlike helping or fixing or rescuing, service is mutual." - Rachel Naomi Ramen. This quotation is identified by the Boulder County AIDS project ("BCAP") as representing its philosophy of volunteerism.

The mission of BCAP is two-fold: to provide support, advocacy and education to those in the Boulder community infected with or affected by the Human Immunodeficiency Virus (HIV) and to serve as an outreach and information center to prevent further

transmission of HIV and the resulting Acquired Immune Deficiency Syndrome (AIDS).

By 1985, AIDS was making headlines in the United States, with estimates of tens of thousands infected. Local officials at the Boulder County Health Department began seeing AIDS cases. With the highest incidence rates being among gay men, BCHD representatives met with leaders in of the gay community to strategize and plan for disease prevention and case management for those already infected.

BCAP began in 1985 with two people donating their time two afternoons a week to answer a single borrowed telephone line. As the acronyms HIV and AIDS became household terms and as the stigma about this "gay cancer" relaxed, the name of the organization was formally changed to the Boulder County AIDS Project, pronounced locally as "Bee-Cap." Over the years, BCAP has changed dramatically, always growing to meet the changing needs of people with HIV and AIDS. By 1987, BCAP had five volunteers and regular office hours. By 1988, BCAP had 25 volunteers and a new home at 934 Pearl Street. In 1990, BCAP for the first time received federal funding for case management services and found a new home at 2118 14th Street. During the same period, the number of reported AIDS cases in the United States grew from approximately 20,000 in 1985 to more than 790,000 cases this year. There are 423 million people living with HIV worldwide. This year, for the first time, as many women as men are infected with the virus.

By 2000, BCAP had 17 staff members, including 13 full-time and 300 trained volunteers. BCAP was open and staffed 50 hours per week and served more than 200 HIV-infected individuals and their families in the Boulder County area. BCAP has served well over 300 people this year, and the population of infected persons in our community continues to grow.

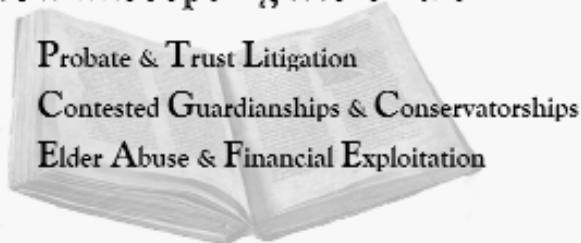
(continued on page 10)

Ridgway, Romeo & Vincent, LLC

— Boulder County's Elder and Disability Law Firm —

**Emphasizing the legal needs of the elderly,
the disabled, and their families**

Now Accepting Referrals in



Contact:

Martha Ridgway
or Rick Romeo

Boulder County Office 303-604-6030

Denver Metro Office 303-770-0673

www.elderlawcolorado.com



CALENDAR OF EVENTS



Pre-registration is required for all BCBA CLE programs. Please send a check to the Bar office at least 3 days in advance. You will be charged for your lunch if you make a reservation and do not call to cancel prior to the CLE meeting. BCBA CLE's cost \$15 per credit hour for members and \$18 for non-members unless otherwise noted. CLE credit is \$10 per hour for members of the Young Lawyer Section practicing 3 years or less. Materials are \$5 without CLE credit.

January 8, 2003

Real Estate and Business Sections

Entity Formation Issues in Business and Real Estate Transactions

Speaker: Kevin Haight

Dolan's Restaurant, Boulder

12 Noon

CLE \$15, Lunch \$13

January 14, 2003

Employment Law Section

Annual Update

Speaker: Allan Taggart

at Caplan & Earnest, LLC

12 Noon

CLE \$15, Boxed Lunch \$10

turkey, veggie or beef

January 14, 2003

E-Filing Orientation Meeting

Boulder County Justice Center

4:30 PM, Courtroom F

Bar attorneys and staff welcome

January 15, 2003

Family Law and Bankruptcy Sections

Bankruptcy Issues in Family Law

Speaker: Barton Balis

Boulder County Justice Center

Courtroom E

12 Noon Brown Bag Lunch

CLE \$15

January 16, 2003

Civil Litigation / Medical-Legal Section

Issues in Chiropractic Care - From Treatment to IME

Speakers: Dr. Michael Nehring, Dr. Evan Katz and James Hult Esq.

