



BOULDER COUNTY BAR ONLINE NEWSLETTER

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THE FUTURE OF SNOWBOARDING LAW - "GEN-YERS" SEEK LEGAL REPRESENTATION

CONTENTS

• SNOWBOARDING LAW	1
• MEMBERSHIP BENEFITS	2
• EAST COUNTY BEAT	4
• PRESIDENT'S PAGE	5
• CALENDAR OF EVENTS	6
• ANNOUNCEMENTS	8
• COURT NEWS	10
• PRO BONO PAGE	11
• CLASSIFIED ADS	15

Dude, few things in life are more exhilarating than riding down the mountain side in Colorado. As the new athletic endeavor of the "Y-Generation," snowboarding combines the dynamics of skate-boarding and ocean surfing to create one of the fastest growing sports in America. In the 1990s the number of snowboarders almost tripled, from 1.5 million to 4.3 million.¹ This is no longer a fad, but a growing recreational and economic force.

Enthusiasm for the sport manifested itself at the 2002 Salt Lake Olympics, where men's snowboard half-pipe tickets were the first to sell out.² Fans weren't disappointed, as the U.S. team swept the event, a feat not witnessed since men's figure skating in 1956.

As with all athletics gaining popularity, a threat of injury exists. The severity of such injuries, new issues of liability, causation and potential damages will be discussed in this article.

Each year nearly 10 million snowboarders and skiers patronize the Colorado mountains.³ During the winter months, approximately 20,000 accidents occur on Colorado slopes.

Skiing remains the dominant activity with much terrain dedicated solely to skiers. However, mountain resorts are quickly adapting to the surge of snowboarding interest, creating half-pipes, board parks, etc., catering to the snowboarding population, 80 % of which is 24 years of age or younger.⁴

• COURT OPINIONS AVAILABLE ON WEBSITE •

20th Judicial District court opinions are updated regularly and available in the Members Only section of the Bar Association website. Log on to www.boulder-bar.org, click on "Members Only," and enter your id number (call the Bar office if you do not have it). Please take advantage of this important service!

These young, inexperienced snowboarders have certainly been prone to injury. Research indicates that from 1993 to 1997 snowboarding injuries nearly tripled from 12,600 to 37,600, while the number of injured skiers treated in hospital emergency rooms declined from

(continued on page 3)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Bar Media Training	2 Natural Res.	3	4
5	6	7	8 Criminal	9 Board of Directors ADR/CCMO	10	11
12	13	14 Employment	15 Family	16	17	18 Board Retreat
19	20	21 Business	22 Tax, Estate Planning	23	24	25
26	27	28	29			

MEMBERSHIP BENEFITS

Justice Center ID Card

Our Bar issues a picture ID card for its members, which allows access into the Justice Center "Frisk-Free" (this means no standing in line, no searches, and no X-rays). The ID's are available for \$25 the first time and can be renewed for \$10 each year.

To obtain an original ID send a check for \$25 to the Bar office along with a small passport type photo and a photocopy of your current, valid, Colorado Supreme Court issued Attorney Registration Card. We will laminate it with a current year sticker.

To renew your ID just send a check for \$10 to the Bar office indicating that it is for a renewal. We'll send you a sticker for the next year. Justice Center ID's are for attorneys only, not paralegals or other staff.

Advertising

Members receive discounted advertising rates for Classified Ads and Announcements in the monthly newsletter. Non-member rates are an additional \$10.
 \$20 up to 30 words
 \$30 up to 40 words

\$40 up to 70 words
 \$50 up to 100 words

All deadlines are the 10th of the month or the next business day if on a weekend. Fax or mail a copy of your ad to the Bar office. Payments are due with ad; we do not bill.

Legal Directory

All members receive a free "Legal Directory" which lists Boulder County Bar members. Additional copies are sold for \$10. The 2001 Legal Directory is on the website in the Members Only Section.

Mentor/Mentee Program

The goal of the Mentoring Project is to provide support for new admittees to the practice of law and to acquaint them at an early stage with the highest level of professionalism and ethics and familiarize themselves with the Boulder legal community. Mentees must have been in practice for less than three years. Mentees are required to have passed the Colorado Bar and maintain an appropriate level of malpractice insurance. Anyone wishing to be a mentor should contact the Bar office. Anyone who wishes to be assigned to a mentor

should contact the Bar office and request a "Mentee Application."

