



# BOULDER COUNTY BAR ONLINE NEWSLETTER

1942 BROADWAY, SUITE 205  
BOULDER, CO 80302

303-440-4758  
FAX 303-402-6958

## AUGUST 2001

### 4TH ANNUAL DIALOG FOR LOCAL BENCH, ADR PROFESSIONALS AND ATTORNEYS

By Cathy Schultheis and Virginia Chavez

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#### MARK YOUR CALENDARS

#### ANNUAL JUDGES

#### DINNER

OCTOBER 25, 2001

CHAUTAUQUA DINING HALL

5:30 P.M.

DETAILS TO FOLLOW

True to form, ADR professionals are committed to problem solving. It is a pleasure to work with a receptive bench that is eager to participate in this mutual problem solving. For the fourth year in a row, the annual civil and domestic dialogs provided an opportunity to prove our commitment to resolving issues, even those involving ADR.

At the 3rd Annual Dialog the ADR Section received direction from Chief Judge Bailin to form a subcommittee to discuss issues which would be addressed at the 4th Annual Dialog. In July 2000, the subcommittee met twice so that the following year's dialogs would be more productive. We thank Magistrate Hamilton-Fieldman and the other 16 people who contributed to successful dialogs this year.

The civil dialog in April, facilitated by Michael Caplan was well attended by five members of the bench, which is an expression of their commitment to ADR. Twenty-five plus participants were informed by members of the bench that ADR is generally working well in civil cases in district court and county courts. The bench took timing of ADR under

consideration after the 3rd Annual Dialog, and the date for completion of ADR was moved to 30 days before trial in district court cases. That seems to work, except that the directive for mandated ADR is not always taken seriously. Note that show cause orders are issued requiring compliance with ADR. Magistrate Hamilton-Fieldman presides over those hearings.

The bench has requested better compliance with filing the certificate of alternative dispute resolution compliance. It doesn't matter whether attorneys, parties or ADR professionals complete the form. If you want to make 20th Judicial District clerk's job easier, including Debra Crosser's, use the coding, even if you use your own form, and file the certificate with the court within seven days of compliance. The clerks use a computerized program to input the information on the compliance form. The Office of Dispute Resolution compiles the information to statistically evaluate mandatory ADR. This information is used statewide to determine whether mandatory ADR is making

*(continued on page 3)*

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## MAGISTRATE TIJANI COLE TO RECEIVE DREAM-MAKER AWARD

The I Have a Dream Foundation of Boulder County has selected Magistrate T.J. Cole as the 2001 Dream-maker Award winner. He will be honored at a fundraising luncheon on Friday, September 7, 2001, at the University of Colorado President's Residence. It will feature Elizabeth Hoffman, CU President, as the keynote speaker.

Individuals and corporations may participate as underwriters exist at the \$5,000, \$3,000, \$1,250 and \$400 level, with promotional benefits. Individual tickets are available for \$50 a person. The First National Bank of Colorado, The Daily Camera and Carrabba's Italian Grill are helping to sponsor the event.

In addition to performing his duties as magistrate in juvenile court in Boulder District Court, Magistrate Cole has made numerous significant contributions to our community. He founded Boulder Prep, a charter school that targets young people who have been exposed to the justice system. For this work he received a citation from Governor Roy Romer in 1997. On his own, Cole selects students in a north Denver low-income neighbor-

hood and offers help with homework, recommendations about colleges to target and advice on everyday problems.

Cole has received a number of awards recognizing his outstanding service to the youth of Metro Denver and Boulder, including the "Beyond the Gavel" award in 1998 and the Channel 9 "Those Who Care" award in 1997. He was also named a 1999 Champion for Children.

Magistrate Cole has taken his support of young people to a level of commitment that few can surpass giving of his time, expertise, caring, and financial support in the form of tuition assistance. Cole helps to build dreams and maintains high expectations of even the most challenged students.

Today in Boulder County the I Have A Dream Foundation is ensuring that more than 300 students have the chance to fulfill the dream of a college education. From Longmont to Lafayette to Boulder, low-income students are "adopted" in elementary school by the foundation and offered tutoring, mentoring and long-term academic support services designed to ensure a successful educational experience. The foundation

is typically able to double the expected high school graduation rates of the low-income children who enter the program.

To show your support for Magistrate Cole's efforts and the I Have a Dream Foundation of Boulder County contact Annette Mainland at (303) 581-7927 or e-mail at [annette.mainland@juno.com](mailto:annette.mainland@juno.com).

