



BOULDER COUNTY BAR ONLINE NEWSLETTER

1942 BROADWAY, SUITE 205
BOULDER, CO 80302

303.440.4758
FAX 303.402.6958



N O V E M B E R 2 0 0 2



NON-ADVERSARIAL COMMUNICATION: A STRATEGY TO INCREASE CLIENT AND ATTORNEY SATISFACTION

BY TOM BACHE-WIIG, ARLENE BROWNELL, PH.D.,
LYLA D. HAMILTON, PH.D., AND STEVEN J. WOLHANDLER, JD, MA

CONTENTS

• <i>NON-ADVERSARIAL COMMUNICATION</i>	1
• <i>PRESIDENT'S PAGE:</i>	4
• <i>CALENDAR OF EVENTS</i>	6
• <i>ANNOUNCEMENTS</i>	7
• <i>PRO BONO PAGE</i>	11
• <i>CLASSIFIED ADS</i>	15

**MARK YOUR CALENDARS
AND PLAN TO ATTEND
THE 3RD ANNUAL
BCBA HOLIDAY PARTY
DECEMBER 12 AT 5:30 PM**



ANNUAL JUDGES' DINNER

NOVEMBER 13, 2002

5:30 COCKTAILS 6:30 DINNER

THE ACADEMY, 9TH AND AURORA STREETS

RESERVATIONS ON PAGE 2

Introduction

Many litigating attorneys love their work and strive both to educate their clients and to represent their clients' legal rights. Yet client and attorney dissatisfaction is rampant:

• Boston Bar Association research found "growing evidence that a significant cross-section of lawyers are dissatisfied with the quality of their professional lives." Its report characterized the issue of professional fulfillment as "the most serious problem facing our profession today."

• The Florida Bar Quality of Life and Career Committee identified two sources of professional dissatisfaction: the adversarial mindset which encourages lawyers to treat others as opponents; and legal analysis that habituates lawyers to think critically. This committee concludes

that the result for many lawyers is a tendency to find faults in others, and a tendency to generalize this way of thinking into non-client relationships, driving others away. "A 'zero sum' approach traps us in the stress of competition -- always needing to grab a bigger slice for ourselves, to the detriment of others. This style of thinking is hardly the groundwork for a long and healthy professional life..."

• An American Bar Association study concluded that most Americans are "dissatisfied with the ways lawyers communicate with them."

Attorneys provide a valuable service. So why are many litigators dissatisfied with their professional lives, why are many clients dissatisfied with their attorneys, and why does the American public generally lack confidence in the legal profession? We believe that adversarial thinking, behavior, and language can contribute to client stress, public distrust of the legal process, and attorney dissatisfaction, burnout and disillusionment.

We invite you to learn a communication process that will help you relate to your-

(continued on page 3)

NOVEMBER 2002 (Details for programs on page 6)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5	6 Bench/Bar	7	8 Natural Res.	9
10	11	12 Employment	13 Criminal Real Estate Corp. Symposium Judges' Dinner	14 Civil Lit/Young Lawyers	15	16
17	18	19	20 Family Law Tax, Estate	21	22	23
24	25	26	27	28	29	30



ANNUAL JUDGES' DINNER

Wednesday, November 13, 2002



Susi Nues © 1998

Cocktails 5:30 pm, Dinner 6:30 pm

The Academy

970 Aurora in Boulder

\$40 Per Person

Name(s) _____

My payment for _____ is enclosed.

1942 Broadway, Suite 205

Boulder, Colorado 80304

NON-ADVERSARIAL COMMUNICATION *(continued from page 1)*

self, your clients, and your loved ones in a way that is more likely to increase satisfaction, understanding, and trust for all concerned.

Rights and Needs

Attorneys are trained primarily to adopt an adversarial stance, zealously representing their clients by aggressively wielding power. One strategy for achieving greater client and attorney satisfaction is to set aside automatic adversarial thinking and the language that flows from it. Non-Adversarial Communication is a different model of thinking and language that can increase client and attorney satisfaction.

The idea of using a non-adversarial method in the highly adversarial American legal system might at first seem far-fetched. Yet, a non-adversarial communication process, Dr. Marshall Rosenberg's Nonviolent Communication, has been used successfully all over the world to settle disputes of all intensities involving parents, children, couples, street gangs in the US, prisoners, religious organizations, tribes, and governments. Non-Adversarial Communication is based on Dr. Rosenberg's work.

Attorneys can use these skills to avoid unnecessarily provoking the other side and escalating the conflict, to minimize collateral damage that will remain after settlement, and to understand client needs more fully. A clear understanding of a client's broader needs beyond financial settlement - such as needs for equity and fairness, respect, physical and emotional safety, understanding, an ongoing relationship with the other party, financial security, and closure -- opens up more options for resolution and therefore the possibility for greater client satisfaction.