The Academy, 970 Aurora

12 Noon

CLE \$15, Lunch \$13

January 21, 2003

Business Law Section

Speaker: Stuart Kingsbery, JD, CPA
Business Theft and Fraud Prevention through Internal Controls

Dolan's Restaurant, Boulder

12 Noon

CLE \$15, Lunch \$13

January 22, 2003

Tax, Estate Planning and Probate

Business Valuation Issues

Alex Baris, CPA

12 Noon at The Academy

970 Aurora, Boulder

CLE \$15, Lunch \$13

Criminal Law Section

30 Ways to Win a DMV Hearing

Abe Hutt

12 Noon Brown Bag Lunch

Boulder County Justice Center

Courtroom T

CLE \$15

February 4, 2003

Employment Law Section

Trade Secrets

Speaker: Mark Wiletsky

Caplan & Earnest, LLC

12 Noon

CLE \$15, Boxed Lunch \$10

Turkey, veggie or beef

February 5, 2003

Collaborative Family Law Section

Speakers: Kathy Franco and Daryl James

February 12, 2003

Real Estate Law Section

Bankruptcy Essentials for Real Estate Lawyers

Speakers: Joli Lofstedt, Esq. and Tom Connolly, Esq.

12 Noon at Dolan's Restaurant

CLE \$15, Lunch \$13

February 13, 2003

4 pm Board of Directors Meeting

Louisville

February 19, 2002

Bench-Bar Committee

Sentencing

Speakers: Judge Diane MacDonald, Judge Dan Hale and

Public Defender Carey Lacklen

12 Noon Brown Bag Lunch

Boulder County Justice Center

Courtroom D

February 19, 2002

Legal Aid Wine Tasting Fundraiser

The Dairy Center for the Arts

See page 8 for details.

February 20, 2003

***Civil Litigation/Medical-Legal Section
New Frontiers in Soft Tissue Treatment***

Speakers: Dr. Julie Stapleton,

Dr. Justin Green, and Trudy Zahler, (Pilates Certified)

The Academy, 970 Aurora

12 Noon

CLE \$15, Lunch \$13

February 26, 2003

Tax, Estate Planning and Probate

Miami Tax Update

Speaker: Joseph Hodges Hutchinson, Black and Cook

CLE \$15, Boxed Lunch \$10

turkey, veggie or beef



LAWYERS' ANNOUNCEMENTS



HOWARD O. BERNSTEIN, P.C.

Is pleased to announce that

MEGAN G. HOLSTEIN

has become an associate with the firm.

Ms. Holstein is practicing in the fields of employment, small business, and entertainment law.

1871 Folsom Street
Boulder, CO 80302
Telephone: 303.302.6453
Facsimile: 303.448.9156

MeganHolstein@aol.com

TIMOTHY TALKINGTON

Formerly of Banashek & Talkington, LLP

Is pleased to announce that he has opened his own law office:

TIMOTHY TALKINGTON, LLC COUNSELOR AND ATTORNEY AT LAW

2129 13th STREET
BOULDER, COLORADO 80302

TELEPHONE 303.402.1900
FACSIMILE 303.402.1902

HUTCHINSON BLACK AND COOK, LLC

Is pleased to announce that

BRIDGETTE M. PAIGE

and

CHRISTOPHER W. FORD

have become members of the law firm of
HUTCHINSON BLACK AND COOK, LLC.

*Bridgette's practice will continue to emphasize
Real Estate, Business and Tax.*

*Chris' practice will continue to emphasize
Commercial, Finance and Liability Litigation.*

921 Walnut Street, Suite 200
Boulder, Colorado, 80302
Telephone 303.442.6514 • Fax 303.442.6593
law@hbcboulder.com

ESPAÑOL LEGAL

ARE YOU INTERESTED IN IMPROVING YOUR SPANISH AND CULTURAL UNDERSTANDING WITH YOUR CLIENTS?

THERE WILL BE A 10-WEEK COURSE SPECIFICALLY DESIGNED FOR LAWYERS, LAW OFFICE AND COURT PERSONNEL TO DEVELOP LANGUAGE SKILLS AND CULTURAL UNDERSTANDING THAT ARE DIRECTLY APPLICABLE TO THE LEGAL ARENA.