## MEMBERSHIP BENEFITS

### Justice Center ID Card

Our Bar can issue 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 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 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, 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.

### Broadcast Fax List

If you would like the Calendar of Events faxed to you each month, call the Bar office and give us your name and fax number.

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## 4TH ANNUAL DIALOG *(continued from page 1)*

some impact. Please use the court-approved certificate of compliance form on every case utilizing ADR, whether or not the case was resolved fully. These forms can be found on the BCBA Web site in the "What's New" section.

Judge Bailin says that "on-site court mediation," as exists in some other jurisdictions, is not being given much consideration. The large private mediator population in Boulder makes this necessary. Minutes of the 4th Annual Facilitated Dialog on Civil matters, prepared by Beth Ornstein, past President of Colorado Counsel of Mediators and Mediation Organizations, (C.C.M.O.), are found on the Bar's web site "What's New" section.

The Boulder Public Library meeting room was overflowing for the domestic dialog in May facilitated by Robin Amadei. Six members of the bench, 20th J.D. Clerk, Debra Crosser, attorneys and ADR professionals discussed the benefits of early ADR. It helps to narrow the issues, promotes better discovery, aids the court in recognizing how well the parties can share decision-making and parenting time and is an effective case management tool.

There is still a problem with noncompliance or timely compliance with the ADR mandate. Participants discussed possible options to reduce noncompliance, including instigation of show cause orders in domestic cases, assessing fines and charging an up-front fee, rebated on compliance with ADR.

We will have an additional judge on the bench starting August 4, 2001. This new position was created with an additional requirement that domestic cases be completed within six months of filing.

The bench took under consideration a request for status conferences earlier this year by members of the Family Law Section of the Boulder County Bar Association. Twenty-minute status conferences will be scheduled to promote more expeditious setting of mediation. Magistrate Hamilton-Fieldman will preside over these hearings and will announce a monthly date to begin after August 4.

Magistrate Kingery reported that there are more pro se cases than in the past. Many of the parties are participating in mediation. Sometimes the mediated agreement is not acceptable, especially regarding waiver of maintenance when there are large discrepancies in

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## 4TH ANNUAL DIALOG *(continued from page 3)*

income. A statutory formula is to be used starting in July to calculate temporary maintenance (subtract 50% of the lower income from 40% of the higher income). Mediated agreements need to address payment of the children's uninsured medical, dental and therapy expenses, payment for day care, future exchange of financial information and resolution of future disputes. Unfair agreements will not be approved. Pro se parties must include support orders with the necessary information when support is due, along with child support worksheets when there are minor children. It is wise to avoid lump sum child support payments. In post-dissolution cases, it is necessary to submit financial affidavits with stipulated child support modifications.

Judge Hale and Magistrate Kingery would like to be notified if the ADR provider is not paid on cases in their respective divisions. Sanctions will be ordered.

After many requests for quarterly dialogs, the question was presented to Judge Bailin for direction. She will consider a quarterly sub-committee meeting, which would include magistrate or judge to discuss issues.

Minutes from the May dialog on domestic matters will be on the Bar's web site in the "What's New" section, along with a domestic relations form for the ADR compliance certificate. Please use this form or use the codes if you have your own form.

Finally, farewell to Virginia and welcome to Kathy Franco new ADR Section co-chair. Cathy Schultheis will stay on as co-chair for a third and final year. You won't want to miss our first event on August 27 at the Raintree Plaza in Longmont. The topic addressed by an attorney/ADR professional panel is "Success Criteria for Mediators and Attorneys Working Together."

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303.442.2420**

**Longmont  
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Longmont, CO 80501  
303.651.0529**

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# PRESIDENT'S PAGE

## The Independent Judiciary II

By Bruce Fest

President Dwight D. Eisenhower started it in 1953. President George W. Bush ended it in 2001.

President Eisenhower had a problem. He was beset by campaign loyalists seeking rewards, including lifetime appointments to the federal bench--the federal judges serving as the ultimate guardians of our rights. President Eisenhower's problem was how to place quality and competence before politics in selecting nominees for the bench.

His solution was to ask the American Bar Association to evaluate the professional qualifications of potential nominees. Only if the individual passed would the president nominate him or her and submit the name to the Senate for its advice and consent. This is what he started in 1953.

The ABA established the Standing Committee on Federal Judiciary. The president submitted the names of possible candidates. The committee evaluated each candidate

on three criteria - integrity, judicial temperament and professional competence. The committee did not and to this day never has passed on the candidate's politics or ideology.

