

Boulder County Bar Association Newsletter

MARK YOUR CALENDARS FOR THE BCBA ANNUAL MEETING

TUESDAY, JUNE 6, 2017

FIND A
LAWYER
page 8

The Boulder County Bar Association will host the annual meeting at Wedgewood on Boulder Creek (38470 Boulder Canyon Drive) on Tuesday, June 6 at 5:00 pm. Please join us as we celebrate our recipients for the Award of Merit and Outstanding Young Lawyer. Please submit your nominations for these awards to Christine Hylbert (christine@boulder-bar.org). We will also introduce our new board members and pass the gavel to our incoming president, Renee Ezer. This will be our retiring Executive Director Christine Hylbert's last annual meeting. A new director will be named by this time, so come and meet the new ED. \$50

Register online and pay here

Christine's retirement party will be held on June 22 at 5pm at the Sanitas Brewing Company (3550 Frontier Avenue). We hope to see you for this celebration of 20 years of service to the Boulder County community.

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PRESIDENT'S PAGE

ABIGAIL SMITH

President Dwight D. Eisenhower proclaimed May 1, 1958 as the first Law Day, and every year since, the United States has proclaimed Law Day on May 1st. Law Day is an annual opportunity to commemorate and reflect upon our national ideals of liberty, justice, and equality. This year, as we close in on the 150th anniversary of the ratification of the Fourteenth Amendment, the American Bar Association (ABA) has chosen "The Fourteenth Amendment: Transforming American Democracy" as the Law Day theme. (For more information on Law Day, please visit www.lawday.org).

Ratified a century and a half ago, shortly after the end of the Civil War, the Fourteenth Amendment has safeguarded generations of Americans. The Fourteenth Amendment greatly expanded constitutional protections through its guarantees of due process and equal protection of the law for all individuals. Since its ratification on July 9, 1868, the Fourteenth Amendment has served as the basis of historic civil rights legislation and landmark U.S. Supreme Court decisions advancing our national principles of freedom and justice for all, such as *Brown v. Board of Education* regarding racial segregation, *Loving v. Virginia* regarding interracial marriage, *Roe v. Wade* regarding abortion, and *Obergefell v. Hodges* regarding same-sex marriage. The principles of freedom and equality embodied in this pivotal Amendment continue to guide our nation as it seeks to fulfill its pledge of liberty and justice for all.

Reading the Law Day materials prepared by the ABA left me wondering about the impact of the Fourteenth Amendment in the State of Colorado. This turns out to be a fascinating tale. And while I won't touch on every invocation of the Fourteenth Amendment in Colorado courts, I would like to highlight two cases.



In *Colorado Anti-Discrimination Commission v. Case*, the Colorado Supreme Court was faced with apparent racial discrimination. *Colorado Anti-Discrimination Commission v. Case*, 380 P. 2d 34 (Colo. 1962). James R. and Elizabeth O. Rhone, a black couple, had entered into a contract to purchase a home in Colorado Springs. *Id.* at 36. Thereafter, the seller attempted to persuade the Rhones to withdraw their offer, and eventually informed them that the property had been sold to someone else. *Id.* The Rhones responded by filing a complaint with the Colorado Anti-Discrimination Commission, alleging that the real estate company had violated the Colorado Fair Housing Act of 1959. *Id.* at 37.

The Commission held a hearing and subsequently entered Findings of Fact, Conclusions of Law and Order finding that the real estate company "discriminated against the complainants because of their race or color in connection with the transfer of the home in question; that such discrimination constituted an unfair housing practice as defined in Section 5(1)(a)(ii) of said Colorado Fair Housing Act of 1959." *Id.* The matter was then brought before the

PRESIDENT'S PAGE

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district court of El Paso County. *Id.* at 38. And while the trial court found ample evidence to support the Commission's conclusion, the court disposed of the action by determining that the Colorado Fair Housing Act of 1959 violated both the Constitution of the United States and the Colorado Constitution. *Id.*

In upholding the Colorado Fair Housing Act of 1959, the Colorado Supreme Court stated:

We hold that the Act here in question has a substantial relation to a legitimate object for the exercise of the police power, and that it is appropriate for the promotion of that object. We constantly speak of "equality of opportunity" as a foundation stone of the American way of life. We solemnly proclaim that "All men are created equal"; that "all men" have the inalienable right of acquiring, possessing and protecting property. We hold that as an unenumerated inalienable right a man has the right to acquire one of the necessities of life, a home for himself and those dependent upon him, unfettered by discrimination against him on account of his race, creed or color. The act of the legislature here in question is fully justified by Article II, Section 28, of the Constitution of Colorado and the Ninth Amendment of the Constitution of the United States. *Id.* at 41.