The instructor is a certified language instructor and federal court interpreter with 15 years experience. The instructor has been teaching Spanish courses for court personnel and attorneys for the past 11 years through the 20th J.D. and CU School of Law.

The course will begin on February 4, 2003 and will meet Tuesday and Thursday nights from 5:30-6:30 pm. at 1942 Broadway in the 3rd floor conference room.

**IF INTERESTED, PLEASE CALL THE BAR
OFFICE FOR DETAILS.**



LAWYERS' ANNOUNCEMENTS



BERG HILL GREENLEAF & RUSCITTI LLP

ATTORNEYS & COUNSELORS AT LAW
ARE PLEASED TO ANNOUNCE THE ADDITION OF

THOMAS E. MERRIGAN
FORMERLY OF GEHLER & MERRIGAN

JON N. BANASHEK
FORMERLY OF BANASHEK & TALKINGTON, LLP

AS OF COUNSEL TO THE FIRM

*Mr. Merrigan's practice will continue to
emphasize construction claims, civil
litigation and representation of public entities.*

*Mr. Banashek's practice will continue to
emphasize criminal defense and civil litigation.*

1468 PEARL STREET, SECOND FLOOR
BOULDER, COLORADO 80302
TELEPHONE 303.402.1600 • FAX 303.402.1601

JIM COOKE

announces the relocation
of his law practice:

JAMES A. COOKE, PC

effective January 2, 2003

2727 Pine Street, Suite 3,
Boulder, Colorado 80302

Telephone 303.440.9400

*Former Public Defender Casey Mulligan
will be office-sharing at this new location.*

3RD ANNUAL LEGAL AID FOUNDATION WINE TASTING FUNDRAISER



WEDNESDAY, FEBRUARY 19, 2003

THE DAIRY CENTER FOR THE ARTS
2590 WALNUT STREET IN BOULDER



5:30 P. M.

\$50 PER PERSON

SPONSORED BY LIQUOR MART

EXCELLENT SILENT AUCTION AND WINES FROM AROUND THE WORLD

**LAW FIRM SPONSORSHIPS AND VOLUNTEERS ARE NEEDED FOR THIS VERY
SUCCESSFUL EVENT. LAST YEAR WE MADE OVER \$8,000 FOR LEGAL SERVICES.
WE HOPE TO BREAK THAT RECORD!**

CALL THE BAR TO VOLUNTEER AND ORDER TICKETS 303.440.4758

HOW TO SELECT YOUR BEST INVENTIONS FOR PATENTING

BY MICHAEL J. SETTER

Filing multiple patent applications can get expensive quickly. With the renewed emphasis on the bottom line, there may not be enough money to file a patent application for every invention. How do you select the best inventions for patenting?

Before choosing, try to identify all your inventions. Sometimes the most creative inventors toil away without bringing their creations to the attention of the decision makers.

Likewise, less-creative inventors may clog the invention pipeline with less-important ideas.

When identifying inventions, it is a good idea to generate problem/solution statements for each. These statements will focus everyone on the inventive idea as opposed to the extraneous details and help bring issues to the surface during subsequent evaluation.

Once inventions are identified, each should be evaluated against a set of criteria to prioritize them and determine if they pass some patent filing threshold. Ultimately, the selection of inventions for patenting is highly subjective. Different companies will have different priorities and patent filing thresholds based on their own strategy and budget. The following considerations are not a comprehensive list, but they should help develop sound priorities and filing thresholds.

* An invention should be evaluated for its alignment with the company strategy. Inventions that fall outside the core business are less important, and the quality of an invention tends to be higher when it falls within the

core competency of a company. A guide to strategic alignment is whether the company plans to invest in development. If joint development is planned, it is wise to file patent applications before engaging with the third party, to establish a benchmark of what the company owns outright. If a merger or sale is planned, it is wise to focus on inventions that will be desirable to the successor company.

* An invention should be evaluated to assess whether competitors, rather than just the company, are likely to implement it. Patents on inventions that no one uses are unnecessary. Sometimes only the inventing company uses the invention because of the unique way the company operates. In addition, it is wise to direct

patent efforts toward competitor activities as opposed to those of suppliers or customers.

