HAPPY NEW YEAR! YOUR SURVEY RESULTS

LAURA RUTH, EXECUTIVE DIRECTOR



Happy New Year to our members! 2018 was a year of great learning opportunities. We worked hard to provide programs and events that were important to you while always striving to do better. To this end, the board decided to make a concentrated effort to understand what you, the members, wanted from your bar association.

We sent out a survey in November and received excellent responses. More than 180 members gave us feedback along with many helpful comments, and we are looking forward to using this information to build a better bar. We understand the only constant in our current environment is change, and we want to remain adaptable and flexible to serve our membership.

SURVEY RESULTS

One of the most popular programs the BCBA provides is our Continuing Legal Education. The survey indicates our members appreciate these programs, but would like to see some updates and expansions, including online access, various times, and more networking opportunities built into the programs.

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SURVEY RESULTS CONTINUED

Many members expressed interest in 'multi purpose events' that combine education, networking, giving back, and social time. We look forward to exploring these ideas and creating more robust offerings that will engage many different interest groups.

Email was overwhelmingly the preferred choice for communication. Weekly seems to be the consensus, so we will work to consolidate our emails into the E-Brief as well as doing some website work to make this an easy resource to access the calendar. We are exploring the option of mailing a monthly calendar as a reference, but no decisions have been made as of now.

Attorneys practicing for less than 5 years often lack a professional work environment and support. The BCBA is looking for opportunities to provide increased mentorship and possibly some shared workspaces. Stay tuned for details on these developments. We are also working to establish a Young Lawyer Division to offer dynamic programming targeted towards new attorneys.

Our membership includes a large amount of solo and small firm practitioners. The BCBA is looking for opportunities to offer more in-depth bootcamp style professional development on how to build and operate a firm, manage clients, and handle money. We would also like to start a Solo/Small Firm Division.

Another service the BCBA will be implementing is a free job board for members. This will be hosted on our web site and provide a valuable resource for both employers and those seeking a new opportunity. There will be no charge for postings.

Finally, our survey showed the membership in Boulder County is extremely philanthropic and giving. We will be seeking ways to partner with other groups in our community and provide ways for our members to volunteer or donate to the causes that are important to them. Our Precious Child gift drive brought in more than 90 gifts for needy families, and we are looking forward to more similar partnerships.

This is a time of productive change for us, and you will be seeing much more information in the coming months. In the meantime, I would love to hear any other ideas you have about how we can work together to build a better bar. I'm setting a personal goal of meeting with at least one member per week for a lunch or coffee discussion. Send me an email or give me a call if I can add you to my calendar!

2019 is going to be a very exciting year.



Laura Ruth is the Executive Director of the Boulder County Bar Association. She can be reached at laura@boulder-bar.org or by phone at 303.440.4758.

CALENDAR OF EVENTS

Wednesday, January 9
CRIMINAL
DOC Time Computation
Presented by Mary Carlson
12:00 PM @ Boulder County Justice Center
\$25 CLE, \$15 New/Young Lawyer
Register Here

Thursday, January 10 - POSTPONED BUSINESS
Public Benefits Corps in Colorado
Presented by Jay E. Fernandez
12:00 PM @ BCBA Conference Room
\$25 CLE, \$15 New/Young Lawyer

Tuesday, January 15
ELDER
Supplemental Needs Trusts
Presented by Christopher Scance
12:00 PM @ BCBA Conference Room
\$25 CLE, \$15 New/Young Lawyer
Register Here

Wednesday, January 16
FAMILY
Presentation TBD
Presented by TBD
12:00 PM @ Boulder County Justice Center
\$25 CLE, \$15 New/Young Lawyer
Register Here

Thursday, January 17
REAL ESTATE
Negotiating Tenant Improvements
Presented by Rick Angel
12:00 PM @ BCBA Conference Room
\$25 CLE, \$15 New/Young Lawyer
Register Here

Thursday, January 17
BANKRUPTCY
Monthly lunch and roundtable
12:00 PM @ Kathmandu Restaurant

Friday, January 18
AVAILABILITY OF LEGAL SERVICES
Monthly lunch and roundtable
2:00 PM @ Boulder County Legal Services