In fact the committee is thoroughly insulated from politics. Members of the committee forswear political activity at the federal level, do not make political contributions and agree not to accept federal judicial appointments during their service on the committee or even during the year following that service. A Great Wall even isolates the committee from the ABA itself. No one, not even the ABA president, knows who the committee is evaluating or its conclusions until the President makes a nomination and submits the name to the Senate and the committee's conclusions are revealed in the Senate's confirmation process.

This process worked well for nearly half a century. It protected the President and the senators from political patronage pressures in selecting federal judges. It assured that qualified and competent individuals were appointed to the federal bench. It helped produce a judiciary that is the envy of the world. Every president after Eisenhower--Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush-pere and Clinton--used the process.

Until April 2001 when President Bush abandoned it.

This not just a Washington, D.C. issue. There are now 100 vacancies in the

federal district and appellate courts. The judges filling these vacancies will be deciding cases from Maine to Hawaii from Alaska to Florida. More immediately, we have had an opening for a new federal judge in the United States District Court for the District of Colorado for some time. The candidates for that lifetime appointment and future appointments should also be submitted to the Standing Committee on Federal Judiciary to undergo scrutiny for integrity, judicial temperament and professional competence. These are the same tests the current and past members of Colorado's federal bench had to pass.

There is little likelihood that President Bush will reverse his position. But our Colorado Senators Wayne Allard and Ben Knighthorse Campbell, the Senate Judiciary Committee and the entire Senate can and should insist that any nominee to the U.S. District Court for Colorado and the Tenth Circuit Court of Appeals (and elsewhere too) should undergo the and pass the ABA evaluation for integrity, competence and temperament.

These are the individuals we will rely on to protect our clients' and our own civil rights.

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## 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. BCBA CLE's cost \$12 per credit hour for members and \$18 for non-members unless otherwise noted. Young Lawyer Section Members pay only \$5 for CLE programs. Materials are \$5 without CLE credit.

### August 21, 2001

Business Law Section  
Topic: Valuing the Small Business in  
the New Millennium  
Presenter: Eric Critchfield  
CPA/ABV  
Noon at Dolan's in Boulder  
Lunch \$15 CLE \$12

### August 22, 2001

Noon Reception  
Honoring Sharon Garone  
for 30 years  
of Court Reporting  
Justice Center Hearing Room N

### August 27, 2001

ADR and CCMO  
of Boulder  
Attorney/Mediator Panel  
Topic: Success Criteria for  
Mediators and Attorneys  
Working Together  
Raintree Plaza in Longmont  
11:30 a.m. to 1:30 p.m.  
Lunch \$15 and CLE \$24  
Reservation deadline August 23  
CLE 2 general and .3 ethics

### August 30, 2001

**Chief Justice Mary Mullarkey**  
Visit to the 20th J.D.  
Reception at 4 p.m.  
Justice Center  
Hearing Room N  
All are welcome!

### September 6, 2001

Medical Legal Section  
Topic: Pain Management of the  
New Millennium  
Presenter: Dr. Elizabeth Yurth  
Noon at Dolan's  
Lunch \$13 and CLE \$12

### September 12, 2001

ADR Section  
Topic: Preparing Lawyers and their  
Clients for Mediation  
Presenter: Steve Briggs, JAG  
Noon Brown Bag Lunch  
Justice Center Courtroom  
CLE \$12

### September 19, 2001

Family Law Section  
Topic: Accounting Issues for  
Family Law Lawyers and Clients  
Presenter: Pat O'Kelly  
Noon Brown Bag Lunch  
Justice Center Courtroom D  
CLE \$12

### September 26, 2001

Tax, Estate Planning and Probate  
Topic: Changes in the Tax Law  
Presenter: Tom Stover  
Noon and Raintree Plaza in  
Longmont  
Lunch \$15 and CLE \$12

### October 11, 2001

Board of Directors Meeting  
in Longmont at 4 p.m.  
Reception following  
5 p.m. at  
The Pumphouse Brewery  
All Longmont lawyers  
are invited to attend.

### October 17, 2001

Family Law Section  
Topic: Maintenance  
Presenters: Judge Dan Hale,  
Bev Nelson and Helen Stone  
Noon Brown Bag Lunch  
Justice Center Courtroom B  
CLE \$12

### October 24, 2001

Tax, Estate Planning and Probate  
Topic: Medicare Update  
Presenter: Richard Vincent  
Noon to 1 p.m.  
Lunch \$10 CLE \$12

### Boulder Interdisciplinary Committee on Child Custody

The Boulder IDC is a nonprofit organization comprised of legal and mental health professionals and mediators.