Most companies will be hesitant to sue customers for patent infringement. In addition, suppliers often indemnify their products, which means that a competitor likely would be shielded from liability for patent infringement by its suppliers for particular types of inventions. To assess infringement, assess the likely breadth of the patent claims. Do not place too much emphasis on titles or drawings, which are typically much broader than the patent. The problem/solution statements can be helpful when assessing potential patent breadth. It is also important to determine if infringement by a competitor

continued on page 13

SEIDMAN DEPOSITION REPORTING

Serving the Boulder County Bar since 1960.

Registered MERIT Reporters
Certified Shorthand Reporters
Certified Legal Video Specialists
Registered Professional Reporters

BOULDER'S ONLY LOCALLY OWNED FULL-SERVICE COURT REPORTING FIRM

Depositions • Hearings • Arbitrations
Videotaping • ASCII & Discovery Disks
Realtime • Conference Rooms • Mini or Full Sized Pages
Exhibit Management • Word Indexing

Irwin Seidman
Sara Goldenberg
John J. Spera
Elizabeth K. Ellis

Janet S. Lawder
Molly B. Kell
Nicholas A. Francis
Kathleen Pratt

P.O. Box 4689
Boulder, CO 80306
303.444.4669 FAX 303.440.9968 Cell 303.909.4707

(continued from page 5)

In about 1995, Boulder attorney Paul Bierbaum passed BCAP on his morning walk to work. Having learned that two high school friends had died of AIDS, he decided to walk through the BCAP door and introduce himself.

Paul found a need for his expertise on the other side of that door. BCAP staffers Nancy Brandauer and Robin Bohannon simultaneously saw the opportunity that Paul presented. Paul recognized BCAP's clients' significant need for legal assistance, and a pro bono attorney project commenced. From January 1, 1995 to December 1, 2002, more than 60 Boulder County attorneys have represented more than 380 BCAP clients in a variety of areas, including the Americans with Disabilities Act, criminal and DUI cases, domestic relations issues, estate and probate, estate planning, financial planning, housing and discrimination, immigration, mediation, medical treatment, real estate, landlord/tenant issues, social security/Medicaid, and Veterans' Administration issues.

The BCAP Pro Bono Attorney Team was recognized by the Community Foundation Serving Boulder County with the 2000 Nova Civic Award for outstanding partnership between a non-profit organization and private enterprise.

The BCAP Pro Bono Attorney Team is an excellent place to volunteer your talents. You will have grateful clients and will no doubt feel strengthened in the process. Lawyers interested in volunteering should contact Paul Bierbaum by calling him at his office in Boulder at (303) 443-3235 or by e-mailing him at pbierbaum@aol.com.

At the December meeting of the Board of Directors, the following by-law changes were approved. All changes and additions are to be published to the Boulder County Bar Association members. A Young/New Lawyer membership category was added. The addition is to Article IV Membership under Section I, Full and Active Membership. Section I a now includes the following: *Young/New Lawyers are full active members of the Boulder County Bar Association who have been admitted to practice for three years or less. Young/New Lawyers will be eligible for reduced dues and CLE costs as determined by the Board of Directors.*

The annual meeting will be June 12, 2003 at The Academy. At this meet-

ing, the Award of Merit and the Young Lawyer of the Year Award will be given. Please begin thinking about colleagues who would be a possible recipient of these awards. We really count on practitioners who are out there witnessing the great things that BCBA members contribute to the practice and Boulder community. The membership will be asked to approve the new Board of Directors at that meeting as well. If you are interested in a position on the Board of Directors, letters of interest will be sent to the Bar office by April 1, 2003.

The format of the Annual meeting will be changed to accommodate those wanting to attend just the reception, the dinner or both. Please watch for more information in the coming months but we hope you will plan to attend the 2003 BCBA Annual Meeting.

There has been a request that a new section for Collaborative Family Law attorneys be created. The Board will be voting on this at the January meeting. Collaborative Family Law lawyers will be meeting on Feb. 5, 2003 at the courthouse in Courtroom C. This will be an informational meeting so please plan on attending if you are interested in being part of this group. Collaborative Family Law has also been added to the "Find A Lawyer" Section of the website. Please call the Bar office to sign up to be listed in that area of practice.