Tuesday, January 22
EMPLOYMENT
Presentation TBD
Presented by TBD
12:00 PM @ Dickens Tavern, Longmont
\$25 CLE, \$15 New/Young Lawyer, \$16 Lunch
Register Here

Thursday, January 24
TAX, ESTATE PLANNING & PROBATE
Tax Cuts & Jobs Act of 2017
Presented by Theodore B. Atlass
12:00 PM @ BCBA Conference Room
\$25 CLE, \$15 New/Young Lawyer
Register Here

Tuesday, January 15 LAFAYETTE FREE LEGAL CLINIC 5:30 PM @ Lafayette Senior Citizens Center Please volunteer here

Tuesday, January 29 CBA PRESIDENTIAL VISIT 12:00 PM @ Boulder Cork \$30 Lunch Register Here



CBA Presidential Visit to the BCBA Tuesday, January 29 at 12:00 p.m.

You are cordially invited to join us in welcoming CBA President John Vaught, with an academic CLE presentation by Scott S. Barker based on his book *Presidential Impeachment, from Check and Balance to Partisan Political Weapon*.

The Boulder Cork 3295 30th St, Boulder, CO 80301 \$30 Lunch - Register Here

PRESIDENT'S PAGE

BRAD HALL

Happy New Year! With 2019 almost upon us as I write this President's page, I, like many of you, am contemplating what resolutions to make for the upcoming year. As a general rule, I abhor the annual tradition which is foisted upon simply by the turn of the calendar. Turning over a new leaf in our lives just because we turn over a page on the calendar seems a little silly.

The History Channel website says that the tradition of making New Year's resolutions dates back approximately 4,000 years to the ancient Babylonians who celebrated the new year for 12 days and made promises to the pagan gods to return items they had borrowed and pay debts that they owed. Getting on the wrong side of the pagan gods was not a good idea. The year they celebrated began in March with the planting of a new crop so they could procrastinate an extra couple of months before actually getting around to their resolutions.

According to a Marist survey in 2014, only 40% of Americans make New Year's resolutions. Another survey found that of those who do make resolutions, less than half of those are sticking to the resolution just 6 months later. Over the course of 4,000 years of New Year's resolutions, that is a lot of cancelled gym memberships.

So, in spite of the fact that statistically I am setting myself up for failure, I will make the same three resolutions that I have made since at least 1991 when I came to Colorado:

- 1. I will keep my office clean, organized, and free of clutter.
- 2. I will get out ahead of all deadlines on my calendar thereby reducing the need for last minute scrambling and requests for extensions of time.



3. I will keep my email inbox clean of old opened messages.

I will check in with you in 6 months to let you know how I am doing.

The Boulder County Bar Board of Directors makes its resolutions well in advance of January 1. And unlike the aspirational goals like I have set out for myself, the Board of Directors begins its planning process in June at the annual Board retreat. The goals it sets out are part of a collaborative process involving a lot of discussion and hard work. That process helps ensure that the plan put in place has a much greater chance for success than my desk being clean 6 months from now.

In the September President's page, I enumerated the plans we made last June to help move the BCBA forward in its mission of serving its members and educating the public on law related matters. Six months has passed since that retreat, and it is a good time to check in and follow up on our progress toward our goals.

The formation of the Young Lawyers Division

PRESIDENT'S PAGE CONTINUED

continues to move forward with the recruitment of young energized lawyers spearheading the effort. We knew going in that getting the YLD up and running into a successful arm of the bar would be extended beyond our one-year time frame, but the board remains committed to the goal.

The board also planned to strengthen the communication and relationship with the Colorado Bar Association. To that end, our former Board president, Judson Hite, is now one of the vice-presidents of the CBA. Board member and secretary/treasurer, Ron Jung, has become a member of the executive council of the CBA real estate section and is actively working to have a

section CLE closer to Boulder. The Board will continue to look for opportunities for its members to be involved with the CBA.

And finally, the Board has reached out to our members to find out just how we can better serve you and the public. Thank you to the approximately 160 members who responded to our survey. Laura's article in this newsletter explains the results in detail.

I am confident going forward that the results of the Board and staff's work will be much more successful than my desk remaining clean until June.