Mailing Lists/Labels

The current Bar Association list is available to members for \$50 and non-members for \$75. Mailing labels for members cost \$100 and non-members \$150. Section lists are available free to members and section labels for \$40. For non-members section lists cost \$20 and labels \$60. BCBA membership lists are sold for primarily legal educational purposes that will benefit the BCBA membership. They will not be sold for political, fundraising, or business generation purposes.

Web Page

We are online at <http://www.boulder-bar.org>. The website now has a Members Only Section with Court opinions and continues to grow for your membership benefit. You can be listed in the "Find A Lawyer" Section in your speciality area. Call the bar office to sign up.

SNOWBOARD LAW *(continued from page 1)*

114,400 to 84,200.^{5,6} Snowboarding injuries usually occur in the upper-body; shoulder injuries account for the highest percentage of injuries, followed by hand/wrist sprains and fractures.⁷ Snowboarding head injuries increased from 1,000 in 1993 to 5,200 in 1997.

Although snowboarders are more likely to injure themselves, they are less likely to perish in the effort. Of the 15 people who died this year on in-bound Colorado mountain terrain, only one was a snowboarder.⁸ (The previous fatality record on the slopes was 12, set in the 1998-99 season).⁹ According to ski safety expert Jasper Shealy, the likelihood of a snowboarder perishing on a mountain is 40 % less than a skier. Anecdotal evidence in Colorado this season insinuates that the likelihood is more than 90% less.¹⁰

Will these injuries result in viable damages claims?

Half-pipes, large man-made jumps and metal pipe rails in snowboarding parks may contribute to increasing injuries; however, the courts have held that these terrain obstacles are inherent in snowboarding as long as the dangers are obvious and necessary.¹¹ Courts have also clarified that snowboarders owe no duty of care to skiers inside these snowboard terrain parks,^{12, 13} although a snowboarder has a duty of care not to increase the risks to a skier over those inherent in the sport.¹⁴ The trier of fact decides whether the snowboarder's conduct was so reckless as to fall outside the range of ordinary snowboarding.¹⁵ Among snowboarders' conduct surpassing this threshold are run-away snowboards.¹⁶

In a collision case, plaintiff snowboarders should plead general negligence to assess the tortfeasor's deviation from the duties set out in the Ski Act. Because the overtaking snowboarder has the principal duty to avoid the snowboarder below him/her, the uphill snowboarder is normally found at fault in an accident.

Although the mountain resorts are usually not defendants in collision cases, they are held accountable when employees recklessly operate resort-owned machinery. A few years ago, a mountain resort was found negligent when a snowboarder collided with a snowmobile, resulting in an award of approximately \$123,000.¹⁷

In terrain cases, a Virginia court awarded \$6.2 million in damages against a ski resort for negligently marking the

terrain in which snowboarders ride.¹⁸ However, if this terrible accident had happened in Colorado, the amount of recovery would have been limited to \$1 million, provided that the injury did not occur while riding on a passenger tramway.¹⁹

Snowboarding law will likely follow ski law, in which certain claims and cases warrant attention and monetary damages. Take, for instance, the \$6.2 million Virginia case. That skier could easily have been a snowboarder. There is a high probability of more injuries as the ever-increasing snowboarding population (average age 16) matures.

Snowboarding law will transform from a practice with tremendous potential to a thriving business within the next 5-10 years. The Gen-Yers will come of an age when they will notice egregious behavior or terrain on the slopes and seek legal representation. Attorneys who followed the trends and court decisions in skiing accidents will have an advantage in representing snowboarding clients.

Peter Michael Anderson is a solo practitioner in Boulder focusing on snowboard law and a member of the Young Lawyers Section of the Boulder County Bar Association.

¹ Jason Blevins, *Injuries Double Among Boarders*, Denver Post, March 26, 2002.

² Scott Willoughby, *Boarding Success Has Opened Eyes*, Denver Post, February 14, 2002.

³ Rick Carroll, *From the Slopes to the Courtroom*, Aspen Daily News, November 16, 1997.