Please contact Christine at the Bar office if you have any questions regarding these issues. Thank you.

PRO BONO PAGE

Thirty-seven cases were referred during the month of November. Thank you to the following attorneys.

Norm Aaronson
Bart Balis
Bill Benjamin
Brendan Chatham
Steve Cornetta
Bruce Danford
Christina Ebner
Cathy Edwards
Anita Fiddleman
Mimi Goodman
Rebecca Hill
Darby Hoggatt
Peter Jarldane
Ed Kellenberger
Charles Kline
Rachael Lattimer
David Lewis
Scott Osgood
Tom Rodriguez
Rick Romero
Dan Sheehy
Scott Tippet
Carla Sledge
Ralph Strebel
Louisa Young
Students of Norm Aaronson's
CULAPD Clinic

Thank you to mediator Kathy Franco

Pro Se Program volunteers :

Christine Coates
Ann Mygatt
Bev Nelson
Georgianna Scott

Boulder County AIDS Project:

Thank you to the following attorneys who accepted pro bono referrals for the Boulder County AIDS Project during the month of May and June:

Paul Bierbaum Ruth Irvin
Andy Rosen Tim Talkington
Scott Tippet

Pro Bono Corner: Thank you to the many attorneys who made year-end financial contributions to BCLS! We appreciate your support.

**BCBA Professionalism
Committee
On-Call Schedule**

Jan. 6	Bruce Fest	494.5600
Jan. 13	Curt Rautenstrauss	666.8576
Jan. 20	Chuck Saxton	776.6911
Jan. 27	Helen Stone	442.0802

HUMAN RESOURCE OUTSOURCING

TRYING TO 'SHAPE UP' YOUR FIRM FOR THE NEW YEAR??

Many law firms today struggle with:

- The skyrocketing costs of health-care;
- Providing competitive benefits to their employees;
- Complying with ever-changing federal and state regulations;
- The risks associated with employee related liability; and
- Increasing administrative burdens.

These businesses may not realize there are solutions that can assist them with these make-or-break issues.

Many business owners have heard of the benefits of outsourcing, but few are aware that by outsourcing their administrative and human resource (HR) issues to an HR services firm, they can obtain help in these areas and many more.

Recent research by consulting firm Gartner Dataquest indicates that the HR outsourcing market will more than double to \$58.5 billion by 2005. Why the increase? Along with the issues listed above, businesses are faced with more responsibility and fewer resources. Today business owners spend between 7 percent and 25 percent of their time handling employee-related paperwork, and HR management is becoming more complex and time-consuming. In fact, businesses must contend with more than 40 federal labor laws.

As a result, business owners are increasingly embracing the outsourcing concept because it frees them to focus on their core competencies instead of spending time on payroll

processing, benefits and retirement plan administration, regulatory compliance, unemployment, workers' compensation and other HR management issues, such as employee recruitment and retention.

What is an HR outsourcing company and how does it work?

An HR outsourcing company is defined as an organization that assumes certain responsibilities in order to help businesses be more successful. These companies help manage the responsibilities, costs and liabilities that accompany employee administration, HR management and employee-related risk. More specifically, they:

- Reduce the business owner's administrative hassles related to payroll and benefits administration;
- Provide healthcare and retirement benefits at competitive rates;
- Assume some of the risks and liabilities associated with being an employer;
- Assist companies in staying compliant with government labor regulations;
- Offer workers' compensation coverage.

While the client retains responsibility for the day-to-day management of the business and for hiring and firing of employees, the HR outsourcing company assists with payroll administration and all the functions associated with proper HR management and processes.

Benefits of Outsourcing

There are many reasons to outsource payroll and HR functions, but businesses are also finding another bene-

fit -productive, loyal employees. By providing employees with Fortune 500-quality healthcare benefits and by practicing effective personnel management, these companies are able to foster better relationships with their employees. Because of this, many are beginning to see increased returns on investment. According to a study by the University of Southern California's Center for Effective Organizations, businesses with a formal HR management practice (such as that offered by a human resource outsourcing company) boast the following:

- 66 percent higher return on sales;
- 20 percent higher return on investment;
- 20 percent higher return on assets;
- 13 percent higher return on equity.

