

DECEMBER SIDE BAR PRESENTATION

Please join us for the monthly Side Bar Virtual CLE. For our December presentation, we will be hosting **On Judicial History & Diversity in Colorado**. This will be presented by Judge Gary Jackson, Sumi Lee, and Patricia Jarzowski.

Judge Jackson will speak about the pathway to becoming a judge, the history of judicial history in Colorado and his call to action to help in the formation of the Judicial Diversity Coalition. Patricia will speak about the Coalition, its action plan and the teams that have been developed to implement the plan. Sumi will present on her role as the Outreach Community especially with respect to the demographics of Boulder County.

Our monthly Side Bar CLE presentations will be presented via Zoom meeting rooms through the end of the 2020. Attendees will receive the log-in information the day prior to the presentation. We look forward to seeing you!

[Please click here to register](#)

BCBA
Presents
Musical
Bingo
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CALENDAR OF EVENTS

Thursday, December 3

ALL-BAR ETHICS CLE

How the Practice of Law Has Changed

Presented by Judge Butler and Tomm Lamm

12:00 - 1:15 PM CLE @ BCBA Zoom Meeting Room

This presentation offers 1 Ethics Credit

\$25 CLE | \$15 New/Young Lawyer | \$10 No CLE

[Please click here to register](#)

Thursday, December 10

SIDE BAR CLE

On Judicial History & Diversity in Colorado

Presented by Judge Gary Jackson, Sumi Lee and Patricia Jarzowski

3:00 - 4:00 PM CLE @ BCBA Zoom Meeting Room

\$25 CLE | \$15 New/Young Lawyer | \$10 No CLE

[Please click here to register](#)

Wednesday, December 16

CIVIL LITIGATION CLE

Valuable Pointers for Practicing in Boulder District Court Under COVID-19 Restrictions

Presented by Boulder District Court Judges

4:00 - 5:00 PM CLE @ BCBA Zoom Meeting Room

\$25 CLE | \$15 New/Young Lawyer | \$10 No CLE

[Please click here to register](#)

Thursday, December 17

CRIMINAL LAW ETHICS CLE

COLAP Presents: Stress Hardiness in Uncertain Times

Presented by Amy Kingery

3:00 - 4:00 PM CLE @ BCBA Zoom Meeting Room

This presentation offers 1 Ethics Credit

\$25 CLE | \$15 New/Young Lawyer | \$10 No CLE

[Please click here to register](#)

Please join us for this BCBA Members Only Virtual Holiday event we know you'll enjoy!

Friday, December 18

BCBA Presents: Virtual Musical Bingo!

Presented by Musical Bingo Nation

3:00 - 4:00 PM @ BCBA Zoom Virtual Meeting Room

Free for BCBA Members - [Only 30 Spots Available!](#)

[Please click here to register](#)



**David
Driscoll**

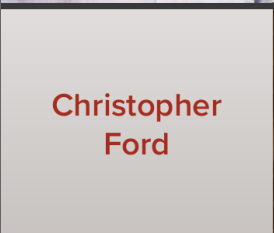


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Ford**



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PRESIDENT'S PAGE

JEFF ROSE

The days from Thanksgiving to the New Year are an opportunity for reflection, gratitude, and hope. This year - certainly the most unique in my lifetime - it feels especially important to do so, personally and professionally.

In the past nine months our judiciary pivoted from centuries-old traditions to trial by WebEx. Other than the need to learn to use new software and change some trial techniques, the transition was seamless. Thanks to the herculean efforts of our judicial officers, clerks, and support staff, cases have moved forward through the pandemic, and justice continued to flow to those who seek it. With a vaccine on the horizon, I'm sure the judiciary sees a mountainous backlog of criminal and civil jury trials. Although a huge amount of work lies ahead, justice didn't stop during the pandemic, and perhaps WebEx makes it just a little bit easier to access our judicial system in the years ahead.