Vigorously pursuing the clients' legal rights can meet some but neglect other important client needs. For example, each time a woman we know cried or "got emotional," her divorce attorney became annoyed and stopped listening to her. "My attorney was operating from a different paradigm of what the court would want and wasn't interested in what I wanted." Because this client did not feel understood or respected by her divorce attorney, she discarded that attorney's draft settlement agreement and hired another attorney to create the settlement agreement that she wanted and her then husband supported. Although the client wanted her legal rights protected, she doubled her costs for representa-

tion because her other high priority needs, e.g., to be heard and understood, were not honored.

Attorneys also have multiple needs. Attorneys would like respect, recognition, financial security, integrity, and to contribute to justice, fairness, and financial security for their clients. At the same time, many dislike the lack of balance in their lives and the toll law practice can take on their personal relationships.

After three decades of practice, a highly successful litigator hardly remembers his initial desire to help the underserved. He describes his approach as "making the case my own," and expresses his concern that the client will "screw things up." His wife of over 20 years left him, she says, because he became so emotionally distant and focused on his work that they no longer had any relationship.

In both of the above examples, traditional attorney communication - or the lack of broader, needs-sensitive communication - drove others away.

What creates dissatisfaction and distrust for both client and attorney? According to Dr. Marshall Rosenberg, dissatisfaction arises because fundamental human needs are unmet by the strategies being used to meet those needs. Clients and attorneys are dissatisfied because adversarial and legal rights-based strategies don't address other high priority, fundamental needs, such as needs for respect, acknowledgement, understanding, empathy, and balance.

The Non-Adversarial Communication Model

Most communication seeks to analyze ideas, persuade others about those ideas, and give opinions about ideas. Non-Adversarial Communication (NAC) is about expressing and understanding human experiences and needs - yours and those of the person with whom you are communicating. The purpose of Non-Adversarial Communication is self-expression and listening in a way that is most likely to create deep understanding and enhance the probability of meeting each person's needs.

NAC can be used in both personal and professional situations. Recently, one of the authors offered to help her

(continued on page 10)



PRESIDENT'S PAGE DIALOGUE ON FREEDOM BY SETH BENEZRA



Following the September 11 tragedy, Justice Anthony Kennedy launched a new educational program called "Dialogues on Freedom." Surprised and disappointed by what he perceived to be a passive reaction from many high school students to the terrorist attack, Kennedy said that it was important for students to know that the attacks were "a crime, in part, committed against us because we are free. It was a crime committed against democracy for its own sake. And if you attack democracy, and you attack freedom, this is a crime against all humanity."

Kennedy launched Dialogues on Freedom because he believed it was important for lawyers, along with judges and elected leaders, to talk to students because of their broad knowledge of the issues surrounding democracy. Kennedy called on the American Bar Association to assist in the endeavor. Working together, Kennedy and ABA representatives developed a guide for conducting dialogues in high schools, along with supporting material, and then took the show on the road across the nation.

The centerpiece of the dialogue is a series of hypothetical situations that ask students to discuss and defend American culture and values during

fictional encounters with residents of Quest, an imaginary nation. In Quest, the students are asked questions about democracy, dictatorships, poverty and hatred of American society and culture. Students are called on to analyze these situations, respond to questions, debate and take positions. In addition, key parts of the dialogue are documents, such as the Declaration of Independence and the Constitution, as well as literature and movies that reflect American culture. Role playing, questioning and discussion are key components. By the end of Law Week in May 2002, more than 220 dialogues were conducted.

A study released by the United States Department of Education in May 2002 indicates that more than half of American high school seniors do not have even the most basic grasp of U.S. history, showing no improvement in a nationwide test since 1994. On the test, 57% of seniors could not perform even at the basic level; 32% performed at the basic level and only 10% performed at a proficient or grade-appropriate level.

Two-thirds of high school seniors, many old enough to vote in this month's elections, lack a basic understanding of democratic principles,

the United States Constitution and civil rights, a survey completed by the National Assessment of Educational Progress reveals. The results of a national test of government and civics education show that just 26% of 12th graders scored well enough to demonstrate a good understanding of how our democratic institutions work. "What these young voters know and don't know about civics and government will have an impact on all of us," says Diane Ravitch, historian and education professor at New York University, who sits on the board that oversees the tests. A nationwide group established by Congress administers the test every ten years. The exams are given to a nationwide sample of children in three grade levels (12th, 8th and 4th grades) in core subjects such as math and reading. Occasionally, other subjects, such as the arts and civics, are tested.

Among the test result findings were that fewer than half of 12th graders knew that the President and the State Department have more authority over foreign policy than Congress or the courts; only 36% knew the Supreme Court used the Constitution's Fourteenth Amendment to invalidate state laws

(continued on page 5)

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

that segregate public schools; and only 9% could list two ways that democratic society benefits from participation by its citizens. In 8th grade testing, only 6% could describe two ways countries benefit from having a constitution.