Furthermore, of companies who have outsourced their HR functions, 9 in 10 are satisfied and 6 in 10 say cost reductions have met or exceeded expectations (PriceWaterhouse Coopers and Yankelovich Partners). Gevity HR, with a local office in Boulder, is the nation's leading provider of outsourced HR solutions. Gevity HR helps companies find the right people, develop and manage their staff, retain their best employees, manage the paperwork and protect their business. These services are provided through specific offerings, such as recruiting assistance, training, benefits administration, payroll processing and related paperwork management, and legal compliance.

Gevity HR's business solutions are delivered through expert personal consultation and leading-edge tech-

(continued on page 14)

HOW TO SELECT YOUR BEST INVENTIONS FOR PATENTING *(continued from page 9)*

would be detectable based on available information. If infringement will be nearly impossible to detect, it will inhibit subsequent action on the patent.

* An invention should be evaluated to determine which products and services will use the invention and what the market demand might be. Alternative solutions to the invention should be assessed to gauge market penetration. The invention's lifetime in the marketplace should be assessed to gain confidence that a patent that issues from 3-5 years will not be obsolete or nearly obsolete.

It is tempting to evaluate an invention based on its apparent novelty or uniqueness, but there are a few issues to consider first. A thorough

novelty study is time-consuming and expensive, and the result is often non-determinative because many pending patent applications are secret. Novelty studies also may provide the company with knowledge of a competitor's patent, and this knowledge can have serious negative consequences. Still, a quick check of free databases and Web sites may turn up enough information to show that an invention is not unique.

The following simple but important test can be used to evaluate an invention: Will the invention help drive customer choice in a strategic market for the company? If so, the patent likely will be aligned with company strategy and have market value. In addition, competitors probably will copy the patent product, and

their infringement should be readily detectable. Remember that the selection of inventions for patenting will remain subjective and probably unique for each company. By using multiple factors, such as those listed above, the resulting decisions should be better, and a stronger patent portfolio should result.

Michael J. Setter is a partner in Faegre & Benson's patent group in Boulder. He can be reached at msetter@faegre.com.

HUMAN RESOURCE OUTSOURCING *(continued from page 12)*

nology, embodied in Gevity HR Centralsm, an online payroll and HR community designed for business owners, managers and employees. This industry-leading Web portal reduces administrative burdens, maximizes employee productivity and helps businesses be more efficient and profitable.

Gevity HR, a Fortune 500 company, was recognized by InformationWeek as the number-one information technology innovator in business services and consulting. The company was also awarded a ComputerWorld Smithsonian Honors Award for extraordinary utilization of technology.

Since the company opened its doors in 1984, it has grown to 40 offices nationwide, serving more than 7,000 client businesses. All told, these businesses employ approximately 100,000 people.

For more information on HR outsourcing or Gevity HR, please contact Michelle Marek in the Boulder office at .303.546.0270 or www.gevityhr.com.

CLASSIFIED ADS

EXPERIENCED CIVIL LITIGATION ATTORNEY seeks contract work. Please call Gary Merritt at 720.406.0011.

M.L. EDWARDS, ATTORNEY AVAILABLE TO DO RESEARCH AND COMPLEX DRAFTING ON A CASE-BY-CASE BASIS. Specialties include Dom. Rel., Criminal and Mental Health. 13 years experience, quick turn-over, \$30.00 per hour. Call 720.581.4804

FULL TIME OPPORTUNITY OPENING IN OUR VAIL LOCATION! Hard-working attorney needed to join busy, energetic law firm. Seeking person with excellent writing, communication and people skills to join diverse, 6 member litigation-oriented practice. Please submit resumes to Andy Littman at Littman@slb-llc.com or fax to 303.449.9349.

ROZ LYNN DORF, M.A. FREELANCE PARALEGAL SERVICES 25 years' experience. Complex civil and criminal litigation. Real Estate. Corporations. Research. Drafting. 303.494.6935

WINDOW OFFICE 2 window ofcs. in suite w/ 4 atts, 1/2 bk off Pearl St. Mall, \$550 & \$600. Opt sec stn, parking, furnishings. 303.440.5098

OFFICE SPACE AVAILABLE IN BOULDER Individual offices available at 325 Canyon Boulevard, across from the Justice Center. Off-street parking, phone and internet system available, conference room, other common areas. Possibility of sharing receptionist and overflow work in criminal/domestic relations practice. Call Jim at 303.449.9960. Price range between \$650 and \$750 per month.

