

# Boulder COUNTY

## BAR ASSOCIATION

## JANUARY SIDE BAR PRESENTATION

Please join us for the monthly Side Bar Virtual CLE. For our January presentation, we will be joined by CBA President Jessica Brown. She will give an update of her presidential focus and year. Please read Brown's article reprinted on page 4.

This will be followed by a CLE presented by Colorado Supreme Court Justice Richard Gabriel titled "Herding the Cats: Effective Strategies for Leading Lawyers and Non-Lawyers Alike". Attorney Regulation Counsel Jessica Yates will also share thoughts on leadership.

We are honored to host such a prestigious panel for this presentation. Space is limited, so sign up now to reserve your spot. We look forward to seeing you virtually on Thursday, January 14 from 4:00 - 5:00 pm.

[Please click here to register](#)

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# CALENDAR OF EVENTS

**Thursday, January 14**

**SIDE BAR CLE : CBA PREISIDENTIAL VISIT**

**With CLE Presentation: Herding the Cats: Effective Strategies for Leading Lawyers and Non-Lawyers Alike**

**Presented by CBA President Jessica Brown, Justice Richard Gabriel and Jessica Yates**

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

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

Please click here to register

**Tuesday, January 19**

**IMMIGRATION LAW CLE**

**On Immigration Law in 2021**

**Presented by Mekela Goehring**

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

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

Please click here to register

**BCBA Home Study Programs are now live! We will be adding more in the coming weeks: please watch our Events page for new offerings.**

**BCBA Home Study CLE**

**On Judicial History & Diversity in Colorado**

**Presented by Judge Gary Jackson, Sumi Lee, and Patricia Jarzowski**

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

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**BCBA Home Study CLE**

**How the Practice of Law Has Changed**

**Presented by Judge Butler and Tom Lamm**

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

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**BCBA Home Study CLE**

**Status Update on the Climate Change Lawsuit**

**Presented by Marco Simons**

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

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**David  
Driscoll**

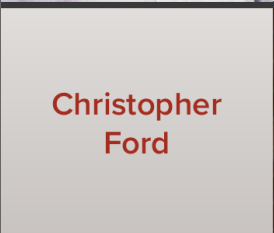


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# PRESIDENT'S PAGE

## JEFF ROSE

Happy New Year! With a sense of guarded and (perhaps pre-mature) optimism, our local Bar is looking forward to coming together in 2021. We're starting to plan our first in-person events in over a year, vaccination willing. We're also looking forward to our continued evolution as a modern, nimble, and more relevant bar association.

Before the pandemic hit, we moved into a new space capable of hosting almost all of our events. We equipped the space as main office, continuing education classroom, and remote workspace / conference room available to the membership. When the pandemic hit, our leadership (Laura and Kyle in particular) pivoted to all-remote programming, allowing our full range of events to continue.

Now, as we look to the post-pandemic future, we're working to make the most of both worlds. We're working to equip our CLE conference space with technology that will allow simulcasting of our events for years to come. Our conference room and remote office spaces are ready to accommodate the increasing number of lawyers working remotely, whether as part of a big firm or as a solo-practitioners. We're even planning for socially-distanced social events on our office patio. When time time comes for our members to get together again in-person, we'll be ready. And for those who want to take advantage of our programming remotely, we'll be ready for that, too.

My personal hope for the New Year is that we remember to treat everyone with the respect, dignity, and



professionalism commanded by our oaths of admission. The past year has been rough for everyone, some more so than others. We're all on edge, whether we acknowledge it or not. As the distance between us remains, it remains easy to lose sight of each of our roles as individuals in this community of professionals. In the past year especially, it's been too easy to send the too-sharp email to opposing counsel or forget our client's perspective in living through disputes we regard as routine. My (perhaps naive) hope is that we keep these realities in perspective as we come back together in 2021 and start to define the new normal.

On behalf of the Bar as a whole, I wish each one of you a happy and prosperous New Year.

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@lyonsgaddis.com](mailto:jrose@lyonsgaddis.com).

