



BOULDER COUNTY BAR ONLINE NEWSLETTER

1942 BROADWAY, SUITE 205
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J U N E 2 0 0 3

COLORADO'S FIRST CONSERVATION BANK

BY LARRY MACDONNELL

On April 17, 2003 the East Plum Creek Conservation Bank came into existence. Established by the Colorado Department of Transportation and the Federal Highway Administration, the bank provides credits to offset unavoidable impacts to Preble's meadow jumping mouse habitat from highway projects in Douglas County. The agreement was signed by Tom Norton, Executive Director of the Colorado Department of Transportation, William Jones of the Federal Highway Administration, and Mary Henry of the U.S. Fish and Wildlife Service in a special ceremony at a State Transportation Commission meeting.

Similar to a wetlands mitigation bank, conservation banks provide a mechanism for meeting mitigation requirements under the Endangered Species Act. Lands containing valuable habitat needed by a protected species are committed to permanent protection for the benefit of the species. Bank benefits are translated into "credits." Credits may then be used to offset impacts to that species that have been translated into "debits." Banks may be created by entities needing credits or by entities wanting to sell credits.

Key considerations for establishing a bank include the quality and protectability of the lands, the benefits provided to the species of concern, the credits that will be available from the bank, the service area in which the credits may be used, short- and long-term management of the lands, monitoring and reporting, and contingencies for uncertainties. To satisfy the Fish and Wildlife Service, the bank must provide important benefits to the species. To make the bank feasible for the user, the cost of the credits must be equivalent to or less than other options for meeting mitigation requirements.

The East Plum Creek Conservation Bank includes about 25 acres of CDOT-owned land adjacent to East Plum Creek in the Town of Castle Rock. Highway projects in the area involve unavoidable impacts to Preble's habitat. The Preble's is listed as a threatened species under the Endangered Species Act.

CDOT engineers and scientists observed that the creek bed in this reach was severely downcutting, causing the adjacent groundwater table to drop and removing the essential source of water for much of the vegetation in the riparian area on which the Preble's depends. They

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JUNE 2003 (Details for programs on page 6)



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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WEEKLY BCBA E-NEWSLETTER

MEMBERS ARE ECSTATIC! THANK YOU FOR YOUR WONDERFUL RESPONSE.
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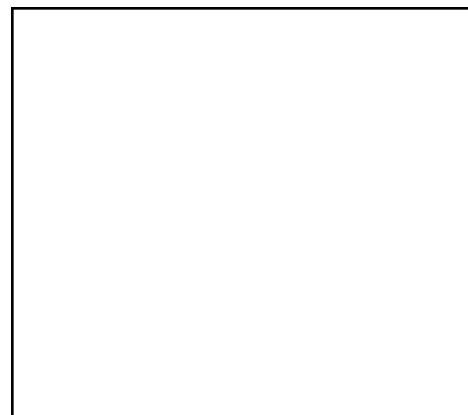
CONSERVATION BANK *(continued from page 1)*

proposed construction of a series of check dams to catch sediment and rebuild the streambed. The check dams were installed in 2001 and 2002. Groundwater levels have increased dramatically as the captured sediment has elevated the stream.

The bank makes available up to 25 credits, assuming specified success criteria are met. CDOT may apply these credits to offset project impacts within Douglas County.

The bank agreement and its exhibits will be available on the Region 6 Fish and Wildlife Service web site by the end of May.

Larry MacDonnell co-chairs the Natural Resources Section of the Boulder County Bar Association. He is an associate at the law firm of Porzak, Browning & Bushong in Boulder.



Preble's meadow jumping mouse

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or Rick Romeo

Boulder County Office 303-604-6030

Denver Metro Office 303-770-0673

20TH JUDICIAL DISTRICT JUDGE DIANE R. MACDONALD ANNOUNCES RETIREMENT

The Twentieth Judicial District Nominating Commission will meet on Monday, June 30, 2003, to select nominees for appointment by the Governor to the office of county judge for Boulder County. The vacancy will be created by the retirement of the Honorable Diane R. MacDonald on August 1, 2003.

