

## BCLS 2018 PRO BONO LUNCHEON

ERIKA MARTINEZ

Boulder County Legal Services (BCLS) celebrated the outstanding tradition of pro bono service in Boulder County at the Annual Pro Bono Luncheon, held April 30th, 2018, at the Boulder Marriott. BCLS honored local attorneys, mediators, law students, and paralegals who volunteered 4,032 hours in 2017 to provide legal services to low-income residents of Boulder County.

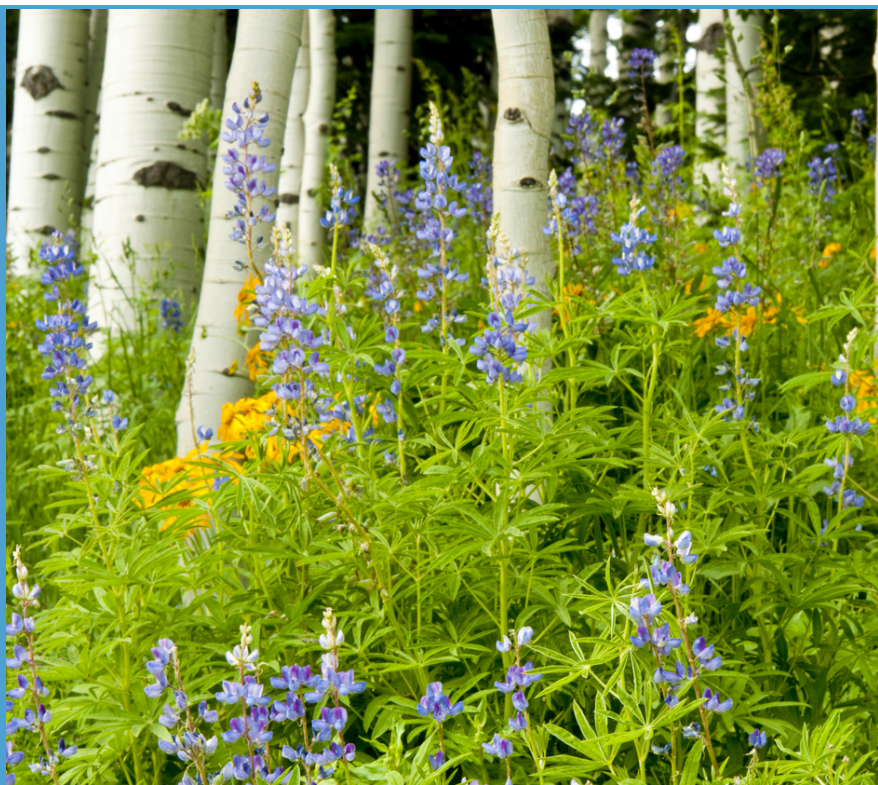
The Boulder County Bar Association honored Judson Hite with the John Robert Marshall Award for his dedication in providing legal services to the poor. Renée Ezer, president of the Boulder County Bar Association, presented the award, which is bestowed annually in honor of John Robert Marshall, a local attorney who tirelessly advocated for the poor. Judson Hite was recognized for his exemplary commitment to pro bono service and his passion in advocating for access to justice. Colleagues noted him for his willingness to take the challenging client and the unusual case.

This was the inaugural year for the newly established Paul Bierbaum Memorial Fellowship in memory of his tireless support of legal services for the underserved and his compassionate engagement in causes furthering access to justice for the poor and the vulnerable. The first recipient of this award is Lindsey Rawson Van Wyk, who will intern for BCLS this summer under funds provided by the fellowship.

BCBA  
Annual  
Meeting  
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# PRO BONO LUNCHEON CONTINUED

Justice William Hood III and Justice Melissa Hart and judges and magistrates of the 20th Judicial District presented awards for pro bono service. Colorado Legal Services Executive Director, Jonathan Asher gave the opening address. Chief Judge Ingrid Bakke gave the keynote talk, recognizing the important role of pro bono service in the justice system.

The law students of the CU Legal Aid and Defender Program under the direction of Professor Norman Aaronson were recognized for their outstanding contribution of 454 pro bono hours serving clients of BCLS with family law cases during 2017.