Our bar association, too, pivoted from the old way to the new. Laura Ruth, our Executive Director, and Kyle Mares, our Executive Assistant, turned on a dime to continue delivering the high-quality member programming we've come to expect over the years. Prior to the pandemic, we moved to a new space with the goal of centralizing our professional membership in a larger, centralized meeting space. As soon as the pandemic hit, Laura and Kyle transitioned everything online through their creative, nimble thinking. Harder work remains ahead. When restrictions lift, we'll have both a highly functional in-person meeting space, as well as a tested on-line platform. Our job will be to make the most out of both. These are good problems to have.



Our profession's resilience in difficult times has given me a renewed hope for our profession in the years to come. The judiciary again proved its independence in rejecting dozens of lawsuits intended restrict the fundamental right to vote. State and local election officials obeyed their sworn duties to uphold the law rather than cave to political pressure from the highest offices. The next presidential administration will be the most diverse in history.

The world changed suddenly in 2020, and we stand on the front lines of what lies ahead. Our profession is perhaps more relevant than it's been before. I'm optimistic and excited for this opportunity.

From everyone at the Boulder County Bar Association, we wish you and your families a warm and healthy holiday season. Here's to 2021.

See you (in person) soon.

If you like what we've been doing at the Bar, if you hate what we've been doing, or if you have suggestions on how we can do better, please drop me a line at jrose@lyongaddis.com.

WELCOME NEW BCBA MEMBERS

Aria N Corbitt
Crispin Brim
Magnolia Landman
Kevin A Kuelbs
Benjamin J Bonner
Ann Defranco

Paige Robinson
Sophia Pelecanos
Jeff M Emberton
Blaine A Page
James M Sanders
Julia A Rush

BCBA PRESENTS VIRTUAL MUSICAL BINGO

Please join us for this event available exclusively to BCBA Members: **Virtual Musical Bingo!** Presented by Musical Bingo Nation, this is a fun bingo event with great prizes to help alleviate some holiday stress and get you reacquainted with some fantastic music. There are only 30 spots available, so please sign up today for this wonderful free event! Please [click here to register](#).



VIRTUAL HAPPY HOUR SUCCESS



Thank you to all who joined us for our November Virtual Happy Hour and Cocktail Class, presented by Bryan Dayton from OAK and Corrida. The event was a festive pre-Thanksgiving virtual gettogether and equipped participants with two simple yet effective cocktail recipes (please email Kyle if you'd like to receive the recipes). Visit OAK and Corrida for some great takeout and to support them during these difficult holiday weeks.

Invest in justice.
Invest in the future.
Invest in the community.



**BOULDER COUNTY BAR
FOUNDATION**

The Boulder County Bar Foundation is a 501(c)(3) that invests donations from its Fellows in an endowment fund, the proceeds of which are awarded to legally-related 501(c)(3) organizations in Boulder County. Grants have regularly been awarded to help fund legal services for low income, immigrant and displaced members of the community; high school mock trial teams and court-ordered co-parenting classes as well as court access for victims of domestic violence. The Foundation always has grant applications for more than it can give. Become a Fellow and help grow the endowment - it's good for justice, it's good for the future, it's good for the community and it's good for you.

**Invest in yourself.
Become a Foundation Fellow today.**

RECORD SUPPRESSION AND OTHER RESOURCES FOR RESOLVING LANDLORD/TENANT DISPUTES

THOM WARD

Overview:

There is no statutory authority for a forcible entry and detainer ("eviction") proceeding to be sealed or suppressed, and as a consequence, all proceedings remain public record, even in cases where a matter is dismissed or the tenant prevails at trial. This changes on December 1, 2020, when HB 20-1009 goes into effect. The bill changes the requirements for summons issued in eviction cases, suppresses all public records of eviction actions against tenants and mobile park lot lessees during the pendency of their cases, and creates a new set of negotiation options for landlords and tenants seeking to resolve their matter after an action is filed, but before it goes to trial.

This article explains the workings of these changes, explores potential implementation challenges arising from the changes, and describes other resources for resolving landlord/tenant disputes.

