BOULDER ASSOCIATION BAR ASSOCIATION BCBA BENCH-BAR RETREAT

Please join us on Thursday, November 17 as we host the BCBA Bench-Bar Retreat in the Wolf Law Building at CU Boulder. Several of our local judges and magistrates will be participating, and will provide judicial perspectives on some important legal practices. We hope you will be able to attend and enjoy this important bar retreat. We have applied for 2 General and 1 Ethics credit for this program. **Please click here to register.**

Holiday Gift Drive Page 5

AGENDA

4:15 - 5:00 pm -Registration & Welcome Reception

5:00 – 5:50 pm –Ethics presentation- Boulder District Attorney Michael Dougherty will present on the topic of implicit bias.

6:00 – 6:50 pm –Court of Appeals presentation -Court of Appeals Judges Craig Welling and Christina Gomez will be leading a presentation on appellate brief writing, particularly as it pertains to standards of appellate review.

7:00 – 7:50 pm –Breakout sessions - attendees will have the option of attending one of the following sessions:

Civil Litigation Breakout– Boulder District Court Judges Patrick Butler and Robert Gunning – These judges will be providing "10 tips for effectively practicing civil litigation in Boulder District Court."

Domestic Relations Breakout– Boulder District Court Magistrates Monica Haenselman and Sangeetha Mallavarapu – These magistrates will be leading a presentation about the practice of domestic relations and related areas of the law in Boulder District Court.

Thank you to our sponsors, Berg Hill Greenleaf Ruscitti LLP and Dietze & Davis, PC.

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PRESIDENT'S PAGE

I have been voting for more years than I care to count. It is a right I hold in high regard which allows me to take a stand and have a voice. I do not always like the outcome, but I always value the process. Whether I needed to stand in line to cast a ballot in person, or now when I can review my ballot over a cup of coffee, I always knew the importance of voting.

Voting in November has been a long tradition in America. Americans first began the custom of weekday voting in 1845, when Congress passed a federal law designating the first Tuesday following the first Monday in November as Election Day. Before then, states were allowed to hold elections any time they pleased within a 34-day period before the first Wednesday in December, but this system had a few crucial flaws. Knowing the early voting results could affect turnout and sway opinion in states that held late elections, and those same last-minute voters could potentially decide the outcome of the entire election. Faced with these issues, Congress created the current Election Day in the hope of streamlining the voting process (citation here).

In Colorado, all registered voters have been receiving ballots by mail since 2013 (citation here). This system worked seamlessly through the pandemic. In addition to mail in ballots, the Voter Access and Modernized Elections Act (citation here) allowed eligible citizens to register to vote up to and on Election Day. It also required the establishment of voter service and polling centers, where voters could update their registration information and cast ballots in person. Colorado is considered the "gold standard" for election systems, said Secretary of State Jena Griswold (citation here). When I wanted more information about a particular amendment or proposition, all I needed to do was to go to my computer and



search and I could obtain many, varied positions and arguments pro and con. Colorado has done a great job in making voting as accessible as possible to as many people as possible. Colorado will, no doubt, continue to evolve so that all eligible Coloradoans can vote.

It is disheartening to hear about stories on a daily basis where people are yelling about fraud where there is none; to hear about armed ballot box "watchers" in tactical gear in Arizona (citation here) and to learn about the general concern of voter intimidation among American voters (citation here). As attorneys, we should all be concerned about the attack on the basis of our democracy; the right to vote. We should encourage everyone to vote so that the apathy of "my vote doesn't matter" or "my vote won't be counted" does not become prevalent. We should talk about the validity and safety of voting so that whomever the elected candidate is, the other side cannot simply deny it.

Whether you agree with my politics or not, no matter whom you vote for, or how you feel about the amendments and propositions on this year's ballot, please make your voice heard. VOTE!

CALENDAR OF EVENTS

Wednesday, November 2 **Bagels with the Bar - Senior Lawyers** 8:30 - 10:00 AM @ BCBA Office (3269 28th St.) Free for BCBA Members

Wednesday, November 2 **Annual Judges' Dinner** 6:00 - 9:00 PM @ St. Julien (900 Walnut St.)