To be eligible for appointment, the applicant must be a qualified elector of Boulder County admitted to the practice of law in Colorado. The annual salary is \$100,137.00. The initial term of office is a provisional term of two years; thereafter, if approved by the voters, the judge has a term of four years.

Application forms are available from the office of the Ex-Officio Chair of the Nominating Commission, Justice Gregory J. Hobbs, Jr., 2 East 14th Ave., Denver, Colo. 80203; the office of District Administrator Amy Waddle and the office of the clerk of Boulder County, Debra Crosser, Boulder County Justice Center, 1777 Sixth Street, Boulder, CO 80302. Applications are also available on the court's home page at <http://www.courts.state.co.us/exec/media/vacancy.htm>.

The original and seven copies of the application must be filed with the ex-officio chair no later than 5 p.m. on Friday, June 20, 2003. Late applica-

tions will not be considered. Any person wishing to suggest a candidate to fill the vacancy may do so by letter submitted to any member of the nominating commission, with a copy to the ex-officio chair, no later than Friday, June 13, 2003.

Applications will be confidential, except that the nominating commission shall disclose the names, work addresses and work telephone numbers of the nominees submitted to the Governor. The members of the nominating commission for the Twentieth Judicial District are: Cindy Pullen, G. Lane Earnest, Dr. Charles Scoggin, Margaret Porfido and A. Scott Moore, all of Boulder; Andrew Baan, Longmont; and Peggy Lamm, Superior.

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PRESIDENT'S PAGE OUR COMMUNITY BY SETH BENEZRA

As most of you are now aware, one of our own, BCBA member Kevin Klein, passed away on February 12, 2003. Kevin joined the BCBA in 1995 and was very active in the Young Lawyer Section. He created the LACH (Legal Assistance Clinic for the Homeless) program, which continues to operate each Wednesday night at the Boulder Homeless Shelter. It provides legal services in the areas of employment, criminal, landlord/tenant, domestic relations and other matters. Those who knew Kevin know that he cared deeply for the clients he served, many of whom were troubled youth or the medically indigent. During his brief time with us, he loved to teach, especially to young people, about the law. He taught legal ethics at the Denver Career College. His talents and contributions were considerable and he will be sorely missed. A presentation will be made at the June 12, 2003 BCBA annual meeting to Kevin's family in recognition of his service to the LACH program, which will appropriately be renamed in Kevin's honor.

Kevin took his own life. It is not possible to say whether any of us could have done anything to prevent this act. However, an event like this should make all of us reflect on the value of our relationships and of the mutual support we are capable of offering. "Association" (as in "Bar Association") is defined as "an organized body of people who have an interest, activity or purpose in common; a society." American Heritage, DICTIONARY OF THE ENGLISH LANGUAGE, Fourth Edition. I like "soci-

ety," but I prefer "community." A community connotes a special feeling -- it has the potential to be something vibrant, embracing, revitalizing. "Community" feels less mechanical, less stodgy, less lawyerly than "association." Our "community" of lawyers is here not just to provide CLEs, not just for professional networking, not just for business. It's not just a tax deduction or a professional obligation. Our community is here to provide support in every way that each of us may choose to draw on. Friendship, emotional support, personal and professional advice can all be found in this community. We are all so very busy trying to practice law; trying to maintain or expand our practices; trying cases. Life can be so very "trying." Do we really have the time to offer community to one another?

The need for the connection offered by this community is ever-present. All of us are vulnerable at times. Every day we pass members of our community who are in some form of distress. Whether the issue relates to the representation of a particular client, family, relationships, substance abuse, illness or something else, all one may need is someone to reach out to, to stop them in the hall, to look them in the eye, to ask them how they are really doing and to provide support. All a lawyer may need in trying times is that sense of community.

What do these lawyers in distress look like? They look like you and me. But sometimes there are signs: obvious distraction, withdrawal, fam-

ily problems, poor or no preparation for court. If you are too busy, you may miss the signal.

This community prides itself on the smalltown quality of our Bar Association. It feels like a community. When we offer ourselves to one another, to clients through pro bono work or as volunteers outside of our roles as lawyers, this energy comes back to us ten-fold. You know that it does. The point is that we are all capable of being there for each other and we can provide the support that each of us occasionally needs if we

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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.