According to Ravitch, "Our ability to defend - intelligently and thoughtfully - what we as a nation hold dear - depends on our knowledge and understanding of what we hold dear. That can only be achieved through learning the history we share, and clearly, far too many high school seniors have not learned even a modest part of it."

As lawyers and citizens, this lack of understanding by high school students of the nature and history of the fundamental democratic institutions of American government is of great concern, and one which the Dialogue on Freedom is designed to address.

During Law Week in May 2002, ABA president-elect and former Detroit Mayor Dennis W. Archer joined Senator Carl Levin (D-Michigan) at Detroit's Thomas Cooley High School where they met with thirty-five 9th Grade government students.

According to Archer, "The Cooley students wanted the people of Quest to understand the value of education, to know that when you work hard you should be paid, and that it is important to be able to say what is on your mind and not be afraid of what might happen to you. . . The dialogue gave them a chance to express to people they see as leaders what they think is important about America, and it was an opportunity for me to support those values and demonstrate my

confidence in them."

At South High School in Minneapolis, Minnesota Supreme Court Justice Kathleen Blatz conducted a dialogue and was joined by ABA Executive Director Robert Stein, an alumnus of the school. When Stein graduated, the school was primarily Caucasian with little diversity. When he returned to conduct the dialogue, Stein was greeted by Ethiopian, Yemeni, Kenyan and Somali students. According to Stein, "Those who were born here tend to take freedoms for granted. The degree to which these first generation students embrace those values would make any American proud. It was very moving and very touching."

In his call to get lawyers and judges involved, Justice Kennedy said they were uniquely positioned to make the public more aware of the values of freedom and democracy, and how the law protects those values. "The American Bar Association represents hundreds of attorneys who all of the time are dealing in the currency of freedom. They are dealing in the verbal symbols, the semantic elements of freedom."

It is my hope that we will be able to organize a dialogue program in Boulder for Spring 2003. I will keep you informed of our plans to that end. Have a great Thanksgiving.

Non-Adversarial Communication Training

For ADR professionals/attorneys who want to help difficult clients better meet their needs while increasing satisfaction -- your own and your client's!

Two-Day Workshop Dates: Friday & Saturday, November 15, 16

16 CLE credits have been awarded to the program

Facilitated By: CONNECTION PARTNERS, INC.

Arlene Brownell, Ph.D., Co-president of Boulder CCMO

Tom Bache-Wiig, Past President, Boulder CCMO

Cost \$260 (15 days prior to training date)

To register and for more information, contact Connection Partners, Inc.

303.449.2553 or www.connectionpartners.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.

November 6, 2002

Bench/Bar Committee

Ethics and Professionalism
in the Courtroom
Speakers: Judges John Stavely
and Frank Dubofsky
12 Noon Brown Bag Lunch
Boulder County Justice Center
Courtroom I CLE \$25
2 General and 2 Ethics

November 8, 2002

Natural Resources and Environmental Law Section

Water Rights and Coalbed Methane
Speaker: Felicity Hannay, Deputy Attn.
General Nat. Resources Section
12 Noon at Dolan's
Lunch \$13, CLE \$15

November 12, 2002

Employment Law and ADR Sections

ADR: Early Intervention
in Employment Disputes
Speaker: Francy Millner
Gen. Counsel, Coors Corporation
Steve Clymer, Attorney-Mediator
Caplan & Earnest, LLC
12 Noon
CLE \$15, Boxed Lunch \$10
(turkey, veggie or beef)

November 13, 2002

Criminal Law Section

The Ethical Limits of Persuasion
H. Patrick Furman
Justice Center Courtroom C
12:00 Noon
CLE \$15 1ethics and 1general

Real Estate Law Section

Common Ethical Pitfalls for Real Estate
Lawyers Speaker: Jim Benjamin,
12 Noon at Dolan's in Boulder
CLE \$15, Lunch \$13

Annual Judges' Dinner

The Academy
970 Aurora, Boulder
5:30 Cocktails, 6:30 Dinner
\$40 per person

November 13, 2002

Business Law Symposium

Corporate Responsibility
Speakers: Professor Dale Oesterle
Lawrence P. Gelfond CPA/CFE/CVA
Assistant Colorado State Attorney General
Ashley Albright
Boulder Public Library
1:30 PM to 4 PM
CLE \$35, Public \$5
3 General and 3 Ethics Credits

November 14, 2002

Young Lawyers, Business Law and Civil Litigation Sections

Starting your Own Practice
Speakers: Michael Ruderman
and Jon Banashek
Brown Bag Lunch in Courtroom C
12 Noon CLE \$15