## WELCOME NEW BCBA MEMBERS

Adam Cribari  
Bailey Geisen  
Mark J Grimaldi  
Kayla Jankowski  
Leah M Fugere  
Alexandra Haggarty  
Kathleen F Guilfoyle  
Austin P Dominick  
Sean Di Ciolli

Zachary DeFelice  
Amelia G Black  
Alexandra Creel  
Jacob Borton  
Ashley L Brunswick  
Brianna Champ  
Jordan Cohen  
Seamus W Appel  
Carlos J Anaya



# LEADING THROUGH UNUSUAL TIMES

## JESSICA BROWN

When I was appointed CBA president, I had never heard the term community spread. (If I had, I would have thought it sounded like a fun picnic and a good idea for a local bar visit!) I had never heard the terms N95 respirator, social distancing, or viral load, either. What different times we find ourselves in. The pandemic has created a host of complex challenges for our members, law students, small firms and businesses, and the legal community at large.

I also had never heard the names George Floyd, Breonna Taylor, and Ahmaud Arbery. Their senseless deaths occurred even after I started writing this President's Message. Sara Scott, CEO of the Center for Legal Inclusiveness (CLI), refers to the violence that has led to these and other atrocities against Black men and women as a "second pandemic," explaining, "both are insidious, both are silent until deadly, both are unruly, both are unhinged, both are unapologetic, both are widespread, [and] both have affected a high percentage of the population."

Before all of this, when I was (blissfully, naively) planning my year as CBA president, I talked with my friend and "leadership mentor" Attorney General Phil Weiser about possible themes. He suggested Lawyers as Leaders, and I immediately embraced it. Every lawyer can be a leader, and leadership development is something we cultivate at the bar. We have formal leadership training for a class of 20 rising stars every year, through the CBA's leadership training program, COBALT. Also annually, the CBA president appoints a significant number of lawyers to lead by participating on committees, task forces, and commissions focused on making improvements in such areas as access to justice, legislative policy, continuing legal education, amicus participation, and diversity, equity, and inclusion.

In addition, as CBA Executive Director Amy Larson noted, "Our events are specifically geared toward the brightest legal minds from all fields of practice in Colorado, to provide engagement that is critical to leadership development." Our vibrant Young Lawyers Division, for example, provides and promotes "career growth, peer networking, and dynamic programming with leadership throughout the legal community," Amy explained. Moreover, there are 30 practice-oriented sections within the CBA that provide lawyers with opportunities to develop relationships, express ideas, study specific issues, and nurture leadership and talent. Each section is led by lawyers who receive tailored leadership support through the CBA's Section



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# UNUSUAL TIMES CONTINUED

Summit and Best Practices Playbook.

The CBA also recognizes leading lawyers annually with its prestigious Award of Merit and Outstanding Young Lawyer of the Year Award. It provides lawyers opportunities to be heard and to promote their expertise by presenting CLEs and publishing articles in Colorado Lawyer. And the CBA gives lawyers opportunities to develop lawyering skills while simultaneously enhancing access to justice, such as through the Federal Pro Se Clinic, the CBA Appellate Pro Bono Program, and soon the Federal Limited Appearance Program (FLAP), which the YLD is developing in conjunction with Magistrate Judge Kato Crews.

Before the two pandemics, I relished the idea of promoting these opportunities and the notion that being a CBA member is an investment in leadership development. I also looked forward to exploring additional ways for the CBA to both help lawyers to develop their leadership potential and to cultivate the next generation of leaders. Some ideas included developing and promoting a series of leadership programs, to be held and broadcast throughout the state; publishing stories of lawyers serving as leaders and positive change agents in our various communities; and encouraging lawyers and law students to seek

out-of-the-box employment opportunities, to better serve low- and middle-income clients, including in Greater Colorado.

When COVID-19 changed life as we know it, I had to consider whether the Lawyers as Leaders theme still made sense. I concluded that it now may be more relevant than ever. Our communities need lawyers to step up and serve as leaders in the wake of the two pandemics. Individuals and businesses are struggling to stay afloat, and lawyers can help. Law students need opportunities to develop personal relationships and their careers, and lawyers can mentor them. Black men and women, and thus all of us, need criminal and social justice reform, and lawyers can help effect these changes. The importance of good leadership has never been more apparent. So all of the great work the CBA is doing and can do to prepare lawyers to lead is essential, and the time is right for lawyers who can to avail themselves of these leadership development opportunities.