A special concurrence by Justice Frantz begins as follows:

Our pronouncement this day is on the side of history. What we have here said is in harmony with eternal principles to which the founding fathers pledged fealty in simple, noble language in the Declaration of Independence. For it is historical fact that Colorado's statehood marks the first fulfillment of these principles. *Id.* at 43.

Justice Frantz goes on to argue that because

Colorado was the first to seek statehood after the passage of the Thirteenth, Fourteenth and Fifteenth Amendments, the state expressed particular devotion to the values enumerated in these Amendments. *Id.* at 44.

Of course, the Colorado Fair Housing Act of 1959 would not be the last application of the Fourteenth Amendment by the Colorado Supreme Court. On November 3, 1992, voters passed an amendment to the Colorado Constitution known as Amendment 2, entitled No Protected Status Based on Homosexual, Lesbian, or Bisexual Orientation. *Evans v. Romer*, 882 P. 2d 1335, 1338 (Colo. 1994). After much argument, including two trips to the Colorado Supreme Court, the Colorado Supreme Court held "Amendment 2 is unconstitutional because it offends the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution." *Id.* at 1351.

In concurrence, Justice Scott stated "[c]ertainly all must now agree that the Fourteenth Amendment sought to protect citizens from oppression by state government. The Equal Protection Clause of that amendment mandates that rights afforded to some are granted equally to all." *Id.* at 1355. The United States Supreme Court affirmed the decision of the Colorado Supreme Court in *Romer v. Evans*, 517 US 620 (1996).

Throughout these Pages, I have alluded to the difficulties we all face in these uncertain times. Nevertheless, I wholeheartedly believe that if we continue to press, we will one day achieve freedom and equality for all, a goal so fundamental to our national identity that it was first identified in the Declaration of Independence. I found this section of the opinion in *Colorado Anti-Discrimination Commission v. Case*, a case decided in 1962, especially powerful and inspiring:

PRESIDENT'S PAGE

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When, as at present, the entire world is engulfed in a struggle to determine whether the American concept of freedom with equality of opportunity shall survive; when tyrannical dictators arrayed against this nation in the struggle proclaim throughout the world, with some justification, that we do not practice what we preach, and that "equality of opportunity" is a sham and a pretense, a hollow shell without substance in this nation; we would be blind to stark realities if we should hold that the public safety and the welfare of this nation were not being protected by the Act in question. Indeed, whether the struggle is won or lost might

well depend upon the ability of our people to attain the objectives which the Act in question is designed to serve.

Colorado Anti-Discrimination Commission v. Case, 380 P. 2d 34 at 41-42.

This Law Day, please join me in reflecting on the importance of the Fourteenth Amendment as part of our legacy of liberty, as both a nation and a state. This May 1st, and every day thereafter, let us commit to continuing to work toward ensuring our nation's constitutional ideals are put into practice.



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Once again the Boulder County Bar Association is going to have a summer softball league. Last year's team "Scared Hitless" was so much fun. We want to encourage all to join us in another season of softball. We will be a coed Rec team playing on Tuesday evenings. Please email Christine @boulder-bar.org to sign up. We look forward to a winning season with your help.