November 20, 2002

Tax, Estate Planning and Probate

Trust Funding Issues
Speaker: Tom Stover
The Raintree Plaza, Longmont
12 Noon
CLE \$15, Buffet Lunch \$14

Family Law Section

Marital Agreements
Speaker: Steve Epstein
Boulder County Justice Center
Courtroom E
12 Noon Brown Bag Lunch
CLE \$15

November 21, 2002

Young/New Lawyer Section Happy Hour

5 PM at the Hungry Toad Pub
2543 Broadway

December 3, 2002

Availability of Legal Services

Eviction Defense; Public and
Subsidized Housing
Presenters: Pat Mayne, County Atty.
Jenifer Knight, Attorney, CLS
12 Noon
Hutchinson, Black and Cook

921 Walnut Street, Suite 200
Free CLE for attorneys who agree to
take a pro bono case
CLE \$30, Boxed Lunch \$10
(turkey, veggie or beef)

December 10, 2002

Employment Law/ Business Section

Immigration Issues
Speaker: Betsy Bedient
Caplan & Earnest, LLC
12 Noon
CLE \$15, Boxed Lunch \$10
(turkey, veggie or beef)

December 11, 2001

Tax, Estate Planning & Probate and Civil Litigation Sections

Estate Planning in Civil Litigation
Speaker: Martha Ridgway
12 Noon, Hutchinson, Black and Cook
CLE \$15 Boxed Lunch \$10
(turkey, veggie or beef)

Boulder CTLA

**VOIR DIRE WORKSHOP
NOVEMBER 21 12-1:30 pm
Boulder County Justice Center
Courtroom E
Presenter: Paul Gordon**

**Blue Sky Bridge Presents:
Can Sexual Assault Victims Win
Lawsuits Against Schools,
Churches and Other
Institutions in Colorado?**

Presented by Richard Werner, Esq.
Friday, November 15, 2002 9 - 11 am
Boulder County Justice Center

Registration \$15 Group \$12,
Students \$10 2 CLE credits applied for
www.blueskybridge.org



LAWYERS' ANNOUNCEMENTS



*Last month we incorrectly spelled Ms. Selden's name.
Please make a note of the correct name. Thank you.*

STEFANIE M. SELDEN

*Is pleased to announce the
relocation of her office to*

**1406 Pearl Street
Boulder, CO 80302
Phone 303.444.8686
FAX: 303.444.3223
stef@sseldenlaw.com**

*Stefanie will continue to focus her practice
on Personal Injury and Worker's Compensation.*

PATRICIA S. BELLAC

happily announces her return from sabbatical
to the active practice of law

www.pbellaclaw.com

**Patricia S. Bellac
Attorney at Law
The ViewPoint
4450 Arapahoe, Suite 100
Boulder, CO 80303
Telephone: 303.415.2043
Fax: 303.530.1486
email: tbellac@prodigy.net**

*Ms. Bellac is accepting new clients and referrals in the
areas of employment and labor law, employee benefits
and general corporate counsel and representation.*

KRISTAN K. WHEELER

*Is pleased to announce her new last name
(formerly Tucker) and the formation of:*

LAW OFFICE OF KRISTAN WHEELER, LLC

**Historic Highland Building
885 Arapahoe Avenue
Boulder, CO 80302**

**Telephone 303.444.2202
Fax 303.447.1392
kristanwheeler@qwest.net**

*Kristan will continue to focus her
practice on criminal defense.*

WITH GREAT PLEASURE

ALLEN SPARKMAN, BRUCE P. SHAFFER, AND DAVID A. PERLICK

announce the formation of a new Boulder/Denver
law firm as of August 1, 2002

SPARKMAN • SHAFFER • PERLICK LLP

*We provide a full range of services to individuals,
small and family-owned businesses, and nonprofit
organizations, including real estate, financing, income,
estate, and gift tax planning, tax controversy work,
trusts, entity selection and formation, charitable
gift planning, tax-exemption applications,
and transactional representation.*

**2338 Broadway, Ste. 100 600 17th St., Ste. 2800 South
Boulder, CO 80304 Denver, CO 80202**

**Telephone 303.449.6543
Fax 303.449.0617**

LAWYERS' ANNOUNCEMENTS

RIDGWAY, ROMEO & VINCENT, LLC

Is pleased to announce that

**C. JAN LORD
AND
THOMAS A. RODRIGUEZ**

HAVE JOINED OUR PRACTICE AS ASSOCIATES.

Ms. Lord's practice *will emphasize Medicaid planning, estate planning, guardianships and conservatorships.*

Mr. Rodriguez' practice *will emphasize probate litigation.*

1070 Century Drive, Suite 200
Louisville, CO 80027
303.604.6030
303.604.6052
www.elderlawcolorado.com

THE KAPSAK LAW FIRM, LLC

Is Very Pleased to Announce that

BRUCE ALAN DANFORD, CPA, LLM

Has joined the Firm as an Associate.