Wednesday, November 9 **Bagels with the Bar - Natural Resources** 8:30 - 10:00 AM @ BCBA Office (3269 28th St.) Free for BCBA Members

Thursday, November 10 **Estate Planning During and After Divorce** Presented by Pamela Maass 12:00 PM @ Zoom Webinar Free for BCBA Members Please click here to register Wednesday, November 16

Bagels with the Bar - Longmont 8:30 - 10:00 AM @ Lyons Gaddis (515 Kimbark St Suite 200) Free for BCBA Members

Thursday, November 17 Bench-Bar Retreat

4:15 - 8:00 PM @ BCBA Office (3269 28th St.) \$50 for BCBA Members Please click here to register

Wednesday, November 30 **Bagels with the Bar - Real Estate** 8:30 - 10:00 AM @ BCBA Office (3269 28th St.) Free for BCBA Members

Wednesday, December 7 **Bagels with the Bar - Employment Law** 8:30 - 10:00 AM @ BCBA Office (3269 28th St.) Free for BCBA Members

Upcoming BCBA Home Study Programs

Colorado Child Support Services 101 Presented by Kate Power, Lindsey Peterson & Jim Hayen

Dead on Arrival: Avoiding Legal Mistakes That Could Kill Your Client's Startup! Presented by Jack A. Donenfeld



David Wolf. JD CEO | BSW Wealth Partners, PBC www.bsw.com



Uncertain when your clients ask for a financial planner or investment manager recommendation?

Leery of stock brokers, insurance schemes, and too-big-to-fail banks? As a fellow attorney and 20-year BCBA member, may I assist you and your clients to Make Life Better?

B



GEN





HELPING YOUR CLIENT GET PAST BABY MAMA (OR DADDY) DRAMA

BRITTANY A. FRISBIE & SARAH H. RIZZOLO

Once your client gets past the point of asking how exactly he or she got into their current predicament, you should immediately be helping your client look for solutions in establishing an effective co-parenting relationship with the other parent. It's not uncommon for separating parents to hold animosity towards one another, but the goal of both parents being involved in their child(ren)'s life should outweigh any of your client's own personal feelings.



While children can still thrive with parents who are unmarried, separated or divorced, parental conflict is dangerous for children. What happens in a child(ren)'s home can affect his/her long-term mental health and development (citation here). Parental conflict is one of the main issues we as domestic practitioners deal with. Children placed in the middle of parental or familial conflict, or exposed to such conflict, are often unsuccessful with healthy transitions into adulthood and pose increased risk of psychological trauma. The more conflict between parents, the more likely the children will engage in deviant and dangerous behaviors, attempting or completing suicide, developing addiction and/or mental health disorders, obtaining criminal convictions, contending with eventual imprisonment, and the list goes on. When your client is in a contentious coparenting situation, we commonly witness our clients in a state of denial in acknowledging their role in the parental conflict. What client wants vs. what client needs is where you come in. Clients need to hear the realities of their behavior and the role they play in the parental conflict. They need to understand how conflict can impact their child(ren) before it reaches an irreparable level. As a domestic relations practitioner, part of your job is helping them face this reality and encourage them to help their child(ren) produce and/or maintain a good relationship with both parents.

The court will determine each parent's ability to put the needs of their child(ren) above those of their own (C.R.S. 14-10-124(1.5)(a)(XI)). It is imperative from the outset of the case that you work with your client to put him/her in the best position possible to be an effective and healthy co-parent. In most instances, this requires a significant amount of your guidance. Domestic attorneys should be assisting clients in framing their thinking around the future of positive co-parenting. A success story is when both parents can support their child(ren) for all of life's events (big and small), extending well beyond the child(ren)'s 18th birthday. Practitioners play a role in whether their clients learn and practice effective co-parenting skills. This minimizes harm to children, providing lifelong benefits to the split family unit. Our role is not just to get our clients to the decree or parenting plan. The tips in this article will be helpful for our clients before, during, and after the litigation process:

1. Discuss letting the small and (some) of the big stuff go when it comes to the other parent. Go with the flow where possible. Compromise typically benefits the coparenting relationship and creates a foundation for working with one another more effectively moving forward.