CALENDAR OF EVENTS

Thursday, May 4

PARALEGAL

Social Security Disability 101

Presenter: Brad Hall

Noon @ Dickens Tavern, Longmont

\$25 CLE, \$15 New/Young Lawyer, \$13 Lunch

[Register and pay online here](#)

Monday, May 15

CIVIL

New Causes of Action, E-Discovery and Evidentiary Challenge

Presenter: Cassandra Kirsch

Noon @ BCBA Conference Room

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

Tuesday, May 16

ELDER

Best Practices in Emergency Protective Proceedings

Presenters: Brooke Brestel and Tom Rodriguez

Noon @ BCBA Conference Room

\$25 CLE, \$15 New/Young Lawyer

[Register online and pay here](#)

Wednesday, May 17

FAMILY

CASA: The Role of the Advocate and How You Can Help

Presenters: Hon. Chris Melonakis (Ret.), Maile Kobayashi, Nia

Wassnik, and Carly Wooldridge

Noon @ Justice Center Training Room East

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

Wednesday, May 17

IN-HOUSE COUNSEL

Navigating the Deep Blue Waters of International Trade

Presenter: Kerry Scarlott

4:00 @ Zayo Group

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

Thursday, May 18

BANKRUPTCY

Networking Lunch and Roundtable

Noon @ Kathmandu (1964 28th Street)

Friday, May 19

AVAILABILITY OF LEGAL SERVICES

Monthly Roundtable

Noon @ BCLS

Tuesday, May 23

EMPLOYMENT

Federal Defend Trade Secrets Act of 2016

Presenter: Jonathan Boonin

Noon @ Hutchinson Black and Cook

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

Wednesday, May 24

CRIMINAL

A Public Defender Perspective

Presenter: Megan Ring

Noon @ Justice Center Training Room East

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

Wednesday, May 24

TAX, ESTATE PLANNING & PROBATE

Non-Citizen Clients and Clients Owning Foreign Property

Presenter: Shelly Merritt & Tiffany Walker

Noon @ BCBA Conference Room

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

Thursday, May 25

NATURAL RESOURCES/ENVIRONMENTAL

The St. Jude Decision and its Aftermath

Presenter: Michael Browning

Noon @ BCBA Conference Room

\$25 CLE, \$15 New/Young Lawyer

[Register and pay online here](#)

BOULDER IDC – THURSDAY, MAY 18

View from the Bench: A Perspective from our Judges

Presenters: Boulder District Court Judges and Magistrates

11:15 @ Dairy Arts Center, \$27 IDC Members, \$32 Non-Members, \$35 Walk in

2 General CLE and .5 Ethics To RSVP, go to boulderidc.org

ANNUAL PRO BONO LUNCHEON AND AWARDS CEREMONY

Boulder County Legal Services (BCLS) celebrated the outstanding tradition of pro bono service in Boulder County at the Annual Pro Bono Luncheon, held April 3rd, 2017, at the Boulder Marriott. BCLS honored local attorneys, mediators, law students, and paralegals who volunteered 3,169 hours in 2016 to provide legal services to low-income residents of Boulder County. BCLS intake paralegals volunteered an additional 1,237 hours.

The Boulder County Bar Association honored Ronald Jung with the John Robert Marshall Award for his dedication in providing legal services to the poor. Abigail Smith, 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. Ronald Jung was recognized for his exemplary commitment to pro bono service and his passion in advocating for access to justice. Colleagues noted his generosity in mentoring young attorneys who take on *pro bono* cases.

Justice William Hood III 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 Maria Berkenkotter 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 404 pro bono hours serving clients of BCLS with family law cases during 2016.

Pro Bono Awards were presented in the following categories:

50 – 75 Pro Bono Hours

Howard Bernstein
Eve Canfield
Graham Fuller
Judson Hite
Tucker Katz
Sarah McEahern
Todd Stahly

Christopher Tomchuck

75 – 100 Pro Bono Hours



Tony Gray
Elizabeth Meyer
Jeffrey Skovron
Craig Small

100 – 200 Pro Bono Hours

Susan Bryant
Chris Jeffers
Brett Landis
Dipak Patel
Mary Street
Bruce Wiener
Louisa Young

100% Firm Participation in Pro Bono

Cooper & Tanis PC
Dale E. Johnson PC
Dietze and Davis PC
Howard O. Bernstein, P.C.
Hutchinson Black & Cook LLC
Jung Karavas & Kranz PC
Robinson Hungate, PC
Vincent Romeo & Rodriguez LLC
Warren Carlson & Moore LLP