⁴ National Ski and Snowboarders Retailers Association

⁵ *Skiing Helmets, An Evaluation of the Potential to Reduce Head Injury*, U.S. Consumer Product Safety Commission, Washington, D.C. 20207, January 1999, National Sporting Goods Association

⁶ *Id.*

⁷ Jason Blevins, *Injuries Double Among Boarders*, Denver Post, quoting Jasper Shealy, March 26, 2002.

⁸ *Id.*

⁹ *Id.*

¹⁰ Scott Willoughby, *Bold Speeds, Bad Conditions Proving Deadly*, Denver Post, quoting Jasper Shealy, March 28, 2002.

¹¹ *Shukoski v. Indianhead Mt. Resort*, 166 F.3d. 848 (Civ. 1999)

¹² *Mastro v. Petrick*, 39 Cal. App. 4th 83, 91, (2001)

¹³ *Id.*

¹⁴ *Mastro v. Petrick*, 93 Cal. App. 4th 83, 91 (2001)

¹⁵ *Mastro v. Petrick*, 93 Cal. App. 4th 83-4 (2001)

¹⁶ *Campbell v. Derylo*, 75 Cal. App. 4th 823 (1990)

¹⁷ Rick Carroll, *Jury Find SkiCo Negligent, Awards Snowboarder \$100K*, Aspen Daily News, September 28, 1999.

¹⁸ *Hoar v Great E. Resort Management, Inc.*, 256 Va. 374 (1997)

¹⁹ See C.R.S. 33-44-113.

EAST COUNTY BEAT

BY ANTON DWORAK

I'm a hip and cool dude. Wait, wait, stop laughing. I can substantiate this claim. Dwell Magazine (don't ask me what "Dwell" is; I've never heard of it) has named a part of Longmont "America's Coolest Neighborhood." Colin Berry, a National Public Radio commentator, who grew up in Longmont, recently did an NPR story on the Dwell article. Berry apparently fled Longmont's pervasive nerdiness for San Francisco and was shocked to hear about Dwell's announcement. You can listen to the story on the Web if you want; the title is "NPR : All Things Considered for Tuesday, April 02, 2002 Hip Town" and can be found at http://search1.npr.org/opt/collections/torched/atc/data_atc/seg_141013.htm. My brother remembers Mr. Berry going to Central Elementary with him and notes that "he was pretty arty, even then." I can hear gasps resounding from the West - are they from my Boulder friends, shocked that little Longmont may be more hip and cool than they are, even without trying?

Shifting gears, I have been lax in profiling the current Division 11 County Court judge, the Honorable David Archuleta. I just finished a pleasant conversation with him and am happy to present to you some of his background and observations about the new Longmont Courthouse.

Judge Archuleta was appointed to the Boulder County Court bench in June 1999. A Colorado native, Archuleta was raised in Boulder and earned both his undergraduate and law degrees from the University of Colorado. Prior to his judicial appointment, Archuleta served as

deputy district attorney for the Twentieth Judicial District. He was also in private practice for a short time.

His wife (they got married during his first year of law school), Kathleen Archuleta, works for the Colorado Attorney General's office on Medicaid and health care issues. They have two children, Joe, age 4, and Anna, age 1. Most of his free time is devoted to helping raise the kids. Any other free time is spent exercising (he goes to a gym over his lunch hour), biking, rollerblading, skiing and running.

When asked what he likes best about his job, Judge Archuleta says he enjoys the parties and interacting with attorneys and other people who come to court. He notes that because county court is one of "general jurisdiction, he gets involved in a wide variety of cases and issues. He takes pleasure in resolving the "normal disputes" that arise more in county than in district court. He handles arraignments, evictions, TRO's, PRO's, DUI's and domestic violence cases. There is usually a criminal jury trial each week, and he likes that because it keeps him sharp.

The new courthouse is wonderful, he says. Because most of the offices are consolidated into the single building, they are very efficient. People are able to have their cases heard extremely quickly and staff stability contributes to the smooth operation.

His least favorite part of the job is the volume, although he is handling it well. 6,500 cases went through the court last year, and he has some involvement in just about every one of them except the small claims cases.

Judge Archuleta told me that he is staying another year in Longmont, until July 2003. Because it's a new courthouse, a number of the new systems and procedures are just now coming on line. He wants to see them through and not leave in mid-stream.