June 4, 2003

CBA Natural Resources Section

Co-Sponsored by BCBA

Conflicts of Interest in

Water Law Practice

Speaker: Cindy Covell, Esq.

12 Noon to 1 PM

CBA-CLE Offices

3rd Floor Conference room

1900 Grant Street, Denver

\$20 CLE and lunch, \$10 CLE only

1 general, 1 ethics credit

Call 303-860-1115, ext. 727, or

e-mail lunches@cobar.org

June 5, 2003

2003 Legislative Update for

Doctors and Lawyers

Co-Sponsored by

Boulder County Medical Society

State Representatives Alice Madden,

Tom Plant, Jack Pommer, and

Paul Weissman will be attending.

5:30 PM

Boulder Country Club

\$40 for attorneys

1 general CLE credit

and sit-down dinner

June 12, 2003

BCBA Annual Reception and Dinner

The Academy, 970 Aurora, Boulder

5:30 PM

\$20 Reception Only

\$45 Reception and Dinner at 7 PM

June 18, 2003

Family Law Section

Estate Planning, Divorce and Death:

What the Family Lawyer Must Know

About Wills, Trusts, Spousal

Protections and More

Speaker: Robert Phillips

12 Noon Brown Bag Lunch

Boulder County Justice Center

Courtroom D

CLE \$15

June 19, 2003

Bench Bar Committee

Sentencing

Speakers: Judges Dan Hale,

Diane MacDonald and

Cary Lacklen, Public Defender

Noon at the Justice Center

Courtroom H

CLE \$15



LAWYER ANNOUNCEMENTS



LISA E. BATTAN, P.C.

is pleased to announce the relocation of her office to:

2020 Pearl St., Suite B
Boulder, CO 80302
303.444.8668 phone
303.444.4847 fax
lisa@battan.us
www.battan.us

Her practice will continue to emphasize business and family-based immigration law matters, including all nonimmigrant and immigrant visa processing, adjustment of status and naturalization applications.

CATHERINE DUKE EDWARDS

is pleased to announce her marriage to Terry Benjamin, Executive Director of Emergency Family Assistance, as well as her name change to

CATHERINE DUKE BENJAMIN

Catherine continues to practice law with

Stone, Sheehy, Rosen & Byrne, P.C.
4710 Table Mesa Drive, Suite B
Boulder, CO 80305
Phone: 303.442.0802
Fax: 303.442.1835
Email address: cdb@ssrb.com

Her practice will continue to emphasize Domestic Relations and Family Law.

THE KAPSAK LAW FIRM, LLC

Is Very Pleased to Announce that

CYNTHIA A. COLEMAN

Has joined the firm as an associate. Ms. Coleman's practice will be devoted to all aspects of Estate Planning.

The firm will continue to devote itself to Estate and Tax Planning, Elder Law, Trust and Estate Administration, and Estate Litigation.

1610 Hover Road, Suite 203
Longmont, CO 80501
Tel: 303.651.9330
Fax: 303.485.3714
Website: www.kapsaklaw.com

PATRICIA S. BELLAC

is pleased to announce the expansion and relocation of her practice.

Law Offices of Patricia S. Bellac
4430 Arapahoe, Suite 105
Boulder, CO 80303
www.pbellaclaw.com

303.442-5111(new)
303.530-1486(fax)
tbellac@prodigy.net

Ms. Bellac concentrates her practice in the areas of employment and business law, representing individuals and organizations in transactions and litigation.

LISTING ON THE REDUCED FEE PANEL LIST

The Bar office frequently receives calls from individuals in need of reduced-fee legal assistance.

As you know, some members of our community do not qualify for state-funded pro bono services but are unable to afford standard legal fees. The Boulder County Bar Association has recognized and addressed this problem by creating a panel of attorneys willing to provide services at a reduced fee or accept payment in installments. The list is given out to persons seeking to hire a lawyer under these circumstances.

We list attorneys in 19 practice areas, including criminal defense, intellectual property, business law, landlord-tenant disputes, employment law and estate planning.