A PRECIOUS CHILD GIFT DRIVE



Abby Boyd
Amy Waddle
Andrea Kehrl
Ann England
Ann Roan
Barry Lancaster
Beth Montague
Brad Hall
Brett Landis
Care Enichen
Carol Glowinsky
Cassidy Woodard

Colin Temme
Connie Eyster
Dan Flynn
Dan Lacomis
David Archuleta
Derek Anderson
Edward Isla
Erika Skufca
Graham Fuller
Gwyneth Whalen
Helen Towlerton
Janet Michels

THANK YOU TO ALL WHO PARTICIPATED!

Jenn Tiner Jennifer Chase Jennifer Huston Jennifer Lorenz lesse Witt Jessica Pault-Atiase Joan Card Jodi Martin Iohn Hoelle John Koechel Jonathan Rivinus Jordan Edmondson Joyce Colson Judith Labuda Julie Caputo Justin Konrad Kara Godbehere Kim Terry **Kyle Mares** Laura Moore Laura Ruth

Jeff List

Jeffrey Kahn

Lenore Fox Lisa Battan Lucy Kennedy-Walker Mandy Blake Marlise Armstrong Maureen Eldredge Megan Cain Monica Haenselman Nancy Miller Norma Sierra Pamela Flowers Patricia Linville Philip Volpi Robyn Kube Sara Varnado Sarah Freedman Sarah Sand Scott Brenner Steve Bushong Zak Malkinson

Lauren Groth

CRIMINAL BAR BOWLING EVENT

The Boulder County Bar Association sponsored a bowling event at CU to celebrate our Criminal Bar. Attendees included members of the district attorney's office, the public defender's office, and the Colorado Criminal Bar. Special thanks to Michael Dougherty and Nicole Collins for bringing their crews, and to Keith Collins for generously sponsoring the PD's.











5 THINGS: THE CO UNIFORM TRUST CODE

ABBY BOYD

- 1. It is effective January 1, 2019. The Colorado Uniform Trust Code ("CUTC") was enacted by the General Assembly of the State of Colorado and signed into law by Governor Hickenlooper on April 26, 2018. It is effective as of January 1, 2019. It applies to all trusts created before, on, or after January 1, 2019, and applies to all judicial proceedings commenced on or after January 1, 2019. The CUTC repeals previous Colorado statutes regarding trusts (including parts 1, 2, 3, 4, 5, 6, and 7 of article 16 of title 5). It leaves in place existing statutes regarding directed trusts (C.R.S. 15-16-801 et. seq.) and decanting (C.R.S. 15-16-901 et. seq.). It creates default rules governing trusts; the terms of the trust prevail over a provision in the CUTC except as provided for in C.R.S. 15-5-102(2)(a) – (n) (mandatory rules).
- 2. It introduces the concept of a "qualified beneficiary." Under C.R.S. 15-5-103(16), a qualified beneficiary is one who, on the date the beneficiary's qualification is determined, is a permissible distributee of the trust's principal or income (*i.e.*, a current beneficiary), or would

- become a permissible distributee if the interests of the current beneficiaries terminated on that date (*i.e.*, a remainder beneficiary, but not a remote or contingent remainder beneficiary). Qualified beneficiaries are entitled to notice and information from a trustee, although any beneficiary (qualified or not) may receive the rights of a qualified beneficiary by requesting such rights by written notice to the trustee. C.R.S. 15-5-110.
- 3. Trust Registration Statements are not required (but notice to qualified beneficiaries is). Under the CUTC, registration of a trust in Colorado is permissible but not mandatory. C.R.S. 15-5-205. (So too is the release of a trust registration statement. C.R.S. 15-5-209.) As under previous law, revocable trusts are not to be registered until the settlor's power to revoke the trust is terminated, and a trust that divides into multiple trusts requires only one registration. *Id.* However, a trustee is subject to surcharge if it fails to register a trust after a written request to do so by a settlor or qualified beneficiary. C.R.S. 15-5-207.