Judge Archuleta really likes Longmont. He marvels at the ease of doing business here, from easier parking and shorter lines, to the general friendliness of people. He was also struck about how many walking/biking paths there are throughout town. He says he would find it very easy to live here.

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PRESIDENTS PAGE

DISTRICT OF CONTRADICTIONS

BY BRUCE FEST

My wife, my 13-year-old daughter and I made a pilgrimage to Washington, D.C. over spring break. It was the first visit for Bev and Joy. They were truly impressed with the beauty and grace of the monuments, parks and buildings, combined with a feeling of tremendous power concentrated in our nation's capital. The German phrase *ABauchnabel der Welt*, "belly button of the world," seems to capture how central, important and human Washington is.

For me this trip to Washington was a homecoming. I had lived and worked there for four years between 1968 and 1972, first as a legislative assistant to Senator Inouye of Hawaii and then as a translator in the Army Security Agency (army intelligence). I expected to be rather blase and nonchalant about our capital, but was surprised that I had the same reactions as Bev and Joy. I am proud of our democratic institutions and the society based on law that is celebrated throughout the city.

But in my homecoming I discovered a city that I had not seen before. I discovered that the District of Columbia is also the District of Contradictions. These contradictions had always been there, but I had closed my eyes to them 30 some years ago. Now they jumped out at me.

In the Supreme Court building an entire hall is devoted to John Marshall, our fourth Chief Justice from 1801 to 1835 and the "great American law-giver." His decision in *Marbury v. Madison* (1803), making

the Supreme Court the final arbiter of the Constitution, is enshrined in this hall: "The Constitution controls any legislative act repugnant to it. . . A legislative act contrary to the Constitution is not law." Fifty four years later the Supreme Court relied on this principle in *Scott v. Sandford* (1857) to rule that a Negro could not be a citizen of the United States and therefore had no right to sue in federal court. The Court also decided that congressional legislation forbidding slavery in the territories north of 36E 30', where Dred Scott's master had taken him, did *not* emancipate him. Such legislation (the famous Missouri Compromise) deprived a slave owner of his property without due process of law and was therefore unconstitutional and void. This was certainly the Supreme Court's nadir.

Another contradiction lies in the very foundation of the Supreme Court building. Until about 1932 the Supreme Court convened in the basement of the Capitol under the House of Representatives. The building constructed in 1932 is the current home of the Supreme Court. All the marble in the building comes from various quarries in the United States. The exception is the courtroom in which all oral arguments are held. All the marble in this room came from abroad, including the famous quarry in Carrara, Italy, that was the source of Michelangelo's statues. The Carrara marble in the Supreme Court is a gift from Mussolini. How ironic.

On the Tidal Basin the soaring and inspiring rhetoric of Thomas

Jefferson is enshrined, including these words: "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it."

When Thomas Jefferson died on July 4, 1826, the 50th anniversary of the Declaration of Independence, he had 110 slaves. He freed five of them in his last will and testament. The rest were sold to pay the substantial debts he left.

The Lincoln Memorial does its namesake justice. In my pantheon of heroes, President Lincoln comes right after Moses and the Trinity. Yet this president in 1862 suspended the writ of habeas corpus. The military grossly abused the suspension of the writ: A loyal mayor of Baltimore, suspected of Southern sympathies, was arrested and confined in a fortress for over a year. A Maryland judge who charged a grand jury to inquire into illegal acts of government officials was set upon by soldiers when his court was in session, beaten and dragged bleeding from his bench, and imprisoned for six months. A former congressman from Ohio, 70 years old, was arrested in his home by military authority, for alleged discouragement of enlistments. His constituents elected him to the state legislature while in prison.

Simultaneously with the signing of the Emancipation Proclamation, the

(continued on page 7)

CALENDAR OF EVENTS

Pre-registration is required for BCBA CLE luncheons. 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 \$12 per credit hour for members and \$18 for non-members unless otherwise noted. CLE credit is \$5 per hour for members of the Young Lawyer Section.