Mechanics of

HB20-1009:

§§13-40-110.5, 13-40-111, and 38-12-202.5 are added; the following is a summary:

§13-40-110.5: Access to "suppressed" eviction actions is limited to judges, court staff, parties to the case and their attorneys, authorized judicial department staff, and persons with a court order authorizing access.

When an order for possession is entered in favor of the Plaintiff, the record shall become public unless the parties agree it should remain suppressed.



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RECORD SUPPRESSION CONTINUED

§13-40-111: All eviction summons must now include bold-faced type notifying the defendant that records are suppressed until an order for possession is entered, and that the parties may agree to keep the records private after possession is granted to the Plaintiff.

§38-12-202.5: The provisions of the newly-added §13-40-110.5 also apply to actions for termination of a mobile home park lease.

Protection created for tenants, risks created for landlords:

Tenants facing an unlawful or flawed eviction action, or who are able to negotiate a fair resolution, are well-served by this change. Prior to HB20-1009, eviction actions remained public, whether a tenant won or lost their case, but now:

- Tenants prevailing at trial can now move forward with a court record unblemished by the action filed against them.
- Tenants who choose to negotiate a move-out may potentially keep their record “clean” by seeking a negotiated resolution that includes continued suppression of the eviction action.
- Tenants who cannot prevail at trial, who choose not to try their cases, or who are unable to negotiate a resolution that includes record suppression can seek and apply for new housing without the pendency of their eviction appearing in a background check.

Landlords face a new risk when assessing prospective tenants, as they will be unable to rely on background checks to uncover pending eviction actions. Some landlords, aware that pending eviction actions are suppressed, may choose to focus more closely on references from prospective tenants’ current landlords, or to tighten application requirements in other ways.

Implementation concerns:

1. Are party names and case captions, typically posted on the online docket, inside courthouses, and on courtroom doors, included within the definition of “Suppressed Court Record[s]” under HB20-1009? Will public posting of these case captions be prohibited, leaving tenants less likely to find where they must go for a summons return date?
2. Must tenants with a suppressed eviction record reveal the action on job applications, applications to law school,

security clearance applications, etc.?

3. Do the HB20-1009 limitations on access to court records include public and press access to eviction hearings?

Additional resources for dispute resolution:

The addition of agreed-upon permanent record suppression is now a new option available to parties negotiating a landlord/tenant dispute resolution. The following additional resources should also be considered; for example, securing rent assistance may provide landlords the relief needed to allow a tenant to stay in place while seeking new housing:

- The State of Colorado has two programs providing rent assistance, both available here: <https://cdola.colorado.gov/rental-assistance>
- o The Property Owner Preservation Program allows eligible landlords to apply for rental assistance on behalf of their tenants;
- o The Emergency Housing Assistance Program allows tenants to apply for rental assistance.
- The City of Boulder Coronavirus Relief Fund (CVRF) Emergency Assistance Program provides up to three months of emergency rental and/or utility assistance: 303-441-1206.
- Community non-profit organizations:
 - o EFAA: Assistance with expenses, access to food: efaa.org
 - o OUR Center, Longmont: ourcenter.org
 - o Sister Carmen, Lafayette: sistercarmen.org

Thom Ward's practice includes family law and landlord/tenant matters throughout the Front Range. He regularly draws upon his professional background in corporate finance and consulting to resolve complex financial matters for clients. Thom serves on the Board of Directors for the Boulder IDC (Interdisciplinary Committee), a community of professionals supporting families going through divorce, and is the Vice President of the Boulder Area Rental Housing Association (BARHA). <http://www.tmwardfirm.com> | 303-219-0219.

LAWYER ANNOUNCEMENTS

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Flanders, Elsberg, Herber & Dunn, LLC
Is pleased to announce:

Mark E. Ringer

has joined the firm as an associate attorney.

Mark Ringer's practice will focus on Criminal,
Civil Litigation, and Family Law.