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ANNUAL PRO BONO LUNCHEON AND AWARDS CEREMONY



2017-2018 FIND A LAWYER

It is time to renew or sign up for your Find a Lawyer listing for 2017. This is the main resource we use to refer calls for attorneys, and is the primary search mode on the website. I have attached the form to be submitted if you have any changes or are new to the feature. Renewals, please check your current listing and make sure everything is correct. ***If there are no changes, you don't need to fill out another form. Just make your payment online or by check.*** The cost for one section is \$60, and each additional section is \$25. You can choose up to 5 sections for your listing. These payments can be made online [by clicking here](https://secure.affinipay.com/pages/boulder-county-bar-association/find-a-lawyer), or you can mail a check to our office. Thank you so much for your continued support of the Boulder County Bar Association.

2017-2018 Find A Lawyer Listing

Return this form to the bar office by June 1, 2017 with your check (written to "BCBA"), or online payment - <https://secure.affinipay.com/pages/boulder-county-bar-association/find-a-lawyer>

Mail to: 1942 Broadway Ste. 319 | Boulder, CO | 80302

Email to: laura@boulder-bar.org

Thank you for your continued support of your local bar association.

Name: _____
Last First M.I.

Firm Name (optional): _____

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Phone: _____ Fax: _____

Email: _____

Website: _____

Sections: (1st section \$60, each additional section \$25 - circle up to 5.)

| | | | |
|-----------------------------|-------------------------------|--------------------------------|------------------------------|
| Accidents - Personal Injury | Contracts | Insurance Law | Post Conviction Cases |
| Adoption | Criminal Law | Insurance Bad Faith | Post Dissolution |
| ADR Mediation/Arbitration | Disability Law | Intellectual Property | Professional Liability |
| Appellate Litigation | DUI/Traffic | International Trade & Business | Real Estate |
| Bankruptcy | Education Law | Juvenile Law | Securities |
| Beer Wine Liquor Law | Entertainment & The Arts | Landlord/Tenant | Sexual Assault Litigation |
| Business Litigation | Elder Law | Lending/Leasing Law | Social Security |
| Civil Litigation | Employment Law | Local Government/Municipal | Small Business |
| Civil Rights | Estate Planning - Wills | Marijuana Law | Student Loan Debt Solutions |
| Collaborative Family Law | Environmental Law | Medicaid & Public Benefits | Tax Laws |
| Collections | Family Law | Medical Malpractice | Veterans Law |
| Commercial Litigation | Gay and Lesbian Legal Affairs | Mining Law | Will Contests and Litigation |
| Construction Law | Government Contracts | Mortgage Lending | Water Law |
| Consumer Advocacy | Health Law/Medical | Native American Law | Workers' Compensation |
| Corporation, Partnerships | Immigration Law | Patent Lawyers (Registered) | Zoning/City Planning |

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Boulder County Senior Law Day is set for Saturday, September 23, 2017 at the Plaza Conference Center in Longmont.

The Sponsorship packet for the year is available by contacting Sarah Pheral.

Please note that they will have some workshops in Spanish this year, along with interpreters in the Ask-a-Lawyer sessions to accommodate Spanish-speaking attendees. There will be active outreach and marketing to the Spanish-speaking members of our community this year, so if you have Spanish materials or Spanish-speaking staff available, you may want to bring them along this year.

A "Save the Date" card is also available (in English and Spanish).

Finally, if you have any questions or concerns, please contact Sarah anytime. Kind regards,

Sarah Pheral C: [720-660-2873](tel:720-660-2873) Chair / Sponsorship Chair

Boulder County Senior Law Day 2017

Plum Creek Forensic Lab, LLC
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PROFESSIONALISM ON CALL

| | | |
|--------|----------------|--------------|
| May 1 | Meghan Pound | 303.443.8010 |
| May 8 | Tom Rodriguez | 303.604.6030 |
| May 15 | Karl Kumli | 303.447.1375 |
| May 22 | Tripp DeMuth | 303.447.7775 |
| May 29 | Peggy Goodbody | 303.440.5736 |

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 2017 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 Christine at christine@boulder-bar.org if you can help in Boulder, or susan.spaulding@longmontcolorado.gov if you can help in Longmont.