May 2, 2002

Natural Resources/Environmental Law Section

Topic: U.S. Forest Service
CERCLA Actions
Presenter: TBA
Noon Brown Bag Lunch
Boulder Justice Center
Courtroom C
CLE \$12

May 8, 2002

Criminal Law Section

Topic: Juvenile Point/Counter Point
Presenters: Keith Collins, District Attorney's Office; Renee Doak, Public Defender's Office
Noon Brown Bag Lunch
Boulder Justice Center Courtroom D
CLE \$12

May 9, 2002

ADR Section & CCMO of Boulder

5th Annual Dialog with the 20th
Judicial District Judges -
Domestic Issues
Trios Bar and Grille, Boulder
12 - 2 pm CLE \$24
Lunch \$16

May 14, 2002

Employment Law Section

Topic: Use of Statistics in
Discrimination Cases
Presenter: TBA
Noon at Faegre & Benson
Box Lunch \$10
(Turkey, Veggie or Beef)
CLE \$12

May 15, 2002

Family Law Section

Topic: Computerized Case
Management Integrating Court Link
Speaker: Carol-Lynn Grow,
Law Tool Box
Noon Brown Bag Lunch
Justice Center Courtroom D

May 21, 2002

Business Law Section

Topic: Issues Faced by
Corporate Counsel
Presenters: TBA
Location: Louisville/Broomfield

May 22, 2002

Tax, Estate Planning and Probate

Topic: Roundtable Discussion
Noon at Caplan and Earnest
Box Lunch \$10
(Turkey, Veggie or Beef)
CLE \$12

June 6, 2002

BCBA Annual Meeting

All BCBA Members should plan
to attend. See reservation form
on page 9

June 12, 2002

Criminal Law Section

Topic: TBA
Presenter: Professor Bill Pizzi,
University of Colorado School of Law
Noon Brown Bag Lunch
Boulder Justice Center
Courtroom C
CLE \$12

DISTRICT OF CONTRADICTIONS *(continued from page 5)*

President issued an order that seemed to deny white citizens the liberty he accorded to Negro [sic] slaves. He proclaimed that all persons resisting the draft, discouraging enlistment or guilty of any disloyal practice affording aid and comfort to rebels would be subject to martial law, tried by court-martial and denied the writ of habeas corpus. Under this proclamation, more than 13,000 persons were arrested and confined by military authority for offenses ranging from the theft of government property to treason. Morrison and Commager, *The Growth of the American Republic*, vol. I, pages 699-700 (1950). This assumption of power was sanctioned by the Supreme Court in *Ex parte Merryman* (1862). Chief Justice Taney protested in vigorous dissent. The irony is that he was also the author of the majority opinion in *Scott v. Sandford*.

Between the Lincoln and Jefferson Memorials, tucked away next to the Tidal Basin, is the memorial to Franklin Delano Roosevelt. It is small with beautiful flowing fountains. I would have missed it had I not stumbled onto it by accident. Engraved on one of the walls are fine words about civil rights and how vital and crucial they are to every citizen. Yet during World War II FDR sent about 110,000 Japanese-Americans into internment camps without so much as a tip of the hat toward their civil rights. The Supreme Court again sanctioned this gross abuse of power in *Hirabayashi v. United States* (1943) and *Korematsu v. United States* (1944).

A large part of the District of Columbia is devoted to the pain, grief and sorrow of war and its legacy of death and destruction. At the

Lincoln Memorial, I could feel the haunting presence of more than 600,000 Union and Confederate soldiers who died in the Civil War. On the steps of the Memorial, I could hear Martin Luther King, Jr. intoning, "I have a dream," knowing that in a few short years an assassin's bullet silenced those rich cadences. Behind the Lincoln Memorial on the opposite side of the Potomac are the Iwo Jima Memorial and Arlington Cemetery, with its war dead, the Tomb of the Unknown Soldier, unknown but to God, and the graves of JFK and RFK. In front of the Lincoln Memorial are the Vietnam and Korean War Memorials, made of polished granite that reflect one's image while revealing the ghosts of those who died in battle. Just beyond that the Holocaust Museum

(continued on page 12)

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LAWYER ANNOUNCEMENTS

We've outgrown our offices...