2. Think of creative solutions when dealing with disagreements. Remember that "one size does not fit all" when it comes to parenting. Every child is unique, and each household is distinctive. We want to help establish a workable, long-term solution for each divided family, based on their specific needs. In other words, cookie-cutter solutions or parenting plans aren't always productive.

3. Children are NOT pawns in the legal process. Parenting time is not a "pay-per-view" event. Do not allow your client to withhold parenting time because of unpaid child support or reimbursements for child(ren)'s expenses. There are other remedies to deal with non-payment issues. Withholding parenting time only harms the child(ren) involved. Children are innately intuitive and are very aware of when they are being used as pawns in parental conflict.

4. Tell clients to avoid unilateral decisions. Even if your client thinks the other parent does not care about the particular decision, they should not make major decisions on their own. Absent findings the other parent is incapable of making decisions regarding the child(ren) or if there is provable and obvious emotional or physical health endangerment to the child(ren), both parents should be involved in the

The BCBA is participating in the 2022 Precious Gift Toy <u>Drive!</u>

Please email Kyle if you would like to participate.



PRECIOUS GIFT

Donate new toys and bring joy to Colorado kids in need!



decision-making process. Manage your client's expectations by informing them that the court will allocate decision-making responsibilities between the parties based on what is best for the child(ren) (C.R.S, 14-10-124(1.5)(b)), not one parent's desire to make all decisions. Encourage sharing information between the parents in writing. Make sure they know that financial matters should not be attached to non-monetary decisions that need to be made about the child(ren).

5. Recommend clients use co-parenting communication applications such as Talking Parents or Our Family Wizard.

- Talking Parents is a communication platform offering coparenting tools for raising children in different households, securing messages in one place without editing or deletion capabilities. It offers videos and audio communication and can be accessed by mobile app or web-based site. Talking Parents provides a way for parents to make accountable payments and has a shared calendar for the child(ren)'s schedule at both households (which may alleviate some anxieties that come with shared physical custody).

- Our Family Wizard (OFW) is a similar communication platform for co-parents, empowering legal practitioners with the ability to engage clients more effectively by providing centralized communication, improved oversight (tone meter functions), calendaring and scheduling functions, journals, expense logs, payment functions for support or expense reimbursement, and a mobile application.

- There are several other platforms for coparenting applications that may be helpful, such as WeParent, Cozi, FamCal, Coparently, Custody Connection, Parentship, and 2Houses. All of the options should be carefully researched to find the most appropriate option that fits the family's coparenting and financial needs.

6. Stress the importance of communication etiquette. Specifically:

- Encourage clients to return the other parent's phone calls and messages within a reasonable time, depending on the situation. Help clients develop a process for communication, i.e., response times and labeling messages as "time-sensitive" or "response requested" etc.

- Do not to allow emotions to cloud our clients' judgment. Work with clients on a process for reacting or responding to emotional matters with the other parent. For example, when clients feel emotional (upset, anger, frustration), tell them to wait overnight before sending that nasty-gram email that they may feel the need to send in the moment. Their computer or device will still work in the morning, and they will have a clearer, more level-head in responding.

- Discuss with clients that all communications should be fact-based, child-focused and even-toned. If clients question whether an email is appropriate, offer to do a quick review, providing feedback/guidance to reframe the message. Remind your clients to always assume that a judge is going to see their texts, messages, emails, and social media posts.

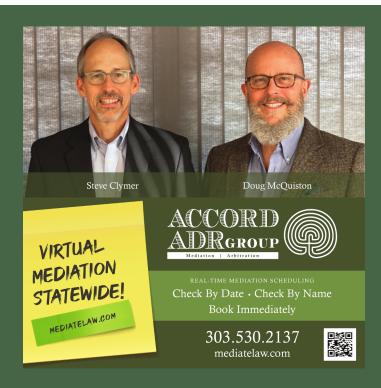
- Encourage Discussion vs. Demand. Clients should make requests in the form of discussion over making statements. Statements are commonly construed as demands. Instead of "You need to take Billy to soccer practice Tuesday", use "Can we please talk about transportation to soccer practice on Tuesday?" Instead of "Take notes at the parent/teacher conference and provide them to me" use "Would you be willing to go to the parent/teacher conference and take notes and fill me in?"