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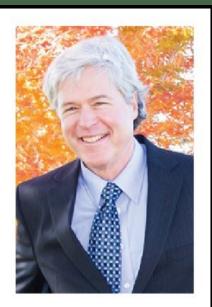
HutchinsonBlackandCook LLC

Attorneys at Law

303.442.6514

921 Walnut Street, Ste 200 Boulder, CO 80302 ONLINE AT:

www.hbcboulder.com



5 THINGS CONTINUED

4. There is new guidance regarding modification or termination of irrevocable trusts. C.R.S. 15-5-411 through 15-5-416 provides a new framework to permit a trustee or beneficiary to petition the court to modify or terminate an irrevocable trust. Under Section 411(1), if the settlor and all beneficiaries consent, a court shall grant a petition to modify or terminate a noncharitable irrevocable trust, even if it is inconsistent with a material purpose of the trust. Under Section 411(2), if all beneficiaries consent, and if the modification or termination does not violate a material purpose of the trust, a court may grant a petition to modify or terminate a noncharitable irrevocable trust. Section 411(3) states that a spendthrift provision is not presumed to constitute a material purpose of a trust (although the trust agreement may provide otherwise). C.R.S. 15-5-411(5) describes modification or termination of a noncharitable trust without the consent of all beneficiaries. Section 412(1) permits modification or termination if it will further the purposes of the trust, and, to the extent practicable, be made in accordance with the settlor's probable intent. Sections 412(2) and 414 provides for modification or termination if the trust administration would be impracticable, wasteful, or uneconomical. An uneconomical trust is defined as one in which trust property is worth less than \$100,000. C.R.S. 15-5-414. Sections 415 and 416 will look familiar to practitioners; they restate the previous provisions regarding

reformation to correct mistakes and modification to achieve the settlor's tax objectives. Finally, C.R.S. 15-5-417 provides for the combination or division of trusts by a trustee.

5. It creates a statutory framework for nonjudicial settlement agreements. C.R.S. 15-5-111 provides for the use of nonjudicial settlement agreements to settle various trust matters. A nonjudicial settlement agreement is valid to the extent that it does not violate a material purpose of the trust and could be approved by a court. Examples of matters that may be resolved by a nonjudicial settlement agreement include, but are not limited to, approval of a trustee's report or accounting, a direction to a trustee to refrain from performing a particular act, the grant to a trustee of a necessary or desirable power, resignation or appointment of a trustee, or the interpretation or construction of the terms of a trust. A nonjudicial settlement agreement may bind a minor, incapacitated, or otherwise unknown or unascertainable person if that person is properly represented under Part 3 of the CUTC. A practitioner may seek court approval of such an agreement to determine whether the representation was adequate. C.R.S. 15-5-111(5); C.R.S. 15-5-303; C.R.S. 15-5-304.

Abby Boyd is a Co-Chair of the Tax, Estate Planning and Probate section. She can be reached at aboyd@kingsberyjohnson.com.

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2019 Boulder County Bar Foundation



JUSTICE FOR ALL BALL

Saturday, March 9 at 7 pm
The Studio
3550 Frontier Avenue, Boulder

About JFAB

17 years ago, the Boulder County Bar Association started a fundraiser called Food Wine Jazz Art to benefit Colorado Legal Services. While this event was a great success, recent cuts to the federal budget made us realize two years ago that we needed to rebrand our event to draw a larger crowd and raise even more money for legal services.

The 2018 Boulder County Justice For All Ball was the beginning of our new era. We kept the event geared toward the legal community, but expanded further to include partners, clients, and friends. We held the event on a Saturday evening to accommodate those who find a weeknight event hard to attend and brought in members who have never attended a bar event. Our new space, The Studio, is an industrial chic venue that brought a fun new feel to our fundraiser. The event was a huge success.

We will have music and dancing led by the Diamond Orchestra. Their fun, sophisticated and soulful ensemble keeps guests of all ages and tastes entertained at the top venues in Colorado and beyond. There will also be a silent auction with some fabulous opportunities.

Hors d'oeurves will be available along with delicious desserts from Bridge House Catering.

This year continues to bring new sponsorship opportunities if you are unable to attend but still want to contribute to a worthy cause. We are asking for Young Lawyer and Paralegal sponsorships to allow those that might not have the funds in their budget to purchase a ticket.

Justice For All Ball Available Sponsorships

Philanthropic - Only One Available!