DAVID S. SANDERSON
and
JEFFREY S. GARD

Announce their litigation firm's new name
and location

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Our phone number, 303.444.8846,
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**AFTER 18 GREAT YEARS IN BOULDER,
IT'S TIME FOR ME TO HEAD BACK TO THE HILLS.**

KAREN A. BURNS

**610 OAK STREET
P.O. BOX 776030
STEAMBOAT SPRINGS, CO 80477**

**TELEPHONE: 970.879.4660
FAX: 970.879.5501**

Effective May 6, 2002

*Thanks, Karen, for your dedication and contribu-
tions to the Boulder County Bar Association.*

William D. Meyer,
a member of the law firm of
Hutchinson, Black and Cook, LLC,
recently returned from a
mission to Kenya for the
International Bar Association.

With funding from the Ford
Foundation, Mr. Meyer spent two
weeks working with the Law Society
of Kenya on a variety of issues,
ranging from disciplinary matters to
developing a compulsory continuing
legal education program.

Welcome back!

**FRIEDLOB SANDERSON PAULSON &
TOURILLOTT, LLC**

Attorneys at Law
Are pleased to announce that

**Ronald H. Thompson, formerly of Thompson
and Zall, LLC, joins the firm's expanding
Real Estate and Mortgage Lending Practice.**

**Shayne M. Madsen, formerly of Krassa, Madsen
& Miller, LLC, and founder of Beacon Public
Affairs Group, LLP, joins the firm's established
Public Policy and Government Relations Practice.**

Our new associate attorneys are
**Adam T. DeVoe, Roger T. Williams and
Terri L. Rithner.**

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5-7 P.M.

\$20 PER PERSON

PLEASE RESERVE A PLACE FOR ME AT THE ANNUAL MEETING

NAME _____

TELEPHONE _____

PLEASE SEND YOUR CHECK TO THE BAR OFFICES AT 1942 BROADWAY, SUITE 205, BOULDER, 80302
PLEASE RESPOND NO LATER THAN JUNE 3

Do you know a young lawyer who is making a difference?

The Boulder County Bar Association is seeking nominations for the
Young Lawyer of the Year Award, to be presented
at the Annual Meeting and Reception.

Please contact Christine at the Bar Office to nominate
your favorite young lawyer.

20TH JUDICIAL DISTRICT COURT NEWS

Justice Center Construction Update

A recent article in the Longmont Times-Call discussed the testing of contaminated soil at the Boulder Justice Center excavation site. In February, the site crew detected a layer of dirt, approximately 6 inches thick and 25 feet in diameter, with a suspicious color. Boulder County had the soil tested by Walsh Environmental, a Boulder-based environmental testing firm, to determine if the soil presented any health risks.

Test results last week indicated that the level of contamination does not pose a health risk. Susan Griffin, a senior toxicologist with the Environmental Protection Agency office in Denver, indicated that the levels of contamination would have to be nearly twice as high before the EPA would get involved in a clean-up of the site.

Boulder County staff plan to remove the contaminated soil to a certified landfill and expect the soil removal to be completed in April.

County staff will continue to test any suspicious soil uncovered during the remaining excavation of the site. If you have any questions about the soil testing or other construction issues, please call Amy Waddle, Ext. 3882.

Kerry Helmuth was recently appointed Family Court Facilitator, replacing Magistrate Norma Sierra.

Kerry grew up in Madison, Wisconsin and received a B.A. in English Literature from Indiana University in 1991. She went on to a one-year academic fellowship (1991-

1992) at the Indiana University Center on Philanthropy, where she focused her studies and practicum on third sector agencies addressing the welfare of children.

She attended the University of Wisconsin Law School, where her experiences included internships with the Center for Public Representation (GAL and mediation projects), the Greater Lakes Indian Law Center and Judge George Northrup. She did legal research for Professor Jane Schacter and graduated in December 1994 and was admitted to both the Wisconsin Bar and the US Federal Bar for the Western District of Wisconsin in 1995.

She and her husband served as Peace Corps volunteers in Papua New Guinea where they performed rural community development projects in Maimafu, a remote village deep in the rainforest of the Western Highland region. The experience of living in a subsistence-level society was "amazing." After they returned to Wisconsin she worked with Balisle & Roberson, SC, a highly respected law firm specializing in family law and estate planning. Her experiences there gave her thorough knowledge and experience in all facets of family law from her "fantastic mentors," Linda Balisle and Linda Roberson.