7. Children hear and see everything. To the extent possible, ensure your client is not engaging in discussions regarding any parenting decisions or issues in front of or within hearing distance of the child(ren). Avoid name calling of any sort, loud words, or threatening gestures, including slamming of doors and similar conduct. Advise your clients against making disparaging remarks about the other parent and refrain from knowingly permitting the child(ren) to be in the presence of third parties who do so. Disparaging comments about the other parent are deeply hurtful to the child(ren) and can cause deep emotional wounds that may never completely heal.

8. Children are not messengers. Do not allow your clients to use the child(ren) to convey messages to the other party or to set up parenting time modifications or exchanges. Advise your client not to (under any circumstances) discuss the litigation with the child(ren). It seems natural to a lot of parents to discuss the litigation with older children in certain circumstances. How often do we hear a client say their child "asked" about a case-specific incident? There are no circumstances under which the child(ren) should be hearing anything about the case, the co-parenting disputes, or the like (regardless of the child's age). A neutral way to handle child inquiries is responding along the lines of "Mom and dad are handling it together. No need to worry about it, and we will let you know when there is a decision."

9. Parents should aim to communicate regularly. At a minimum, set a regular weekly time to check-in and spend a few minutes discussing any parenting issues with the other parent how the child(ren)'s week went, school projects, behavior issues, etc.) Do not include step-parents, significant others, grandparents, adult children, or any other people in this conversation.

10. Parenting Requires Flexibility. Parents should be flexible where the other parent may request extra time with the child(ren) for a special event during your client's assigned parenting time. Remind your client that he/she might also want extra time with the child(ren) at some point, and by giving up some of their time for a special event, they are more likely to get reciprocation for extra time for similar events in return. Clients should be reasonable with requests for extra time. This is less about which parent is



getting "extra time" and more about allowing the child(ren) to share in extra special time for an important event with both parents and both extended families.

11. It's the little things. Suggest clients put at least one photograph of the other parent/child in their child(ren)'s bedroom at the home. This shows an encouraging of the relationship with the other parent. Have your client help the child(ren) make or buy gifts and cards for the other parent's birthdays and holidays.

12. Do not shy away from pursuing therapeutic support. Get advice from a mental health professional if you are having difficulty communicating effectively about the child(ren) with the other parent. Consider getting family counseling or mediation with a third party to help with coparenting issues. Having therapeutic support is invaluable.

13. Attend co-parenting classes. Have your client take an in-person Level II co-parenting class with the other parent. Remind your clients that taking a parenting class does not mean they are doing something wrong. It's a way to learn and navigate the complexities of co-parenting to ensure the wellbeing of their child(ren). It sets them up to be the best co-parents they can be.

14. Significant others can wait. Children should not be introduced to people their parents are dating unless the relationship is at least 6 months old, and if your client is married to the other parent, also encourage your client to wait until the divorce is final for at least 6 months. Work with your client on notifying the other parent of their intent to introduce the significant other to the child(ren). Make sure your client takes things very slowly with introducing the new partner and to spend time on neutral ground for a short time period. Suggest that the introduction includes an activity that the child(ren) enjoys. New partners should not be introduced at home or with a sleepover. Parents need to remember that introductions to a new partner can be very a sensitive matter for the child(ren) and possibly traumatic for a child(ren). Discuss the impact that introducing new partners can have, in particular where

OFFICE SPACE AVAILABLE AT THE BCBA

The BCBA has a unique opportunity for individual attorneys or even a small firm with one new permanent office. This is a great way to instantly grow your network and have access to all the bar association has to offer. The office is approximately 250 square feet with full access to the conference rooms, patio, kitchen, and full open workspace. Utilities, internet and phone are all included along with use of copier. Parking is free, and our location is incredibly convenient to both Boulder and Longmont. We are offering a lease rate of \$800 per month with the first month free! Please click here for photos, and contact Kyle or Laura for more information.







your client has several individuals in and out of the picture.

15. Consistency is key. Parents should discuss household rules and try to come up with general rules and bedtime together that work for both households to provide consistency for the child(ren). While things may be slightly different in each household, parents should do their best to maintain stability for the child(ren). Manage expectations with the child(ren) so that they are aware that there may be things that are distinct at each parent's home, and that is it okay for some things to vary.