It's also the right time for the CBA to take a leadership role by examining how these crises may impact the bar, its members, our legal community, and the profession longer term. As my other "leadership mentor," CBA Past President

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# UNUSUAL TIMES CONTINUED

Patricia Jarzowski, commented, “Our members and our profession deserve our best thinking right now. The disruption from the racial injustice pandemic and the global pandemic is the perfect time to rethink how we govern and lead our bar associations into the next generation of service, post-pandemic.” As a next step, Patricia urged, we should be “talking about taking strategic risks” rather than merely “fulfilling our fiduciary duties,” and reflecting on the possibilities presented by our “new normal.”

CBA’s Modern Law Practice Initiative (MLPI) has been reflecting on those possibilities. In June, JP Box and Erika Holmes invited Supreme Court Justice Monica Márquez, University of Denver’s (DU) Assistant Dean for Career Development Eric Bono, CLI CEO Sara Scott, and me to participate in the MLPI’s new Modern Law Revolution Podcast, where we brainstormed our post-pandemic vision for the legal community. Of course, none of us has a crystal ball, but in talking with that group and other community leaders—including AG Phil Weiser, CAMP Director Ryann Peyton, DU law student activist Adriana Levandowski, law firm practice group leader Shannon Stevenson, and former DBA President and in-house counsel Maureen (Mo) Watson—several themes have emerged that the CBA must incorporate into its thinking and planning for the future.

The first is social responsibility. As AG Weiser noted in response to COVID-19, “We’re reminded as a society of the importance of resilience”—but the most vulnerable segments of our population “lack that ability to be resilient . . . and we have a social responsibility to them.” This responsibility applies as well to “small businesses fighting for their lives,” he observed. “We have to figure out how we can help them, such as by negotiating grace for rent. A lot of small businesses are set up to fail if they don’t get the help they need.” Weiser pointed out that we need to be “mindful of people who are hurting and who are not as protected. There are lots of ways lawyers can be helpful.”

Of course, many lawyers also need help, as do law students who have lost opportunities as a result of the public health crisis. As DU law student Adriana Levandowski reported, “When COVID-19 first hit Colorado in mid-March, I was in the advanced stages of interviewing for summer internship programs. At that point, COVID-19

cost me an exciting work experience, a crucial résumé builder, and a career stepping-stone.” Adriana noted, “Many law students faced similar circumstances, as firms and businesses rescinded offers, froze hiring, and canceled summer associate programs. At the start of the pandemic, firms didn’t have the capacity, time, or resources to train new attorneys remotely.” The law schools immediately stepped in to help, Adriana observed. And she also found a silver lining: “For all the challenges COVID-19 brings with it, in the end it may just be preparing law students to effectively manage the curveballs and obstacles faced in practice.”

DU Assistant Dean Eric Bono also sees opportunity in these challenging circumstances—specifically, an opportunity to identify for our law students “different career paths where they can make a difference serving people who are currently not being well served by the legal profession,” particularly clients with low and moderate incomes. He noted that we can and should do more to expose students to organizations that “strive to serve clients in a different way,” such as on a flat-fee or limited-scope basis, “so we can provide the legal services that are desperately needed.”

The importance of good leadership has never been more apparent. So all of the great work the CBA is doing and can do to prepare lawyers to lead is essential, and the time is right for lawyers who can to avail themselves of these leadership development opportunities.

And as CAMP Director Ryann Peyton pointed out, “The CBA is well positioned to assist lawyers as they are navigating the choppy waters of recession to assist them in not losing sight of their professional goals and finding work that aligns with their skills, values, and passions. Creating or improving mentoring programs, providing educational opportunities to develop practice skills, and increasing resources and support of solo lawyers will be critical to meeting the needs of this demographic over the coming 18 to 24 months.”