Mr. Danford's practice will emphasize Estate Planning and Estate and Trust Administration, ERISA and Probate.

The firm will continue to devote itself to Estate Planning and 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

RACHAEL LATTIMER

Has Recently Changed Her Name From

RACHAEL DOAN

Ms. Lattimer's practice will continue to emphasize Domestic Relations.

Rachael M. Lattimer, LLC
Attorney at Law
1526 Spruce Street, Suite 211
Boulder, CO 80302
Telephone 303.928.2315
Facsimile 303.928.2379

DAY AND JAMES

is pleased to announce that

**JOHN M. INNESS-BROWN and
STEPHANIE CARLSTEN ADAMSON**

have become associated with the firm.

The Firm's practice continues to emphasize Domestic Relations

1910 Seventh Street
Boulder, CO 80302
Telephone 303.447.9688
Facsimile 303.786.8536



LAWYERS' ANNOUNCEMENTS



**KINGSBERY, JOHNSON, PHILLIPS,
FOSTER & LOVE, LLP**
Attorneys and Counselors at Law

Would like to wish **Robert M. Phillips** all the best as he moves his practice to Louisville.

The Firm is pleased to announce that the name of the firm is now:

KINGSBERY, JOHNSON, FOSTER & LOVE, LLP

The Firm's practice continues to emphasize Estate, Trust, Tax and Business Planning and Estate and Trust Administration.

1401 Walnut Street, Suite 301
Boulder, Colorado 80302
Telephone: 303.443-4694 · Facsimile: 303.443.1335

KINGSBERY, JOHNSON, FOSTER & LOVE, LLP
Attorneys and Counselors at Law
Is Pleased to Announce that

MARK J. SATHER

Has Joined the Firm as Special Counsel, focusing on estate, trust and business planning and estate and trust administration.

Walter W. Kingsbery · Winthrop D. Johnson ·
Steven J. Foster · Eric V. Love ·
Stuart P. Kingsbery · Mark J. Sather

1401 Walnut Street, Suite 301
Boulder, Colorado 80302
Telephone: 303.443.4694 · Facsimile: 303.443.1335

ROBERT M. PHILLIPS

*Former Partner with
Kingsbery Johnson Phillips Foster & Love, LLP
and Adjunct Professor of Law
University of Colorado School of Law*

Announces the Relocation of His
Law Practice To

Robert M. Phillips, LLC
Attorney and Counselor at Law
315 South Boulder Road
Suite 206
Louisville, Colorado 80027
303.604.2161

With Continued Emphasis on Estate and Trust Planning, Estate and Trust Administration, Asset Protection and Real Estate Law.

EARL C. HANCOCK

Has Retired from Holland & Hart LLP.

He is available to the Boulder County Bar for consultation on patent matters and intellectual property cases.

Telephone: 303.494.7767
Fax: 303.494.0959

Mailing Address:
P.O. Box 3518
Boulder, CO 80307

NON-ADVERSARIAL COMMUNUICATION *(continued from page 3)*

elderly mother take care of banking business that had been dragging on for a year. When the daughter offered to go to the bank with her mother and help resolve the matter, her mother seemed upset and started to give reasons why the daughter should not bother, that she did not have the time, etc. The daughter was puzzled about this reaction, but after a moment of contemplation said to her mother "Mom, when you hear me offer to help with your banking problem, do you feel upset because you need the autonomy and independence to take care of this matter yourself?" Her mother immediately relaxed because she felt understood.

Through NAC, we speak and listen in a way that expresses our intention to meet the needs of all participants in the conversation. The NAC model

focuses our attention on four important aspects of expression and listening: observation, feelings, needs, and requests.

Observation consists of concrete, measurable, and factual information, and excludes judgment, evaluation, analysis, or interpretation. The purpose of first stating an observation is to create a clear image of the event or experience so that another person can recognize the event and not react to an evaluation of the event. "He is a poor manager" is an evaluation. "He has not asked team members to provide input," is an observation.

Feelings are our responses to our observations and are triggered in part by our beliefs and interpretations of what we observe. "You're making me angry" is an interpretation. "I feel

hurt and angry" is an expression of feelings. Feelings let us know if our underlying needs are met or unmet.

Needs are fundamental, universal human requirements: autonomy, celebration, integrity, interdependence, physical nurturance, play, and spiritual communion. When our needs and wants are met, for example, we might feel glad, energetic, or peaceful. When they are not, we may be angry, sad, scared, confused, or detached. "I need custody" is a strategy. "I need to know that my children are safe" is a need.