This allows lawyers to select the areas in which they are willing to serve, and makes it possible for us to offer assistance to a larger section of the Boulder County community.

The Reduced Fee Panel is one of the most effective ways in which our members share their expertise with the public. This service is also beneficial for young lawyers and those building a practice, matching clients in need of flexibility with practitioners willing to help them.

We are updating this service by adding new attorneys to our list. To be included on the 2003/2004 Reduced Fee Panel, please complete the following:

Thank you in advance for your help.

YES, PLEASE LIST ME ON THE REDUCED FEE PANEL.

(I understand that by listing my name, I am not obligated to provide legal services.)

NAME:

AREA(S) OF PRACTICE:

PHONE NUMBER:

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Judy Leach
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Kathleen Pratt

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

pay attention to each other and make the time.

Of course there are other kinds of support available outside this bar association for lawyers in need. For example, the Colorado Lawyers Health Program (CLHP) is a Colorado Supreme Court-approved, volunteer-based, completely confidential and independent nonprofit lawyers' assistance program. The program provides lawyer-to-lawyer confidential assistance and resource access to attorneys, judges, law school students, graduates, families and professional peers. CLHP can respond directly to substance or alcohol abuse, mental health issues, destructive behaviors or impairments, recovery and relapse issues, depression, anxiety and anything else that may be troubling you or the people in your life.

Since 1993 CLHP's focus has been two-fold. First, CLHP provides refer-

als to lawyers to appropriate facilities for identification, evaluation or treatment of mental health issues.

Second, it provides peer support in both individual and group environments for lawyers in need.

CLHP can be contacted at 303.832.2233 or via email at confidential@clhp.org. You can also confidentially fax CLHP at 303.320.4676.

The Colorado Attorney Assistance Program (CAAP) operates through Mines & Associates, P.C. CAAP will provide an advisor to counsel or make referrals. It's free and available 24 hours a day. The number is 303.832.1068 or 800.873.7138. The website is: www.minesandassociates.com.

Kevin's situation is unfortunately not unique. As we all know, the practice of law can be an incredibly stressful, anxiety-producing activity. It can

result in depression and self-destructive behavior. I am not suggesting that the practice of law was a contributing factor in Kevin's situation. However, as we remember Kevin, we can use this opportunity to reflect on what resources are available and how each of us can be there for each other.

This is my last column as your President. I have learned a lot about our community over the last three years. It is filled with the most remarkable people. Your talents and interests are diverse, your dedication to the profession is profound, your commitment to justice is considerable, and your volunteerism is unmatched. To serve you in this very small way has been a great personal honor. Thank you.

BOULDER COUNTY BAR ASSOCIATION PAST PRESIDENTS' DINNER

The former presidents of the Boulder County Bar Association were honored at the annual Past Presidents Dinner on May 7, 2003. The event was held at Le Chantecler Restaurant in Niwot.

The Association has a distinguished presidential record. The following attorneys have filled the office between 1947 and 2002:

Howard Ashton
Seth Benezra 2002-2003
Stanley Black 1966-67
Christopher Brauchli 1974-75
Joan Brett 1983-84
Steve Briggs 1986-87
Frank Buchanan 1960-61
James Buchanan 1973-74
Michael Bynum 1991-92
Gerald Caplan 1965-66
James Christoph 1988-89

Christine Coates 1993-1994
Robert Cooper - 1998-99
Howard Current 1969-70
David Driscoll 1997-98
Joseph Dolan 1954-55
Judge Frank Dubofsky 1985-86
G. Lane Earnest 1972-73
Bruce Fest 2001-2002
L.B. Flanders, Jr. 1947-48
Walter Franklin 1961-62
John Gaddis 1982-83
William Gray 1981-82
Dan Hale 1990-91
David B. Harrison 1995-96
Guy Hollenbeck 1964-65
Horace Holmes 1949-50
T. Henry Hutchinson 1962-63
Alexander Garlin 2000-2001
Elaine Johnson 1996-97
Win Johnson 1992-93
Neil King 1967-68
William Kowalski 1987-88
Joseph Marato
E. Greg Martin 1971-72