In 1999 she moved to Boulder to facilitate a burgeoning career as a professional road cyclist. Kerry had her sights set on the 2000 Olympic Games in Sydney and attained sponsorship from six brands at Procter & Gamble and co-founded a professional women's cycling team. At the end

of the first year of racing on the National Circuit, she was selected to race the Tour of Holland, Tour of Switzerland, and several World Cup races on the US National team. Kerry also received an invitation to race for an Italian team, and spent the 2000 and 2001 seasons racing for the world's eighth ranked team, Carpe Diem-Itera, based in the Bergamo area of Italy. She retired from professional cycling after the 2001 season.

During the off-season 1999-2000, she was fortunate to find work with the firm of French & Stone, working on various legal research and writing projects under the direction of Bob Stone.

Kerry started her current position of Family Court Facilitator in early March. She enjoys working with pro se litigants, and looks forward to working with the forthcoming simplified dissolutions.

Welcome Kerry!

PRO BONO PAGE

Thirty-one cases were referred during the month of March. Thank you to the following attorneys.

Jeff Ballas
 Bill Benjamin
 Stephanie Carter
 Dan Domenico
 Christopher Ford
 Kim Gent
 Peggy Goodbody
 Pam Graham
 Daryl James
 Robin Kube
 Jennifer Motycka
 Bev Nelson
 Kirk Peterson
 Karen Radakovich
 Gary Sandblom
 Gerald Sloat

Ralph Strebel
 Scott Tippet
 Mike Woodford

Pro Se Program volunteers

Mary Louise Edwards
 Shawn Ettingoff
 Stephan Fredricksmeier
 Ann Mygatt
 Bev Nelson
 Patty Roberts
 Georgiana Scott
 Bill Zurinskas

Pro Bono Mediators:

Kathy Franco

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 March:

Donn Alspaugh
 Paul Bierbaum
 Jim Hult

BCBA Professionalism Committee On-call Schedule		
May 6	Trip DeMuth	546-1375
May 13	Mark Langston	440-9684
May 20	Bev Nelson	554-7030
May 27	Christie Coates	443-8524
June 3	Steve Meyrich	440-8238

NEW MANAGING ATTORNEY AT BOULDER COUNTY LEGAL SERVICES

Elizabeth Moulton is the new Managing Attorney at the Boulder office of Colorado Legal Services. She replaces Melody Fuller, who has gone into private practice at Cooper, Tanis and McBain in Broomfield.

Elizabeth grew up in Sheboygan, Wisconsin, but received both her B.A. and J.D. from the University of Colorado. Her undergraduate degree was in sociology and she was a Dean's Scholar. In law school she was a finalist in the Rothberger Moot Court competition.

After graduating from law school, she was staff attorney in the Family and Children's Unit at the CLS Denver office. For the past year, she has served as a staff attorney at BCLS. Elizabeth serves on the BCBA Availability of Legal Services Committee and the CBA Interdisciplinary Committee on Child Custody and has been a court-appointed special advocate and a volunteer for Voices for Children and the CU Mentor Program.

Elizabeth and her husband, Nicholas Brodsky, are building a home in Nederland, which they will share with their furry cat and dog friends. A regular volunteer at BCLS, Jane Gill Kellenberger, says that working with Elizabeth is "like a breath of fresh air." Her dedication to clients is reflected in her unbridled enthusiasm. She speaks fluent Spanish, certainly a plus for the office. Jonathan Asher, Executive Director of Colorado Legal Services, said, "What Liz lacks in experience, she makes up for in her ability and energy. She is very competent and will follow most ably in Melody's footsteps."

PROFESSIONALISM COMMITTEE OPENING

The Boulder County Bar Association Professionalism Committee attempts to resolve local professionalism complaints and issues raised by the bar, bench and the general public through informal interventions and education. Each member is on-call to receive and resolve professionalism complaints approximately five weeks each year. The committee meets six times per year to review calls, plan educational efforts and discuss professionalism issues. Members must be approved by the BCBA Board of Directors. The committee is currently accepting nominations or applications, which should include all relevant information regarding the applicant's interest in and qualifications for the committee, as well as areas of practice.

Applications should be sent to Judge Lael Montgomery, Chair - Professionalism Committee, P.O. Box 4249, Boulder, Colorado 80306, and must be received by May 16, 2002 to be considered for the current opening.