Requests are strategies intended to get fundamental, universal needs met. They include requests to confirm that our message has been understood or to take a specific, do-able action. In the NAC model, we do not work on strategies (i.e., solutions) until the underlying need has been accurately identified. For example, when a client wants revenge, the underlying human need might be respect. Or perhaps it is safety or fairness. Once the fundamental need is identified, attorneys can help create alternative strategies that will address what is most important to the client.

By focusing our attention on these four specific aspects of communication, we make it easier to understand others and to be understood, and more likely to have satisfying professional and personal relationships.

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 on page 14)

PRO BONO PAGE

Twenty-seven cases were referred during the month of September. Thank you to the following attorneys:

Jennifer Bales
Jeff Ballas
Bill Benjamin
Walter Bradley
Susan Bryant
Christina Ebner
Melody Fuller
Rich Nehls
Chris Noel
Jack Robinson
Lee Robinson
Steven Sklaver
Ralph Strebel
Caroline Stapleton
Scott Tippet
Bill Zurinkas
Norm Aaronson's CU Legal Aid & Defender Program

Pro Se Program volunteers

Shawn Ettingoff
Mike Miner
Bev Nelson
Helen Stone

Boulder County AIDS Project:

Thank you to the following attorney who accepted pro bono referrals for the Boulder County AIDS Project during the month of September:

Juliet Gilbert

Pro Bono Corner: Thank you to the new pro bono attorneys who responded to the Availability of Legal Services article "Could this be you? Lawyers who make a difference." BCLS needs you, too, to help one of over 1,100 clients interviewed each year. Call Sue @ 303.449.2197 to learn more about pro bono opportunities.

<p>BCBA Professionalism Committee On-Call Schedule</p>

<p>Nov. 4 Curt Rautenstrauss 666-8576</p>
<p>Nov. 11 Chuck Saxton 776-6911</p>
<p>Nov. 18 Helen Stone 442-0802</p>
<p>Nov. 25 Trip DeMuth 546-1375</p>

THANKS FROM THE LEGAL AID FOUNDATION

The Legal Aid Foundation of Colorado thanks the following individuals and law firms for participating in the Boulder County Campaign for Justice. This year's drive resulted in almost \$61,000 for Colorado Legal Services, which includes Boulder County Legal Services.

The Foundation supports equal access to justice for low-income individuals and families, including the elderly, victims of domestic violence and people with disabilities. We especially thank the law firms that gave at the target level of at least \$250 per attorney for their leadership in the Campaign.

We also thank the Faegre & Benson Foundation for their generous gift of \$8,000.

Major Individual Donors - \$500 or More

Patricia A. Butler
Gerald A. Caplan
Jean E. Dubofsky
David G. Eisenstein
David & Roberta Levin
Robert H. & Sarah S. Moench
Richard C. Nehls
Elizabeth Phelan & Paul Smith

Target Level Law Firm Donations (\$250+ per attorney)

Caplan and Earnest, LLC
Dierking & Associates, PC
Carol Glassman, PC
Hofgard & Associates, PC
Holland & Hart, LLP
Holme, Roberts & Owen, LLP
Johnson & Repucci, LLP
Lirtzman, Nehls & Hepner, PC
Purvis Gray
Trine & Metcalf, PC
Cameron W. Tyler & Associates

Individual Donations of \$250 - \$499

James A. Brantz
Christopher R. & Margot Brauchli
W. Cotton Burden
James L. & Katrina Carpenter
David J. Driscoll & Claire Levy
Glen Gordon
Steven W. Kelly
Jon F. Kottke
Camron R. Kuelthau
Christopher M. Leh & Natalie Hanlon Leh
Richard Lirtzman
Eric Love
Conrad Metcalf

James R. Montgomery
William D. Neighbors
William Redak, Jr.
Robert A. Schuetze
Gerald C. Sloat
Helen R. Stone
Diana Van de Hey

Donations of \$100 - \$249 (per attorney if a firm)

Anonymous
Karl F. Anuta
Steven D. Barnett
Claudia J. Bayliff
Ruth & David Becker
Thomas L. Beckmann
Paul C. Benedetti
Bernard, Lyons, Gaddis & Kahn, PC
Paul M. Bierbaum
Aaron Brodsky
Michael F. Browning
Ed Byrne
Susan K. Bryant
Karen A. Burns
Gretchen Miller Busch & Robert Busch
Christine Coates
Edward C. Coffey
William & Sara-Jane Cohen
Richard B. Collins & Judith L. Reid
Connolly, Rosiana & Lofstedt, PC
James A. Cooke
Joseph A. Cope
Robert J. Dieter
Michael Dominick
James D. Ellman
Michael R. Enwall
Bruce F. Fest
Daniel N. Fishman
W. Harold Flowers
Melody K. Fuller
H. Patrick Furman
Alexander Garlin & Virginia Chavez
Garlin, Driscoll & Murray, LLC
Kathleen Gebhardt & Steve Swanson
David H. Getches
Peter J. Gowen, PC
Grant & Grant, LLP
Greenlee Winner & Sullivan, PC
John B. & Lois Greer
John M. Gstalder
Lynn Gale Guissing
Daniel C. Hale
Paul Holleman
Hutchinson, Black & Cook, LLC
Ruth K. Irvin
Steven K. Jacobson & Sheryl Robinson
George A. Johnson
Kapsak Law Firm, LLC
Edward R. & Jane G. Kellenberger
Kennedy & Kennedy, PC
Stuart P. Kingsbery
William J. Kowalski
Todd W. & Robyn W. Kube
Mark T. Langston