OFFICE SPACE furnished with computer, internet, legal research, janitorial, reception area, kitchenette, high speed copier, fax, and on site parking, 2 blocks from Justice Center, \$550 per month. Potential for overflow work. 255 Canyon Partnership, 303.443.1426.

SINGLE OFFICE IN OLD TOWN LAFAYETTE Access to conference room. 308 East Simpson Street. 350 sq. ft. \$700 a month. Cyndi Kennedy Call 303.604.1600.

SEEKING OFFICE SHARE. Experienced attorney starting elder law practice seeking office with shared reception and conference room. Can handle overflow in corporate, trusts and estates, real estate and elder law. Please call Brandon at 303.246.7643 or e-mail at brandon.fields@attbi.com.

NORTH BOULDER OFFICE SPACE, 1637 SF, 5 parking spaces, kitchen, conference room, reception area and four offices. One month free rent, 11 NNN. Contact Paige Coker, Broker, at 303.449.2131 x 28.

SHARE SUITE in one of Downtown Boulder's Most Desirable Buildings. Flatiron views, good company, all services. 303.442.3535.

LOUISVILLE PROFESSIONAL OFFICE SUITE SPACE with 3+ offices for lease, available immediately. Phones available, use of conference room and copier, kitchen, locker rooms, parking. \$1,700 per month. Call 303.664.9106.

2 SPACIOUS OFFICES, available 11/01/02. On-site parking, library, conference room, storage. Near Justice Center, receptionist, daily mail and court runs. Fax and copier available. Call Julia at 303.449.1873.

CANYON PROFESSIONAL BLDG. OFFICE SPACE across from Justice Center with full services including receptionist, conference room, library, utilities, parking and many common area amenities, \$650 per month. Call 303.444.1700.

SOUTH BOULDER OFFICE SHARING. Located at South Boulder Road and the Turnpike. Convenient access to all areas of county and Denver. Plenty of free parking. Two conference rooms; fax; copier; kitchen; shower. Two offices (one executive) and 3 secretarial stations available. Steve Cook (or staff) 303.543.1000.

LOOKING TO PURCHASE SOLO LAW PRACTICE IN BOULDER/DENVER AREA. Will consider either general or specialized practice. Looking for attorney who will stay on for 1-3 years (to maximize client retention). Call 720-890-9339 or fax 720.294.4040.

THE BOULDER COUNTY BAR ASSOCIATION NEWSLETTER IS PUBLISHED MONTHLY BY THE BOULDER COUNTY BAR ASSOCIATION. ARTICLES BY GUEST LAWYERS MAY NOT BE REPRODUCED WITHOUT PERMISSION FROM THE AUTHORS. DEADLINE FOR ARTICLES IS THE 1ST OF THE MONTH AND DEADLINE FOR ADS IS THE 10TH OF THE MONTH PRIOR TO PUBLICATION.

Phone: 303.440.4758
Fax: 303.402.6958
1942 Broadway, Suite 205
Boulder, CO 80302
E-mail: bcba@bsuites.com
<http://www.boulder-bar.org>

**Executive Director and
Newsletter Editor
Christine Hylbert
Executive Assistant
Heather L. Holbrooks-Kuratek
Barry Satlow, Editorial Assistance**

**Board of Directors
2002-2003**
President: Seth Benezra, 303.716.0254
Past President: Bruce Fest, 303.494.5600
President Elect: Virginia Chavez, 303.572.1919
Sec./Treasurer: Melody Fuller, 303.465.4605
Rachael Doan, 303.928.2315
Pat Furman, 303.492.8126
Fern O'Brien, 303.546.1300
Tony Dworak, 303.776.9900
Trip DeMuth, 303.546.1300

Boulder County Bar Association
1942 Broadway, Suite 205
Boulder, Colorado 80302

Return Service Requested

PRESORTED STANDARD
U.S. POSTAGE
PAID
PERMIT #661
BOULDER, CO