DISTRICT OF CONTRADICTIONS *(continued from page 5)*

testifies to how evil and modern technology combined to create the ultimate horror and how the world, including the United States, closed its doors to refugees fleeing Nazi terror.

Thirty years ago I left Washington, D.C. to attend the University of Colorado Law School. I was inspired and full of hope that I could serve the ends of justice. This time I left Washington, D.C. with my own contradiction. I am still as inspired and full of hope. But now I know how fragile and fleeting justice can be. This time I took away the realization that justice is tenuous; that we must fight to preserve it and that when we lose it we all suffer.

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TYPING MISTAKES REALLY HURT CREDIBILITY

BY TREY RYDER

I write a lot. In fact, most of my day is spent typing, whether I'm writing marketing materials for clients or responding to lawyers' emails. And no no matter how many spell checkers I use -- no matter how much I proofread -- I never seem to catch them all: TYPOS! The bane of my existence. And yours, too - because when they come out of your office, they hurt you in many ways. They give the impression that you're careless. Or that you don't pay attention to detail. Or that the people you hire - who are supposed to catch such things - aren't doing their jobs.

Back when I was a kid, when I saw something from my dad's lawyer's office, it was always the best. I believed lawyers always had the best typewriters, the blackest ribbons, the nicest paper. I soon concluded that a lawyer's document was the one place I would see perfection. Sadly, this is no longer true.

Three years ago my business lawyer sent me a legal document so full of typos that I was convinced that he never actually read it. It was disgraceful. I concluded that my lawyer was so busy with big clients that he didn't have time for me. So I changed lawyers. I have heard lawyers explain that sending draft documents - before mistakes are corrected - is one way of saving the client money. The premise is to get the substance of the document the way the client wants it and then correct the mistakes. That may sound good in theory, but in practice, whenever your client sees a draft document full of typos, the document makes a bad impression, regardless of how you rationalize it.

No question, typos can be hard to find. I see them every week in Time and Newsweek. Just this afternoon I reached a doctor's office instead of the photographer I was calling because on the photographer's website, he had a typo in his phone number. We're all in such a hurry, and

under such pressure, that typos often slip past. But they shouldn't. Have you ever hired a person who misspelled words on his or her resume? What conclusions did you draw about that person?

Certainly, all you can do is your best. But don't underestimate the negatives attached to typos. If you think they're no big deal, your ded rong.

Trey Ryder is a law-firm consultant who specializes in Education-Based Marketing for Attorneys. Send your name and e-mail address to treyryder@treyryder.com and ask for his free e-mail packet of articles.

Colorado Coalition for the Homeless
15th ANNUAL CONFERENCE
Creating Lasting Solutions
Wednesday, May 15, 2002
Colorado Convention Center, Denver

EDUCATION TRACK

McKinney Act Changes (Session 1)

What are the "Educational Rights of Homeless Children and Youth?" An overview of the current revisions of the McKinney-Vento legislation and state and local education agency requirements will be explained. There will be opportunity for a question and answer period relative to state and local implications about this federal law. School district staff, as well as service providers who advocate for the educational rights of homeless children and youth, are encouraged to attend.

Title One (Session 2)

How do Title I and the McKinney-Vento Act Provisions Connect? This workshop is designed to clarify the provisions of the Elementary and Secondary Education Act's Title I statute in relation to homeless students. How do students who are homeless get access to Title I services? School district staff, as well as service providers who advocate for the educational rights of homeless children and youth, are encouraged to attend this interactive session.

Teens & Education Issues (Session 3)

Homeless Youth: What are the needs, issues and barriers that they face? This workshop will be presented by staff and youth at Urban Peak. The workshop will start with an introduction to the topic. There will be time for the audience to ask questions and learn about available resources and the need for educational services for homeless youth.

(Roundtable Discussion at 3:15 - 4:30pm, simultaneous with Session 3)

This will be a small group question and answer period regarding the Education of Homeless Children and Youth. Clarification on the McKinney-Vento Act, the provisions of the Elementary and Secondary Education Act's Title I statute that affect homeless students and legal issues can be addressed in a round table format. All are welcome that have specific issues that were not addressed adequately in the first two sessions.

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