Pro Bono Awards were presented in the following categories:

## 50 - 75 Pro Bono Hours

- Joyce Bergmann
- Christina Ebner
- Jeffrey Skovron
- Michael Morphey
- Leonard Tanis
- Bruce Warren

## 75 - 100 Pro Bono Hours

- Bradley Turner
- Evan Branigan

- Craig Small
- William Meyer

## 100 - 200 Pro Bono Hours

- Howard Bernstein
- Clinton Burke
- Michael Miner
- Richard Nehls
- Bruce Wiener
- Zachary LaFramboise

## 200 - 300 Pro Bono Hours

- Susan Bryant
- Chris Jeffers

## 300 - 400 Pro Bono Hours

- Lauren Groth

## 100% Firm Participation in Pro Bono

- Cooper & Tanis PC
- Dietze and Davis PC
- Howard O. Bernstein, P.C.
- Hutchinson Black and Cook LLC
- Jung Associates PC
- Vincent Romeo & Rodriguez LLC
- Warren Carlson & Moore LLP

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# BCLS 2018 PRO BONO LUNCHEON



Colorado Legal Services Executive Director Jon Asher opened the 2018 BCLS Pro Bono Awards presentation.



Judson Hite receives the John Marshall Award for outstanding pro bono service, presented by BCBA president Renee Ezer



Justice William Hood and Justice Melissa Hart present 100% Firm Participation award. Accepting are Leonard Tanis, Josh Anderson, Amber Reed, David Driscoll, Ron Jung, and Richard Vincent.



Michael Miner presents the Paul Bierbaum Memorial Fellowship Award to BCLS law student intern Lindsey Rawson Van Wyk.



Judy Snyder and Judson Hite share a happy moment over Hite's award.



CU students Sabrina Yip, Helen Oh, Daniel Kotsides, Hannah Armentrout and Andrew Baker listen to Professor Norm Aaronson.



Receiving awards for 100 - 200 Pro Bono hours are: Rich Nehls, Clinton Burke, Howard Bernstein, Zachary LaFramboise, Michael Miner and Bruce Wiener.



Lauren Groth received the award for 300 - 400 Pro Bono Hours from Magistrate Monica Haenselman.



Evan Branigan, William Meyer, and Bradley Turner receive the award for 75 - 100 pro bono hours.



Bruce Weiner, far right, presented the "Coveted Special Award" The Triumphant Triumvirate Award for contributing 538 pro bono hours to three attorneys: Rich Nehls, Lauren Groth, and William Meyer.



Chris Jeffers and Susan Bryant receive the award for 200 - 300 pro bono hours.



Kim Hulstine (standing) daughter of the late Paul Bierbaum, acknowledges the appreciation of those gathered as she and her mother Kay Bierbaum (right), are introduced.

# CALENDAR OF EVENTS

## BCBA ANNUAL MEETING THURSDAY 6/7

Mark your calendars for the Boulder County Bar Association Annual Meeting and Reception on Thursday, June 7 at 5 pm. We will vote on new board members Kurt Hofgard and Patricia Riley and present awards for the following:

- Ron Porter Award of Merit - Melody Fuller
- Outstanding Young Lawyer of the Year - Lys Runnerstrom
- Recognition for our Section Co-Chairs
- Passing of the gavel from current president Renee Ezer to president-elect Brad Hall.

This year, we will be hosting the meeting at a fun new location, the Bohemian Biergarten. Please join us for a great night of conversation and networking, plus delicious food and drinks! \$15 for drinks and appetizers.

**[Register online and pay here](#)**

## COLORADOROCKIES VS. NEW YORK METS THURSDAY 6/21

Please join us for a day game of the Colorado Rockies versus the New York Mets at Coors Field on Thursday, June 21. We will be providing a shuttle from Boulder to Coors Field and back again, with a CLE presentation by Sonny Flowers on the ride to Denver. Attendance is \$50 and covers the CLE, transportation to Coors Field, and the Rockies ticket. There are only 25 tickets available and they are going fast! Sign up now before this opportunity is gone!

**[Register online and pay here](#)**

### **Tuesday, June 5**

#### **BOULDER COUNTY DISTRICT ATTORNEY CANDIDATE FORUM**

**Hosted by Boulder County Bar Association and League of Women's Voters Boulder County**

7:00 PM @ Unitarian Universalist Church of Boulder (5001 Pennsylvania Ave)

Free to attend

### **Wednesday, June 13**

#### **WOMEN'S BAR HAPPY HOUR**

5:30 PM @ License No. 1 (2115 13th St)

Please RSVP to Kyle here

### **Thursday, June 21**

#### **FREE LEGAL CLINIC IN BOULDER**

5:30 PM @ Sacred Heart of Jesus Church (1318 Mapleton Ave)

Free to attend



# PRESIDENT'S PAGE

## RENEE EZER

"Change is the only constant in life." -- Heraclitus

As I sit down to write my last President's Page, I'm struck by how quickly this year has passed. This thought is not specific to my presidential year; it seems to me that all of the years pass quickly now. And the challenge is to make sure that each one has value, and if we are lucky, that we are able to make a positive impact on the things and people that matter most to each of us.