Can the CBA look ahead to create these longer-term opportunities for new and young lawyers? Can it simultaneously support more experienced members as they and their clients face challenges as a result of economic turmoil and disruption created by COVID-19? Is the CBA likewise well positioned to help lawyers come together to address our collective anguish over the tragic



# UNUSUAL TIMES CONTINUED

acts of racial injustice that triggered protests and riots across the country in June? Will lawyers be there, not just in two months but in two years, since these issues were not created and are not going to be solved easily or quickly? Can the CBA help drive these initiatives to help and to effect change, to finally make good on the promise of “equal justice for all”? As a result of the two pandemics, will the CBA and its members embrace social responsibility in new ways?

When thinking about the future of our legal profession, another obvious opportunity is greater flexibility and more ways to connect than we ever envisioned before COVID-19. With virtually all legal employers (including the CBA) moving their operations from the workplace beginning in March 2020, we have seen how feasible it is to work successfully outside the physical office environment and traditional work hours. We also have seen greater participation levels in programs and meetings, as Zoom and similar platforms are permitting lawyers in Greater Colorado to overcome the time and distance barriers that made attending many events difficult before our improved nimbleness with technology. As CAMP Director Ryann Peyton said in May, “This virus has done more to change the profession in eight weeks than has been accomplished in 20 years of revolutionary attempts. Lawyers and staff are not only telecommuting but managing entire law firms and caseloads 100% remotely. Our living rooms have become our courtrooms, boardrooms, and bar associations.”

And it works. Shannon Stevenson, chair of Davis Graham & Stubbs’ Trial Group, argued to the Ninth Circuit remotely in April, and her partner was involved in the first remote oral argument before the Colorado Supreme Court. “Depositions and mediations are happening remotely” as well, Shannon noted. We may prefer to do these things in person, she observed, but wondered how both lawyers and clients will weigh the costs and benefits of in-person events in the future. Similarly, former DBA President Mo Watson noted, “It’s amazing to see how in the past couple months, a lot of companies that had reservations or bias about remote work have made it work. Most of us are still doing our jobs pretty successfully—not in the same way, but a lot of those adaptations we thought would be so difficult are working.”

AG Weiser believes the “flexible work initiative is critical

and is being catalyzed by this pandemic.” At Colorado’s largest legal department, the AG’s office, Weiser says this flexible work initiative is leading to a “culture shift”—for example, if a team is holding a meeting and one member can’t attend in person, rather than conduct the meeting live, they will do it via Microsoft Teams.

What this ability to work virtually could mean for commercial real estate and support-staff requirements is one question. But on a more hopeful note, what might it mean for the CBA’s long-term ability to engage members in Greater Colorado in new and more significant ways? And what might it mean for the future of women in the profession, who may have the most to gain from greater workplace flexibility? Diversity experts have been pushing legal employers for years to allow more flexible work options in the interest of retaining working mothers in particular, in light of demands on their schedules during traditional work hours. Will greater flexibility in terms of where and how we work result in more women staying longer term and reaching leadership levels within their organizations? Will millennials, who also have been pushing employers to allow flexible or remote work, achieve greater levels of happiness and satisfaction, resulting in lower levels of attrition? And if lawyers are more remote from one another at work, will the CBA have an even more important role to play in bringing lawyers together from across the state to create a sense of community, provide mentorship to newer lawyers, and offer substantive training and education?

A third post-pandemic opportunity for our profession is that we may experience increased humanity and authenticity, potentially leading to greater well-being, civility, and professionalism. Ryann Peyton observed that, with regard to remote-work flexibility, “COVID-19 served merely as the accelerant to a modernization that was already underway within the profession.” Ryann believes that the true impact of this crisis on our profession is what she calls “the great humanization”:

COVID-19 did for the profession what no bar association, commission, pilot program, or special interest group has been able to accomplish—it humanized every single one of us. Literally overnight, we could no longer pretend as though our coworkers, colleagues, and employees weren’t also spouses, parents, sisters, brothers, daughters, and sons. In an instant, many of us became teachers,

# UNUSUAL TIMES CONTINUED

caretakers, and homemakers in ways we've never experienced before. And as we fumbled through the first days and weeks of trying to balance it all with busy law practices, our learning curve played out in real time Zoom calls on the computer screens of our colleagues.