The primary mission of the IDC is to promote an understanding of the legal and psychological issues of child custody, parental responsibilities and visitation/parenting time in the professional community. The IDC sponsors monthly lunches and semi-annual conferences that provide forums for exchanging information and ideas relating to children in the legal system. CLE credit is available to attorneys for attending the luncheons and conferences.

If you are interested in joining the Boulder IDC or obtaining more information on the upcoming programs, please call the IDC office at 303 938-1646

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## PRO BONO PAGE

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

Susan Bryant  
James Cooke  
Rachael Doan  
Clark Edwards  
Bruce Fest  
Pat Furman  
Alex Garlin  
Kim Gent  
Don Goulart  
Beverly Hawk  
Christopher Hawk  
Peter Jarldane  
Ed Kellenberger  
Tom Kitely  
Barbara Lavender

Rachel Maizes  
Charles Martien  
Bill Meyer  
Bev Nelson  
Bill Roberts  
Barry Satlow  
Wendy Stevens  
Ralph Strebel  
Mary Ann Strobridge  
Scott Tippett

Pro Se Program volunteers  
Shawn Ettingoff  
Ann Mygatt  
Bev Nelson

Thank you to **Steve Barnett** for a great presentation to Broomfield Seniors.

**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 June:  
**Paul Bierbaum**  
**Kurt Hofgard**  
**Ann Mygatt**

BCBA Professionalism Committee On-call Schedule		
August 6	C. Rautenstrauss	666-8576
August 13	Chuck Saxton	776-6911
August 20	Trip DeMuth	546-1375
August 27	Mark Longston	440-9686
Sept. 3	Christie Coates	443-8524

## LAWYER ANNOUNCEMENTS

**VRANESH and RAISCH, LLP**  
is pleased to announce

**ASIMAKIS ("MAKI") P.  
IATRIDIS**

has become a partner of the Firm.  
The Firm will continue its  
Natural Resources practice.

Jerry W. Raisch      John R. Henderson  
Michael D. Shimmin   Eugene J. Riordan  
Paul J. Zilis          Julie S. Erikson

Asimakis P. Iatridis  
George Vranesh (1926 - 1997)

1720 14th Street, Suite 200  
P.O. Box 871  
Boulder, Colorado 80306-0871  
Telephone: 303.443.6151  
Facsimile: 303.443.9586  
Email: attorneys@vrlaw.com

**STEVENS, LITTMAN & BIDDISON, L.L.C.**  
is pleased to announce that

**LISA M. HUNGERFORD  
and  
LEE A. STRICKLER**

have joined the firm as associates.

*Ms. Hungerford's practice, located in the firm's  
Vail office, will emphasize all aspects of litigation,  
including commercial disputes, domestic relations,  
personal injury and medical malpractice.*

*Ms. Strickler's practice, located in the firm's Boulder  
office, will emphasize all aspects of litigation.*

**BOULDER OFFICE**  
250 Arapahoe, Suite 301  
Boulder, CO 80302

**VAIL OFFICE**  
Crossroads Mall C-4  
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(No Mail)

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Tel: 970.479.9989

Fax: 303.449.9349

Fax: 970.477.0850

Email: strickler@slb-llc.com

Email: lhungerford@slb-llc.com

[www.slblaw.com](http://www.slblaw.com)

## Holland & Hart

The Law Out West

We are pleased to announce that  
**CHRISTOPHER M. LEH**

has joined the firm as a  
**PARTNER**

and will continue his practice in labor and  
employment litigation and counseling.

Holland & Hart LLP  
1050 Walnut Street, Suite 500  
Boulder, CO 80302  
Telephone 303 473-2712  
Facsimile 303 473-2720  
Internet: cleh@hollandhart.com

## ATTENTION!!

### UNIVERSITY OF COLORADO LAW LIBRARY

will be installing new copy machines  
and new copy card vending machines  
on August 1, 2001

Current CDP cards will not work in the  
new copy machines effective 8/1/01.  
Copy cards from our new vendor will  
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Refunds will not be  
available for any remaining value  
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We work shoulder-to-shoulder with your client's company and our success depends on their success. They will retain full control of their company and we become a key long-term support team.

Additionally, for a few select companies that have breakthrough products or services with national or international potential, we will consider a partnership using our own capital and business development expertise to exponentially grow the company.

If you have clients that might need funding, contact us for more information.