Boulder: June 15, 2017

Longmont: May 23, August 22 and November 28, 2017

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

Nine cases were referred during the month of March. Thank you to the following attorneys:

Wallace Grant

Gary Merenstein

Roseann Murray

Curt Rautenstrauss

John Scholz

Tanya Shimer

Jeff Skovron

Lenny Tanis

Scott Worden

PRO SE VOLUNTEERS

Josh Anderson

Shawn Ettingoff

Kathleen Franco

Tucker Katz

Michael Morphew

Craig Small

Todd Stahly

BCAP VOLUNTEERS

There were no requests for referrals for the Boulder County AIDS Project in March.



THE BCBA CONFERENCE ROOM

AVAILABLE TO BOOK

Please contact Laura at the bar offices to reserve your space. Rates are \$25 per hour. 303-440-4758

LAWYER ANNOUNCEMENTS



Stahly LLC is pleased to announce:
Chelsea M. Vonu has joined
the firm as an Associate

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Boulder, CO 80301

COURT ANNOUNCEMENTS



Colorado Judicial Institute Seeks Nominees for the 2017 Judicial Excellence Awards

In recognition and support of excellence in Colorado courts, the Colorado Judicial Institute will again acknowledge the efforts of three outstanding jurists. The Judicial Excellence Awards will be presented at the 15th Annual Judicial Excellence for Colorado Dinner, to be held October 18, 2017, at the Denver Marriott City Center. CJI invites you to nominate individuals for these awards.

District Court Judge award nominees should meet the following criteria:

- Five years of experience on the district court bench
- An innovator who is creative in dealing with the processes within the courtroom
- Exemplifies the highest standards of judicial excellence throughout a distinguished career
- Displays extraordinary courage, energy and tenacity in the handling of high-profile, controversial, or difficult cases
- Efficiently, expeditiously and objectively manages cases and dockets
- Recognized by members of the bar, litigants, court personnel, jurors, and others as respectful and even-handed, but in firm control of activities within the courtroom

County Court Judge award nominees should meet the following criteria:

- Five years of experience as a judicial officer in the state court system, and currently serving as either a part-time or full-time judge
- Efficiently, expeditiously and objectively manages cases and dockets
- Recognized by members of the bar, litigants, court personnel, jurors, and others as respectful and even-handed, but in firm control of activities within the courtroom
- Respected by, and has the confidence of, other judges, court staff, lawyers and others

Magistrate award nominees should meet the following criteria:

- Three years of full-time or part-time experience on the bench
- Explains the law in terms understood by everyone who appears in the courtroom
- Possesses a demeanor and attitude that makes the courts accessible to all
- Displays a high level of open communication
- Efficiently, expeditiously and objectively manages cases and dockets
- Respected by, and has the confidence of, other judges, court staff, lawyers and others

All nominations must be submitted by May 5, 2017.

Colorado Judicial Institute

P.O. Box 118

Broomfield, CO 80038-0118

Or by e-mail to: Cynthia@ColoradoJudicialInstitute.org

Submit Your Nomination Online Starting March 7, 2017!

Fill out a nomination form online at:

www.ColoradoJudicialInstitute.org

Additional nomination forms may be obtained at
www.ColoradoJudicialInstitute.org.

Questions can be directed to
Cynthia Ophaug-Johansen at (303) 766-7501
or Cynthia@ColoradoJudicialInstitute.org.



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CORNER OFFICE IN CENTRAL BOULDER FOR RENT - \$1150/MONTH. This bright 130 square foot office is located in a top floor suite at 28th and Arapahoe Avenue, with conference room and amenities. Please visit <https://boulder.craigslist.org/off/6067115573.html> for details and pictures. Contact Brandon at 303-449-5602 or brandon@elderlawboulder.com.

CONTRACT BOOKKEEPER. Get your books in order, maximize cash flow. Using QB online/legal software. Trust/general banking. A/P, A/R, invoicing, financial reporting, payroll. Christina Stanton 720.254.2935 or clmstanton@gmail.com

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