Looking back on this year, the Bar implemented many changes that positively impacted the membership, and created multiple opportunities to bring members together with one another, and with the underserved populations of Boulder County.

We started the year with conversations and presentations about wellness and professionalism. The bottom line here is that life can be stressful and part of adulting for all of us has to include self-care. When you board an airplane, flight attendants tell you to secure your oxygen mask before helping others. This is sage advice, with broad applicability -- especially for lawyers and judges.

We watched and celebrated as Judge Berkenkotter retired, Judge Bakke assumed the role of Chief Judge, and Judge Salomone was sworn in. Just months later, we filled with pride when our very own Judge Berkenkotter became one of the three nominees for the vacancy on the Colorado Supreme Court created by the retirement of Chief Justice Nancy E. Rice. (Go, Judge Berkenkotter!!)

We produced, sponsored, supported and presented at community events for the benefit of seniors and underserved populations. We accepted pro bono cases from BCLS and BCAP,



acted as Pro Se Volunteers, and staffed free legal clinics throughout the year. In December, the Bar sponsored a gift drive for A Precious Child, which made the holidays very happy for more than 70 underprivileged children in Boulder County. This year the Board of Directors rebranded its fundraiser for Colorado Legal Services as the "Justice for All Ball", which was wildly successful in terms of attendance, community participation and funds raised for contribution to CLS. Volunteer attorneys coached teams throughout Boulder County in the CBA Mock Trial Competition. For the first time since that program began, a Boulder County team -- from Fairview High School -- earned a place in the National competition.

This year, the Bar office got new hardware, new software, a new website and logo, and a new conference room. We now have our own space for CLEs, as well as a space practitioners can rent for meetings, depositions, mediations, etc. This has been a great addition for the benefit of our members. We also have a presence on social media, and the Bar staff is excellent at keeping us connected with stories and information relevant to all aspects of our professional lives.

As we move into the next year, the Boulder County Bar Association is poised for continued positive growth and impact. I encourage you to look for, and take advantage of, opportunities to connect with colleagues and our community as a member

# PRESIDENT'S PAGE CONTINUED

and as a volunteer leader. Many thanks to my fellow board members Abigail Smith, Brad Hall, Jennifer Lorenz, Ron Jung, Jack Peters, Jeff Rose, Nate Miller, and Sara Pritchard for your creativity, your great communication skills, your hard work. Special thanks to the Hon. Judy LaBuda and Professor Deborah Cantrell for your participation and unique perspectives from the 20th Judicial District and the CU School of Law. And, heartfelt thanks to Laura Ruth and Kyle Mares, who gave everything they had this year to support the Bar's transition.

Looking forward to seeing everyone at the BCBA Annual Meeting on Thursday, June 7th at 5:00 p.m. at the Bohemian Biergarten, where I will pass my gavel to Brad Hall, and prepare to leave this office with wonderful memories and high hopes for next year's Bar leadership and the growing collegiality and connection among its members.

Renee Ezer is a shareholder at Dietze and Davis, P.C. She can be reached at 303-447-1375 or [ezer@dietzedavis.com](mailto:ezer@dietzedavis.com).



Please join us for the Boulder County District Attorney Candidates Forum on Tuesday, June 5 at 7:00 PM at Unitarian Universalist Church of Boulder (5001 Pennsylvania Ave). Hosted by Boulder County Bar Association and the League of Women Voters Boulder County.



# ON OIL AND GAS

## MIKE CHIROPOLIS

*The following piece represents solely the opinion of the author, not the Boulder Bar Association.*

In March 2017, the Colorado Court of Appeals held in *Martinez v Colorado Oil and Gas Conservation Commission*, Case No. 16ACA0564, that state law mandates the protection of public health, safety, welfare, wildlife, and the environment in the conduct of oil and gas operations.

Industry would appear to agree. According to the industry-funded Coloradans for Responsible Energy Development (“CRED”), Colorado’s fracking regulations are “a model for the nation”; and “Colorado is a proud leader in safe, responsible fracking”. We hear similar claims from state government.

However, both industry and the State of Colorado are challenging the *Martinez* ruling.