James Martin 1955-56
John W. Miller 1979-80
Robert Miller 1976-77
Ann Mygatt 1989-90
Rich Nehls 1994-95
William Neighbors 1975-76
Joan Norman 1999-2000
Murray Richtel 1977-78
Peter Rogers 1978-79
Rupert Ryan 1953-54
John Sayre 1959-60
Ted Schey 1941-42
Robert Schuetze 1984-85
Don Sears 1970-71
Helen Stone 1980-81
John Taussig, Jr. 1968-69
Thomas Wood 1963-64
Keith Zook 1957-58

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BOULDER COUNTY BAR ASSOCIATION BOARD OF DIRECTORS NOMINATES NEW BOARD MEMBERS

At the May meeting, the Board of Directors nominated Steve Closky, Scott Holwick and Sonny Flowers to begin their tenure on the Board in July 2003. Anton Dworak was nominated to be the next Secretary/Treasurer and will be President of the BCBA in 2005-06. The membership will be asked for final approval of the candidates at the June 12 Annual Dinner.

Anyone interested in nominating alternate candidates should do so immediately by calling the bar offices.

- SEE YOU ON JUNE 12 -



PRO BONO PAGE



Thank you to the following attorneys who accepted 30 referrals from BCLS during the month of April.

Jeff Ballas
Bill Benjamin
Jim Brantz
Michael Cohen
Mechelle Faulk
Melody Fuller
Kim Gent
Pam Graham
Megan Holstein
Peter Jarldane
Julie Kreutzer
Barbara Lavender
Dan Lang
Jan Lord
Ed Navarro
Lenny Tanis
Louisa Young

BOULDER COUNTY LEGAL SERVICES PRO SE FAMILY CLINIC VOLUNTEERS

Steve Closky
Mike Miner
Bev Nelson
Georgiana Scott

BOULDER COUNTY AIDS PROJECT

Thank you to the following attorneys who accepted pro bono referrals for the Boulder County AIDS Project during April:

Paul Bierbaum
Adam Chase
Tina Burghardt
Matthew Hobbs
Rich Irvin
Ruth Irvin
Tim Talkington

The Boulder County Legal Services Pro Bono Luncheon was held April 23, 2003. Over 100 guests, lawyers and judges attended this very popular event. Jon Asher, Executive Director of the Legal Aid Society of Metropolitan Denver, gave opening remarks, reminding all that federal funding for legal services continues to be threatened. He complimented the Boulder County legal community for outstanding efforts in providing legal services to the poor in Boulder County.

This year's John Marshall Pro Bono Award was given to Christine Ebner of Ridgway, Romeo & Vincent. Chris is a native Coloradan. She graduated *cum laude* with degrees in psychology and German from Tulane University in 1987 and received her law degree from Loyola Law School in New Orleans in 1991. After graduation, Christina worked for New Orleans Legal Assistance in the Public Benefits Unit for five years. In 1995 she received the Gillis W. Long Public Service Award from Loyola Law School in recognition of her work. Christina returned to Colorado in 1997 and worked for the Legal Aid Society of Metropolitan Denver in its Health and Elderly Unit for a year. She is a member of the Boulder County Bar Association and the Colorado Bar Association. She serves as co-chair of the BCBA's Availability of Legal Services Committee.

A colleague says that Chris is known to have the most needy, in-crisis and difficult clients, but is always even-tempered and available to help. She is devoted to doing everything she can for each of her clients. She is a "fearless and zealous advocate" for the disabled. She is especially noted

for being a wonderful mentor and teacher. She has helped new pro bono attorneys at BCLS, providing information and support, especially on disability issues. Sue Parenteau, volunteer coordinator for BCLS, states that "when the perfect 'Chris Ebner case' comes in, [she] is hesitant to call Chris because she will always say 'yes.'" Congratulations, Chris!