Donation pledge - \$5,000

Number of sponsorships available - 1

Included tickets - 20

Mentions/Exposure

- Attendee Flyer Logo
- PR: Partner Quote in Daily Camera and placed PR Articles
- Signage in Young Lawyers Lounge
- Video loop at event
- BCBA website for one year on Find A Lawyer page
- Firm name and logo in all PR articles
- Event website
- Signage/banners at event

Altruistic

Donation pledge - \$2,500

Number of sponsorships available - 3

Included tickets - 16

Mentions/Exposure

- Signage in Young Lawyers Lounge
- Video loop at event
- BCBA website for one year on Find A Lawyer page
- Firm name and logo in all PR articles
- Event website
- Signage/banners at event

Magnanimous

Donation pledge - \$1,000

Number of sponsorships available - 5

Included tickets - 10

Mentions/Exposure

- Video loop at event
- BCBA website for one year on Find A Lawyer page
- Firm name and logo in all PR articles
- Event website
- Signage/banners at event

Humanitarian

Donation pledge - \$500

Number of sponsorships available - 10

Included tickets - 6

Mentions/Exposure

- Firm name and logo in all PR articles
- Event website
- Signage/banners at event

Lavish

Donation pledge - Any item of value for our silent auction

Number of sponsorships available - unlimited

Included tickets - 1

Mentions/Exposure

- Event website
- Signage/banners at event

Mentor

Donation pledge - \$500

Number of sponsorships available - 2

This level includes tickets for the mentor and one guest. Eight remaining tickets will be distributed to BCBA New/Young Lawyers and Paralegals who may not have the funds in their budget to buy a ticket.

Mentions/Exposure

- Firm name and logo in all PR articles
- Event website
- Signage/banners at event



MAKE A DIFFERENCE!

Questions? Suggestions?

Please contact Executive Director Laura Ruth at 303-440-4758 or laura@boulder-bar.org.

PROFESSIONALISM ON CALL

January 1	Mark Langston	303.440.9684
January 7	Meghan Pound	303.443.8010
January 14	Tom Rodriguez	303.604.6030
January 21	Karl Kumli	303.447.1375
January 28	Tripp DeMuth	303.447.7775

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 dates have been set for the 2018 Free Legal Clinics at the Sacred Heart of Jesus Church (1318 Mapleton Avenue), the Lafayette Senior Center (103 Iowa Avenue), and the Longmont Senior Center (910 Longs Peak Ave) from 5:30 - 7:30 pm. Volunteers are always needed. Please contact Laura at laura@boulder-bar.org if you can help in Boulder or Lafayette, or susan.spaulding@longmontcolorado.gov if you can help in Longmont.

Lafayette: January 15

Longmont: February 19

Boulder: March 21

PRO BONO CORNER

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

PRO BONO REFERRALS

Eight cases were referred during the month of November. Thank you to the following attorneys:

Susan Bryant
Christina Ebner
Eve Canfield
David Driscoll
Heather Kurland
Michael Morphew

Thank you to the following mediators who accepted a case in November:

Simon Mole Beth Ornstein

PRO SE VOLUNTEERS

Josh Anderson
Kathleen Franco
Ainagul Holland
Chris Jeffers
Tucker Katz
Zachary LaFramboise
Michael Morphew
Joan Norman

BCAP VOLUNTEERS

There were no requests for a referral for the Boulder County AIDS Project in October.

LAWYER ANNOUNCEMENTS

HutchinsonBlackandCookLLC

Attorneys at Law

HBC is very pleased to announce that:



Daniel D. WilliamsComplex Commercial Litigation

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HutchinsonBlackandCookLLC

Attorneys at Law

HBC is very pleased to announce that:



Lauren E. Groth
Commercial and Title IX Litigation

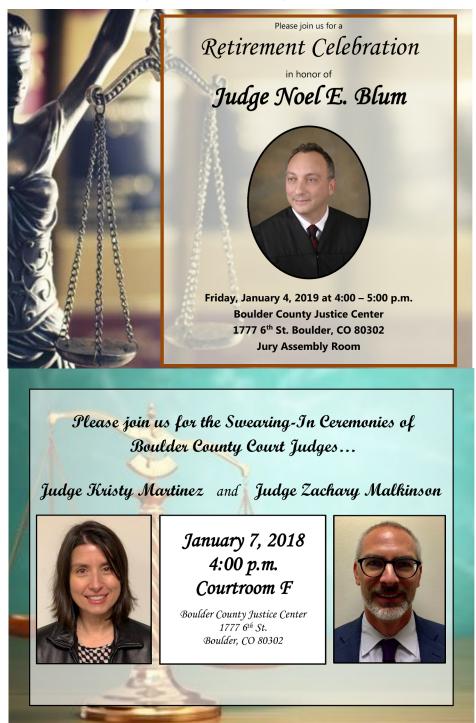
Has Become a Member of the Firm January 1, 2019