16. Normalize the use of Parenting Coordinator (PC) in cases of extreme parental conflict. Parenting Coordination is the Alternative Dispute Resolution process for high conflict families to implement and clarify ambiguities with a parenting plan. PC authority is codified in C.R.S. §14-10-128.1. The goal of a PC is to reduce parental conflict through neutral intervention, education and assistance, in promoting the best interests of the child(ren).

Brittany A. Frisbie & Sarah H. Rizzolo are the Section Chairs of the BCBA Family Law section. Brittany is an associate attorney at Stahly, LLC. Sarah is an Attorney at The Harris Law Firm.

WELCOME NEW BCBA MEMBERS

Sarah B Schroeder DaJonna Richardson Calvin Bennett Shayan Abtahi Bashi R. Karra Taylor Courchaine Molly K Reinhardt Mary E Beasley Jolly Johanna L. Northrop Rider Daily Brenna Shannon Nara Ohk Liam A. Sterup Chelsea N. Kancilia Abigail Gasser Danilo Gjukovikj Alison N. McMahon Heather E. Hancz Ginger V. Geissinger Darin L. Mackender Leah M. Hengemuhle Kelly Lotterhos Marlaina Zollinger Hannah York Charissa L. Wood Jack A. Wold-McGimsey Anthony D. Wojciechowsky Sidney P. Williams Yuzheng Wang Patrick Wang Abigail Walker Alexander J. Vetras James P. Vernon Aza Verhoeven Andrew Ven Tejal M. Vedak Jocelyne G. Vasquez Alas Riley Varner Erin Vanek Haley Roe Van Broekhoven Rachel Van Amburg Emily Troeltzsch Alexandra Trevino Rebekah Townsend Samantha Thornton

BCBF CHILI COOKOFF



Alison Gordon & George Rubinstein, Chili Cookoff 2022's winning chefs



Chili Tastings Table

BCBF Inaugural Chili Cookoff Winning Recipe

Slow Cooker Thick and Creamy White Chicken Chili

Ingredients 1medium yellow or white onion, finely diced 2lbs boneless skinless chicken breasts 2(14 oz) cans white beans, drained

1 Tbspcumin 1/2 tspblack pepper 2 tspsalt 2(4 oz) cans chopped green chiles 1/2 tsptabasco sauce, optional

1 Tbspchili powder

1/2cupbutter
6 Tbspall-purpose flour
2cupsmilk
1/2cupsour cream
1lime, juiced
1/2cupgrated Monterey
jack cheese, for serving

Cilantro, for serving

Instructions

2cupschicken broth

Combine onion, chicken, beans, broth, chili powder, cumin, pepper, salt, green chiles and tabasco sauce in the slow cooker. Cover and cook on low for 4-6 hours, or until chicken is very tender.

Remove the chicken from the slow cooker and place it on a cutting board. Let it rest.

Start melting butter in a large pan on the stove over medium heat. Once the butter is melted, whisk in flour, a tablespoon at a time. Add in the milk, about a half cup at a time, and whisk. The mixture will become thick and creamy. Add the mixture to the slow cooker and stir.

Shred the chicken and stir it back into the slow cooker.

Stir in sour cream and juice from lime. Season to taste (I added in salt and pepper and more cumin).

Ladle into bowls and top with grated cheese and cilantro.



Pumpking carving station

BCBA NOVEMBER PHOTOS





Star Waring acceptance remarks

Award of Merit Celebration for Star Waring



Award of Merit Celebration



The new Bagels with the Bar BCBA toaster

PROFESSIONALISM ON CALL

October 31	Tom Rodriguez	720.931.3231
November 7	Karl Kumli	303.447.1375
November 14	Trip DeMuth	303.447.7775
November 21	Peggy Goodbody	303.440.5736
November 28	Tim O'Neill	303.682.7292

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 30 people to date. Thank you to the attorneys who serve as volunteers:

Dan Droege Jennifer Huston Sherri Murgallis Craig Small Scott Hamerslough Starla Doyal Jeff Skovron Lila Sol Georgiana Scott