One of my early hopes with this "humanization" was that lawyers would no longer feel they needed to hide or downplay the fact that they had lives outside of work. They might not worry so much if they were taking work calls from home, or if their crying toddlers or barking dogs interrupted those calls. Clients and colleagues would understand, and all of us could be our more authentic selves.

That seems to have occurred and, beyond that, lawyers started interacting with one another in new ways. Ryann and I both experienced in the spring that many of our meetings began "with an organic and collective 'check in' on how everyone is feeling physically and emotionally. Lawyers are readily offering support to their colleagues on parenting and caretaking, and the overall civility and professionalism with which we interact with one another has improved steadily. When we weather adversity collectively as a profession, the standards by which we treat one another will naturally evolve." As Ryann concluded: "There is more opportunity for grace, kindness, and civility in our profession than there has ever been before."

The CBA has long had a professionalism committee, the Professionalism Coordinating Council. Might the Council be able to develop creative programming and educational tools to leverage this new-found humanization, to help ensure that it lives on well after the pandemic? And can the CBA more broadly provide opportunities to come together for meetings, networking events, mentoring, pro bono matters, service projects, and programs, with a focus on the well-being components that result from authentic connection? Can the CBA help deepen the connections lawyers are, somewhat counterintuitively, developing as

they work remotely, when we're together in person again? And can we continue to use technology in ways that allow members across the state to feel just as connected and engaged as those for whom it is convenient to be together in person?

As Justice Márquez noted during our June podcast for MLPI, a vibrant legal community is "one in which everyone feels welcome, engaged, and supported." There are "plenty of pockets of that," Justice Márquez observed, with "so many wonderful things" happening with the CBA, diversity and specialty bars, CAMP, Inns of Court, and numerous other organizations that offer opportunities for lawyers to engage and connect. But "that connection is not uniform across our state," she correctly pointed out. Nor is it uniform across all groups of potential participants, such as racial and ethnic minorities. For example, "our bench does not look like the communities that we serve. That disconnect has added to the perception that justice is not in fact equal for all," Justice Márquez said. And "that lack of faith in the justice system literally undermines the rule of law itself."

Past President John Vaught has encouraged me to write a follow up to his March 2019 President's Message on the rule of law. There are good reasons for me to consider doing just that. But in the meantime, I commend to you his Message and hope you will consider how you can step up to lead within our communities in any of the myriad ways lawyers are needed to lead—during these unusual times and into a brighter future.

Jessica Brown is the President of the Colorado Bar Association. She is a partner in the Denver office of Gibson Dunn and a member of the firm's Labor and Employment, White Collar Defense and Investigations, and Class Action Practice Groups. Her article appears here courtesy of Colorado Lawyer (August/September 2020 Issue) and the Colorado Bar Association.



# LAWYER ANNOUNCEMENTS

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HBC is very pleased to announce that:



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HBC is very pleased to announce that:



**Randi M. Grassgreen**  
Trust and Estate Law; Tax Law; Philanthropic Planning

Has Become a Member of the Firm  
January 1, 2021

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**Benjamin  
Daniels**

has become Of Counsel  
with the firm.

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and civil litigation.**

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## PROFESSIONALISM ON CALL

January 4	Anton Dworak	303.776.9900
January 11	Steve Clymer	303.530.2137
January 18	Mike Rafik	303.444.9292
January 25	Gwyn Whalen	303.443.8010

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 **200** 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 November. Thank you to the following attorneys:

**Chris Jeffers**  
**Jeff Skovron**  
**John Estes**  
**Joel Hayes**  
**Susan Bryant**

## PRO SE VOLUNTEERS

Thank you to Starla Doyal and Kathleen Franco for assisting at the November Pro Se Clinic.

## PRO BONO CORNER

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**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](http://polsinelli.com).

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# BoulderCOUNTRY

## BAR ASSOCIATION

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