Tyler & Terre Lantzy
Barbara Lavender
David J. Lee
Larry D. Lee, PC
Robert L. Matthews
Richard C. McLean
Steven Meyrich
Michael E. Miner
Raphael Moses
Beverly C. Nelson, LLC
Joan M. Norman
Reed & Reed
Timothy M. Reynolds
Susan T. Richards
Ridgway, Romeo & Vincent, LLC
Peter Rogers
L. Louise Romero
Wendy Slee Rudnick
Mark R. Shapiro
Dan R. Sheehy
Andrew J. Simpson, PC
Jeffrey L. Skovron
Tod J. Smith & Jerilyn DeCoteau
Andrew Spiegel, PC
Martin Steinberg
Huntley Stone
Steven Taffet
Tienken & Hill, LLP
Scott A. Tippet
Vranesh & Raisch, LLP
Sandra Younghans

Donations of up to \$99 (per attorney if a firm)

Anonymous
John M. Alexson
Archer Law Offices, PC
David & Kathleen Archuleta
Banashek & Talkington, PC
Clifford J. Barnard
Lisa E. Battan
Elizabeth Beaver
Nancy Berman
Howard Bittman
Mari Bush
Anne Byrne
Law Offices of Sandra T. Carr, PC
Jim R. Carrigan
Mark H. Carson
Homer Clark, Jr.
Stephen A. Closky
Cohen, Silverman & Rowan, LLP
Common Ground Mediation - Robin Amadei
Constance Tromble Eyster
Lenore B. Fox
Frascona, Joiner, Goodman & Greenstein, PC
E. Stefan Fredricksmeier
French, Stone & Murphy, PC
Joan W. Froede
Susan J. Geer
Marcia Ginley
Ira Chernus & Ann Z. Goldstein
Robert J. Golten
Green, Meyer & McElroy, PC

THANKS FROM THE LEGAL AID FOUNDATION

Michael J. Grills
Earl C. Hancock
Josie & Rollie Heath
John P. Holloway
Susan M. Horner
Pamela J. Howell
Elaine P. Iatridis
Jorgensen2, Pepin, Raba, Lewis & Motycka, PC
Joyner & Fewson, PC
Ronald D. Jung
Kingsbery Johnson Phillips Foster & Love, LLP
Howard & Barbara Klemme
Christopher F. Knud-Hansen
Sally J. Kornblith
Sarah Anne Krakoff
Julie L. Kreutzer
Lamm & Butler, LLC
Edward Lehman
Lichter & Associates, PC
Judith Lubow
Andrew R. Macdonald
Macheledt, Bales & Johnson, LLP
Greta Maloney
Gilbert Y. Marchand, Jr.
Martin & Fest, LLC
Miller & Harrison, LLC
Kathleen M. Morgan
Edith I. Morris
Hiroshi Motomura
William & Joan Nagel
Beth B. Ornstein

David A. Perlick
Kristan Pritz
Thomas J.B. Reed
Janet Roberts
Paul Roberts
Julia Robinson
Michael A. Ruderman
Law Offices of Dominick M. Saia
Sanderson & Gard, LLP
Todd Saliman & Michelle Segal
Shivley & Holst, LLP
Norton L. & Judith A. Steuben
Stevens Littman Biddison & Tharp, LLC
Sharon L. Svendsen
Thomas R. Trager
Daniel A. Vigil
Lawrence & Rita Weiss
Ruth M. Wright

More than 11,000 low-income individuals and families received assistance with critical civil legal needs last year from Colorado Legal Services. The generous donations of hundreds of law firms, individuals and companies made it possible for these people to have access to our justice system. Thank you for helping us make a difference in so many lives.