In May 2017 meeting, the Colorado Oil and Gas Conservation Commission (COGCC) voted 7-0 to authorize an appeal. Before the appeal was filed, Governor John Hickenlooper stated that COGCC ““already elevates public health and environmental concerns when considering regulating oil and gas operations,” and asserted that he opposes the appeal. But COGCC never reconsidered its decision.

Since the Appeals Court ruled, four developments stand out. First, two March 2017 fatalities in Firestone were linked to faulty inspections and capping of underground flow lines on properties leased by Anadarko. The regulatory response fell short of the statewide flowline mapping requested by local government. Second, well explosions and fires are an increasingly common occurrence in the Wattenberg Field north of Denver. Third, a May 2018 shareholder lawsuit filed against Anadarko is packed with troubling allegations from former executives that the company’s that balance sheets trumped health and safety protections. Fourth, scientific studies continue to add to the literature documenting health risks from oil and gas development.

Therefore, future governors and legislatures will be under continued pressure from citizens to do more to protect public health and environment.

What steps should state elected officials be taking? I propose:

- Authorize local control. This would allow cities and towns to exercise similar land use authority over fracking as they do over other industries.
- Appoint COGCC Commissioners and a Director dedicated to protecting public health, safety, the environment, and wildlife.
- Bar the next COGCC Director from working for the industry after his or her tenure.
- Direct the Colorado Department of Public Health and Environment to stand tall for protecting public health and the environment. This is consistent with the agency mission.
- Double down on a clean energy economy.

Local control is a bi-partisan issue that cuts across ideology. The first municipal fracking bans in the state were passed by the voters and City Council of Greeley in 1985. The Supreme Court overturned Greeley’s measures in *Voss v. Lundvall Bros.*, 830 P.2d 1061 (Colo. 1992), the precedent for rejecting subsequent bans or moratoria passed by Longmont and Fort Collins in a 2016 decision.

In 2007, a previous drilling boom on the West Slope led to fundamental reforms of the COGCC (HB-07-1341) to protect public health and safety; and the Colorado Habitat Stewardship Act (HB-07-1298) to protect wildlife. The import of these laws will be interpreted by the Supreme Court in the pending *Martinez* decision.

In 2018, we are looking at a fracking boom that is expanding across the Front Range, impacting new communities with evolving technologies in much the same way as the Western Colorado experienced a decade ago. The November 2018 elections are likely to determine whether state government follows the 2007 legislation with new measures updating the state’s approach to public health and the environment as sought by some local government and community group stakeholders.

*Mike Chiropolis is an experienced environmental attorney and policy expert. He can be reached at [mikechiropolis@gmail.com](mailto:mikechiropolis@gmail.com).*

## PROFESSIONALISM ON CALL

June 4	Karl Kumli	303.447.1375
June 11	Tripp DeMuth	303.447.7775
June 18	Peggy Goodbody	303.440.5736
June 25	Tony 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 dates have been set for the 2018 Free Legal Clinics at the Sacred Heart of Jesus Church (2312 14th Street) 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](mailto:laura@boulder-bar.org) if you can help in Boulder or Lafayette, or [susan.spaulding@longmontcolorado.gov](mailto:susan.spaulding@longmontcolorado.gov) if you can help in Longmont.

**Boulder: June 21**

**Longmont: May 22, August 28**

**Lafayette: July 17, October 16**

## 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

Seven cases were referred during the month of April. Thank you to the following attorneys:

**Susan Bryant**  
**Chris Jeffers**  
**Bruce Warren**  
**Bruce Wiener**

## PRO SE VOLUNTEERS

**Josh Anderson**  
**Evan Branigan**  
**Kathleen Franco**  
**Ainagul Holland**  
**Chris Jeffers**  
**Tucker Katz**  
**Zach LaFramboise**  
**Michael Mophew**

## BCAP VOLUNTEERS

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



# COURT ANNOUNCEMENTS



## Judge Noel Blum to retire in January 2019.

Judge Blum has announced he will be retiring at the end of this judicial term in January 2019.

Judge Blum was appointed to the Boulder County Court bench in July, 2003. Prior to his judicial appointment, Judge Blum served for 19 years as a Deputy District Attorney for the First Judicial District (Jefferson & Gilpin Counties). He received his law degree from the University of Colorado.

The nomination process for this vacancy will be announced at a later date.

## FED and Name Change Hearings

Due to scheduling Boulder County Courts will not be scheduling FED and Name Change hearings at the Boulder and Longmont locations on the dates listed below:

**BOULDER:** November 23, 2018, December 21, 2018, and January 4, 2019,

**Longmont:** August 24, 2018, November 23, 2018, December 21, 2018, December 28, 2018, January 4, 2019

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