Attorneys who volunteered over 50 hours of pro bono are:

Norm Aaronson
Christina Ebner
Mary Louise Edwards
Tom Finch
Melody Fuller
Greg Friedman
Tim Hadley
Barb Hight
John Gaddis
Daryl James
Clinton Nash
Tanya Shimer
Scott Tippet
Mike Woodford

Continued on page 13

BCBA Professionalism Committee On-Call Schedule		
June 2	Bruce Fest	494-5600
June 16	Curt Rautenstrauss	666-8576
June 23	Chuck Saxton	776-6911
June 30	Helen Stone	442-0802

WEBSITE FIND A LAWYER SECTION

THIS IS YOUR LAST CHANCE. IF YOU HAVE NOT RENEWED YOUR LISTING FOR 2003-04 ON THE WEBSITE AS OF JUNE 1, YOU WILL NO LONGER BE LISTED. PLEASE SEND THIS INFORMATION NOW.

The annual cost for this service is \$60 for listings in up to two specialty areas and \$20 for each additional listing.

I choose to be listed on the website under the following specialty headings:

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Refer to the website at www.boulder-bar.org to see the complete list of specialty heading options.

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PRO BONO PAGE *(continued from page 11)*

Attorneys who volunteered over 75 hours of pro bono work are:

Anne Byrne
Donald Humphrey
Bill Benjamin
Pat Furman
Peggy Goodbody
Lee Robinson
Jack Robinson
Louisa Young

Attorneys who volunteered over 100 hours of pro bono are:

Jeff Ballas
Peter Jarldane
Dana Matthews
Bev Nelson
Georgiana Scott
Phyllis Wood

Attorneys who volunteered over 175 hours of pro bono are:

Laura Heller
Mary Street

Kimberly Gent and Ralph Strebel received awards for volunteering over 200 hours of pro bono to BCLS.

CU Legal Aid and Defender Program students volunteered over 388.5 pro bono hours.

The following firms were recognized for 100% participation in taking pro bono cases:

Balis & Barrett
Cooper, Tanis & McBain
Goff & Goff
Gstalder & Bartlett
Kapsak Law Firm
Lirtzman, Nehls & Hepner
Hutchinson, Black & Cook

Rautenstrauss & Joss
Ridgway, Romeo & Vincent
Stone, Sheehy, Rosen & Byrne
Warren & Carlson
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BCBA ANNUAL MEETING AND RECEPTION



THURSDAY, JUNE 12, 2003 at 5:30 PM

AT THE ACADEMY, 970 AURORA STREET, BOULDER
(Please use 10th Street Entrance)

MEET YOUR COLLEAGUES AND SOCIALIZE AT THE RECEPTION 5:30 - 7 PM
YOU MAY ATTEND THE RECEPTION ONLY OR BOTH THE RECEPTION AND DINNER

Please make a reservation for me:

Name _____ Telephone _____

I wish to attend both the reception and the dinner _____ (\$45)

I will attend only the reception _____ (\$20)

PLEASE SEND YOUR CHECK TO THE BOULDER COUNTY BAR ASSOCIATION
1942 BROADWAY, SUITE 205
BOULDER, CO 80302



The Dinner Program Will Include

AWARD OF MERIT • 2003 Recipient, Christie Coates

YOUNG LAWYER OF THE YEAR AWARD • 2003 Recipient, Jennifer L. Sullivan

INTRODUCTION AND APPROVAL OF NEW
BOULDER COUNTY BAR ASSOCIATION BOARD OF DIRECTORS

CLASSIFIED ADS

SUCCESSFUL SOLO BUSINESS ESTATE LAW PRACTITIONER SEEKS AFFILIATION WITH SIMILAR ATTORNEY. Attractive offices in south Boulder. All inquiries will receive a response. Enstad Law Firm, P.C. 303.499.0303.

LONGMONT LAW FIRM SEEKS ASSOCIATE ATTORNEY with 1-3 yrs exper. to work in busy general civil practice, including collections, landlord/tenant, real estate, business transactions, family law, various types of litigation and related matters. Strong research, writing, trial and organizational skills required, as well as ability to communicate effectively. Benefits include 401K, health and life insurance. Send letter of interest, resume, writing sample and salary req. to: Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502, fax to 303-413-1003 or e-mail to kkelley@blglaw.com.

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