Amy Stengel Laura Herndon Maki latridis K.C. Cunilio Fern O'Brien George Farmer TJ Willard David Harrison Ann England

Beth Kelley Dipak Patel Lindsey Killion Karen Burns Susan Spaulding Chris Lane Connie Eyester Beth Montague Kurt Hofgard

PRO BONO REFERRALS

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

Laura Kinde (x2) Connie Eyster Graham Fuller Chris Jeffers (x2)

PRO SE VOLUNTEERS

There were multiple Pro Se Clinics held in the month of September, thanks to the help of the following attorneys:

Kathleen Franco Patricia Riley Shana Beggan

PRO BONO CORNER

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

CLASSIFIED ADS

Attorney Position. Mertes Law is a small firm located in Longmont, Colorado, specializing in complex civil and criminal litigation, including the representation of respondent students in Title IX sexual misconduct. The ideal candidate for this position would be someone with litigation experience and an interest in being trained to advise and litigate Title IX matters. Please find full job details here. Starting salary range: \$90K-\$120K with opportunities for increased compensation for a solid performer. Health and dental benefits. Please submit a resume, cover letter, and a legal writing sample to: karen@merteslaw.com

South Boulder Office Space. Law or Professional Office for rent through March of 2024. The suite is 1,086 sf featuring a reception area, conference room, two private offices, and kitchenette. The building features covered parking, showers, and on-site management. 5277 Manhattan Circle Suite 102; \$2,000/ month includes utilities. Details can be found here Property Listings | Gibbons White, or contact jaime@gibbonswhite.com.

Elegant Office Space for Lease. 2118-2120 13th St, Boulder, CO 80302. This historic office was built in 1915 and still contains exposed brick and tile fireplaces with a mix of modern finishes. This large two story office exudes a welcoming and professional atmosphere, offering a blend of open workspace and private offices. It's a short walk to Pearl Street Mall and includes 10 off-site parking spaces. Additional features include: 12 private offices, reception area, 3 conference rooms, full kitchen, shower, and second floor balcony area. Total square footage is 4,850 RSF. Lease rate negotiable. Email Scott Crabtree at crabtree@coloradogroup.com or Liz Amaro at liz@coloradogroup.com if you'd like to learn more!

Associate Attorney. Stinson LLP is seeking a highly-motivated associate attorney with up to four years of experience to join our Tax Credit & Impact Finance group. The right candidate will handle sophisticated legal work on impactful projects involving new markets tax credits (NMTCs), historic rehabilitation tax credits (HTCs), renewable energy investment tax credits (RETCs), and/or other impact lending or finance platforms. <u>Click here for the full details of this position</u>. Please apply online and provide a resume, cover letter, unofficial law school transcript, class rank if known, and a writing sample. For questions, contact <u>recruiting@stinson.com</u>.

Office space available. Professional/Law Office at 728 Coffman Street, Longmont for rent. Ideal turn key situation for a startup firm. Overflow legal work/referrals may be available to the right person. Building is a charming 1928 historic house converted to well-appointed office space. Located in downtown Longmont, across from Roosevelt park, Senior Center, and Park-N-Ride. 3 private offices (one down and two upstairs), conference room which can be used as an additional private office, reception/secretary area, waiting room, kitchen (no Stove). Air Conditioning, high-E Furnace. Large basement for storage. Off street parking in back. Available after July 2022. \$2,750/month. NO AGENTS. NOT FOR SALE.

Real Estate & Business Attorney. Lyons Gaddis has an opportunity for a Colorado attorney to join its busy and expanding real estate and business transaction group. The Real Estate and Business Transactions Group is seeking an attorney with experience in real estate, corporate and transactional work representing landowners, developers, individuals and businesses in real estate and business transactions as well as land development and construction projects. The ideal candidate possesses excellent professional judgment, is highly motivated to provide exceptional client service and values the opportunity for personal and professional growth in a collaborative environment. Salary Range (base plus incentive bonus): \$100-\$120K Benefits: Competitive salary, firm paid medical benefits, vision, 401K match up to 12.5%, vacation, sick, and holiday pay are included in salary Please submit your resume and cover letter to careers@lyonsgaddis.com.



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OR THE BAR'S WEBSITE

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