2001-2002 Boulder County Campaign Chairpersons: David J. Driscoll and Helen R. Stone

Committee: Jon N. Banashek, Gretchen Miller Busch, Patrick D. Butler, Stephen A. Closky, Sara-Jane M. Cohen, James A. Cooke, Robert M. Cooper, Scott H. Culley, Kathleen J. Gebhardt, John B. Greer, Lynn G. Guissinger, Richard A. Johnson, Jeffrey J. Kahn, William J. Kowalski, Mark T. Langston, David J. Lee, Christopher M. Leh, Claire B. Levy, Kimberly E. Lord, Gilbert Y. Marchand, Jr., Michael E. Miner, Richard C. Nehls, Joan M. Norman, Leslie M. Reed, Richard E. Samson

To learn more about the Legal Aid Foundation or to make a donation, please call (303) 863-9544 or visit us at www.legalaidfoundation.org

NON-ADVERSARIAL COMMUNICATION *(continued from page 10)*

The Challenge of Non-Adversarial Communication

The NAC model is simple and easy to understand. It can be harder to apply in the emotionally charged circumstances litigators regularly face. Angry clients seeking retribution and aggressive opposing counsel can trigger hostile reactions that serve no one.

Attorneys are trained to understand content and details, but conflict and litigation involve intense emotions as well as substantive issues. Being able to recognize and deeply understand a client's human experience and needs, in addition to protecting the client's legal rights, is essential for increasing client satisfaction. It takes training and practice for attorneys to shift, when appropriate, from the habits of adversarial thinking and language to NAC, the language of human connection. Interpretation, analysis, judgment and blame are so deeply engrained in us that we're hardly aware of their presence in our language. Unlearning and relearning skills begins with awareness and guided work on the basics.

NAC is not therapy. It is a process of communication. Like physicians who have learned to communicate with patients rather than simply treat disorders, NAC-competent attorneys can serve more of the client-and thereby become more effective practitioners.

Justice, Needs, and Non-Adversarial Communication

The justice Shylock seeks in Shakespeare's "Merchant of Venice" embodies the ancient motto, *fiat justitia, ruat calum* - "let justice be done though the heavens fall." Pushing legal rights to the limit, however, does not always serve clients' broader or longer-term interests-even if they win the case in court.

Non-Adversarial Communication provides attorneys with knowledge and skills to meet their clients' broader needs more effectively while at the same time protecting their legal rights. By mastering NAC, attorneys can better serve their clients, achieve greater professional satisfaction, and improve public perception of attorneys.

Author Bios

Tom Bache-Wiig is past President and Arlene Brownell is current Co-President of the Boulder Chapter of the Colorado Council of Mediators (CCMO). They are mediators who teach Non-Adversarial Communication to attorneys, mediators, clergy, therapists, and other professionals. They can be reached at (303)-449-2553 or through www.connectionpartners.com. Lyla D. Hamilton writes on issues of leadership and ethics in business and the professions, and has completed Connection Partners' NAC training for professionals. Steven J. Wolhandler is a mediator and psychotherapist. A former editor of the Cornell Law Review, he practiced law for over 15 years both in a large Wall Street firm and as a solo practitioner. He can be reached at (303)-245-0909 or through www.creativeresolutions.org.

Footnotes

1. Joel M. Reck, President, Boston Bar Association, Foreward, *Expectations, Reality and Recommendations for Change*, The Boston Bar Association Task Force on Professional Fulfillment) August, 1997.
2. www.Fla-Lap.org/glsn/principles.html
3. ABA Section on Litigation, Perceptions of Lawyers: Consumer Research Findings, April 2002.
4. Kathleen Franco, "Collaborative Law Brings Magic Into the Practice," BCBA Newsletter, February 2002
5. Marshall B. Rosenberg, Ph.D., *Nonviolent Communication*, Puddle Dancer Press, 2002
6. Id.

Mediation and Psychotherapy

- *Mediation of Disputes*

**Domestic and Civil Matters
Safe and Efficient Settlements
Creative Solutions Everyone Can Live With**

- *Psychotherapy with couples, individuals and groups*

**Break Patterns that Hurt You and Those You Love
Sensitive to the Stresses of Legal Practice**

**Creative Dispute Resolutions, LLC
Efficiently Resolving Conflict**

**Steven J. Wolhandler, JD, MA
303.245.0909**

CLASSIFIED ADS

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 in suite with 4 attorneys, 1/2 block off of Pearl Street Mall. \$650 per month. Call 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.

OLD TOWN LAFAYETTE Office Space. 800 +/- sq. feet. Nicely detailed large office with separate reception/conference and copy/file areas. \$1100 month includes utilities. Call 303.604.1600 or 303.665.6500.

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.

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

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 Linda 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.

1031 SOLUTIONS, LLC

is pleased to report that during the months of
July through October, 2002
the firm has assisted real estate investors
with the sale of over
\$50,000,000
in value of Relinquished Properties

For information on our services or to receive literature, please contact:

Richard L. Levy, JD, LL.M.
303-440-1031 (Boulder/Denver)
866-440-1031 (Toll Free)
rich@1031service.com

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