## ***MentorCap***

**Mentor Capital Consultants, Inc**

**4940 Pearl East Circle, Suite 104, Boulder, CO 80301**

**303.444.7755**

***Ask for Sky Canyon***

# REDUCED FEE PANEL LIST

The Boulder County Bar Association has maintained a Reduced Fee Panel List for several years. It is used by the bar and Boulder County Legal Services to assist clients who do not meet the income guidelines of BCLS but cannot afford full fees for legal assistance. We would like to update and expand this list to be of further service to Boulder County.

Please fill out the form and fax or send your response to the bar offices.

Thank you very much for your participation. We receive many calls and it is good to be able to offer some assistance to those in need.

**PLEASE ADD MY NAME TO THE BOULDER COUNTY BAR ASSOCIATION REDUCED FEE PANEL LIST.**

**NAME** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_ **CITY** \_\_\_\_\_

**TELEPHONE** \_\_\_\_\_ **FAX** \_\_\_\_\_

**AREA OF PRACTICE 1.** \_\_\_\_\_ **2.** \_\_\_\_\_

Send or fax this to Boulder County Bar Association  
1942 Broadway, Suite 205, Boulder, CO 80302  
FAX 303.402.6958



## ROCK AROUND THE BLOCK

**Friday, September 7, 2001  
5 - 8 p.m.**

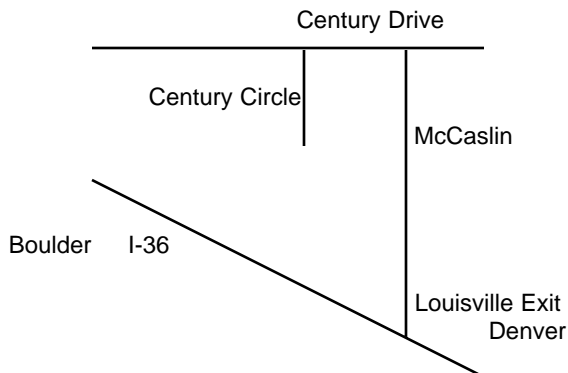
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## CLASSIFIED ADS

**FLANDERS, STOVER, ELSBERG AND ELLIS, LLP**, an established "AV" rated firm in Longmont, seeks an attorney with 3+ years experience in real estate, entity formation and related transactional law. Strong academic credentials required. Send resume, law school transcript and salary requirements to Thomas L. Stover, FLANDERS, STOVER, ELSBERG & ELLIS, LLP, 401 Main Street, Suite 1, Longmont, CO 80501.

**PARALEGAL:** Small downtown Boulder firm seeks P/T or F/T legal assistant/paralegal. At least 2 years experience required. Probate or Form 706 experience helpful. Salary commensurate with experience. Fax resume and salary requirements to 303 443-1335. Mail to KJPFL, 1401 Walnut #400, Boulder, CO 80302.

**Established Boulder domestic relations/personal injury law practice seeks part-time associate or contract attorney (10-25)**

hours per week) for research, writing, and case management. Please fax resume and writing sample to 303 444-3027. Excellent working environment, interesting cases and room for advancement. Compensation based upon experience.

**OFFICE SPACE FOR LEASE --** near 3rd and Canyon/Justice Center, library/conference room, fax/copier, reception, court and mail runs daily. Contact Jill at 303 449-1873.

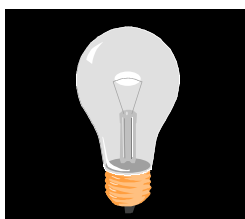
**OFFICE SPACE in Old Town Lafayette.** Turn-of-the-century feel. 350 sq. ft. \$750 mo. Cynthia Kennedy 303 604-1600 or Tom Widawski 303 665-6500.

**LAW OFFICE RENTAL -** Established downtown Boulder law firm, one block west of the Pearl Street Mall, has one office plus secretarial station for rent. Includes ability to share conference room, library and on-site parking. First class space in new building. Call 303 443-6800.

**51-year-old lawyer** returning to CU - Boulder seeks furnished room to rent w/ kitchen privileges. Approximately August 15 - May 15. Call 303 904-4647.

**Colorado Legal Services** seeking attorney to handle domestic violence and child maltreatment cases in Colorado Springs office. Must be licensed in Colorado or qualify for admission to the Colorado Bar by motion. Sensitivity to the legal needs of poor people. Litigation experience is a must, and Spanish speaking helpful. Send cover letter expressing the reasons you desire this position. Attach current resume and identify the position you are applying for. Address the letter to: Rita Young, Administrative Assistant, 1905 Sherman Street, Suite 400, Denver, CO 80203.

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Christine Hylbert**

**Editorial Assistance  
Barry Satlow**

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2001-2002**

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