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921 Walnut Street | Suite 200 | Boulder, CO 80302 Telephone 303.442.6514 | Fax 303.442.6593

COURT ANNOUNCEMENTS



Lila Sol has been hired as the new 20th Judicial District Family Court Facilitator. Lila will start work in Boulder on January 17, 2019. Lila graduated from DU College of Law and was an attorney at Stevens, Littman, Biddison, Tharp and Weinberg prior to accepting the Family Court Facilitator position. Lila also worked as an attorney at Colorado Legal Services and worked as a law clerk for Boulder District Court Judges Patrick Butler and Andrew Hartman.

Michelle Haynes, former Family Court Facilitator, has accepted the Domestic Relations Program Coordinator position at the State Court Administrator's Office in Denver.

Best wishes to Michelle and Lila as they start their new positions!

CLASSIFIED ADS

VIRTUAL PARALEGAL. Have a virtual office? You need a virtual paralegal. Civil. Criminal. Mobile Notary. References. Roz Lynn Dorf, M.A., Freelance Paralegal Services. (303) 494-6935.

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commensurate with experience. Send resume, cover letter, salary requirements and list of professional references to <u>waters@slblaw.com</u>.

SINGLE OFFICE FOR RENT in the Mertes Law Building, 2235 Broadway, Boulder - between Mapleton and Pine. Available after January 1, 2019. Available parking, shared conference room. Please email interest larry@merteslaw.com.

KNIGHT NICASTRO IS HIRING FULL TIME ATTORNEYS WITH EXPERIENCE IN CIVIL LITIGATION. Preferred candidate would have experience in trials, taking depositions and arguing motions. Some travel required. Competitive compensation, CLE budget, medical, dental, company matching 401(k). Email resume to mcminn@knightnicastro.com



UNDER CONSTRUCTION!

STAY TUNED FOR UPDATES!

WANT TO GET INVOLVED?

CONTACT BANAFSHEH LARI:

banafshehlari@colo-law.com



WELCOME NEW BCBA MEMBERS

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John B Cannafax William J Nunn

Susan E Malcolm

Rebekah F Stern

Kristen N Belolan

Kelly P Marinelli

Zachary S Huey

Tara K Hawkes

Bradley N Kershaw

Zachary T Hayes-Macaluso

Simon W Gertler

Andrew Manley

Amanda Biedermann

Jon C Egelhoff

Colin E Roche

Gregori Csintalan

Tierney E Tobin

Dylan M Bateman

Makenzie S Bogart

Emily M Halvorsen

Adam E Gittleman

Evan M Williams

Tyler C Robbins

Lana N Kuchinski

Nicholas Kuchinski

Christopher D Mochulsky

Nathan M Gallinat

Nathan R Dunkley

Lucas A Ewing

Kendra Thomas

Shannon M O'Keefe

Michael A Eidelson

Benjamin J Epel

Katarina Harris

Rose Stella

Erin C Pierce

Hannah J Wurl

Thomas Soave

Jenna L Baranko

Darian M Mendez

Kathleen M Watt

John Stockley

Jonathan P Freund

Randall D Lockyear

Gabe Cutter

Vladimir A Ryazanov

Steven J Gilman

Paul A Julian

Samuel R Miller

Skyler A Archer

Michael D Miller

Matthew R Cushing

Selena Z Sauer

Jordan T Hanson

Laura Portis

Jacqueline K Llinas

Colin McIver

Benjamin Kleckner

Christopher Marchand

Brandon Ward

Austin Cole

Darren D Alberti

Eilif R Vanderkolk

Nicholas Gunther

Karen Safran

Nelissa D Milfeld

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hour. 303-440-4758



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