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PROFESSIONALISM ON CALL

December 7	Tom Rodriguez	303.604.6030
December 14	Karl Kumli	303.447.1375
December 21	Trip DeMuth	303.447.7775
December 28	Peggy Goodbody	303.440.5736
January 4	Anton Dworak	303.776.9900

The Professionalism Committee assists lawyers, clients, and other members of the community with questions or complaints about behavior by lawyers that fails to meet generally accepted standards of professionalism and courtesy, or that is contrary to the BCBA Principles of Professionalism.

The Professionalism Committee does not address allegations of criminal or ethical violations by lawyers, as regulated by the Colorado Rules of Professional Conduct, and any such violations should be addressed to the Office of Attorney Regulation Counsel.

BOULDER COUNTY FREE LEGAL CLINIC

The Boulder County Free Legal Clinics have been replaced with our Virtual Legal Clinic until further notice.

THANKS TO OUR VOLUNTEERS

The BCBA Virtual Legal Clinic remains ongoing and has served over 100 people to date. Thank you to the attorneys who serve as volunteers:

Dan Droege	Amy Stengel	Beth Kelley
Jennifer Huston	Laura Herndon	Dipak Patel
Sherri Murgallis	Maki Iatridis	Lindsey Killion
Craig Small	K.C. Cunilio	Karen Burns
Scott Hamerslough	Fern O'Brien	Susan Spaulding
Starla Doyal	George Farmer	Chris Lane
Jeff Skovron	TJ Willard	Connie Eyester
Lila Sol	David Harrison	Beth Montague
Georgiana Scott	Ann England	Kurt Hofgard

PRO BONO REFERRALS

Two cases were referred in the month of October. Thank you to the following attorneys:

Bruce Weiner

Gary Merenstein

PRO SE VOLUNTEERS

Thank you to Zach Laframboise, Tucker Katz, Josh Anserdon, and Kathleen Franco for assisting at the October Pro Se Clinic.

PRO BONO CORNER

Interested in a Pro Bono case? Please call Kellie at 303-449-2197. CLE credits available for pro bono service.



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Paralegal/Legal Assistant, part or full-time, remote or in person. Boulder PI firm seeks an experienced litigation paralegal or legal assistant. The preferred candidate has knowledge/experience working in personal injury (car accidents, malpractice, Workers' Compensation and/or Social Security Disability). The position requires attention to detail, good writing and communication skills, and organization. Please email Cam Tyler directly with a resume and cover letter at cam@camtylerlaw.com. This position will be a great fit for an experienced worker looking to do less than full-time. Benefits and hours flexible.

OFFICE SPACE FOR SUB-LEASE IN LANDMARK SPRUCE STREET MANSION. Perfect for attorneys, therapists, CPA's, IT or other interested professionals. Centrally located on 11th and Spruce in downtown Boulder. Access to large conference room, kitchen, waiting area, two bathrooms, parking pass, outdoor patio. Walking distance to Pearl Street Mall and Boulder Creek Path. \$1,350/month. Contact Bruce at (720) 307-4956 or by email: bruce@boulderbridgetojustice.org.

COMMERCIAL LITIGATION ATTORNEY. Polsinelli, a top AmLaw 100 national law firm, has an immediate need for a highly-qualified and motivated litigation attorney to join our Commercial Litigation Practice Group in our Denver office as a staff attorney. This is a non-partnership track position. Interested candidates must possess solid law firm experience and superb problem-solving, writing and communication skills. The qualified person will have experience with personal injury, premises liability, general negligence matters and must have the ability to work independently, run cases, take depositions, attend mediations, etc. This position will also afford the opportunity for direct client contact with general counsel. Ideal candidates should have 5+ years of litigation experience and be willing to travel. Candidates should be motivated, self-starters with demonstrated interests and experience in litigation. Polsinelli offers challenging work in a collegial work environment. Qualified applicants should apply directly via polsinelli.com.

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BAR ASSOCIATION

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