

BCBA MEMBERSHIP SURVEY RESULTS

The Boulder County Bar Association recently conducted a member research project to better understand your needs and opinions. Thank you to everyone who participated in the survey or completed a follow up interview. Your feedback is vital to our efforts to serve members better and respond effectively to the pandemic.

Our goals for this member research were to:

- Gain insight on the level of engagement of members;
- Understand your preferences for programming and communications;
- Understand the impact of COVID on the local legal community;
- And realign BCBA offerings to meet members' needs.

Here are some of the most compelling and actionable findings:

1. COVID has reduced in-person interaction and connectivity. You overwhelmingly reported that meetings continue to be virtual and most attorneys are working from home.
2. CLE courses are our most popular offering, and members indicated that professional development, networking, and giving back are important activity areas as well.
3. Some of your favorite offerings include: outdoor activities (also COVID-friendly), food, fitness, the

Seeking
Board
Members
Page 10

IN THIS ISSUE

CALENDAR OF EVENTS 3

BCBA OFFICES AVAILABLE 4

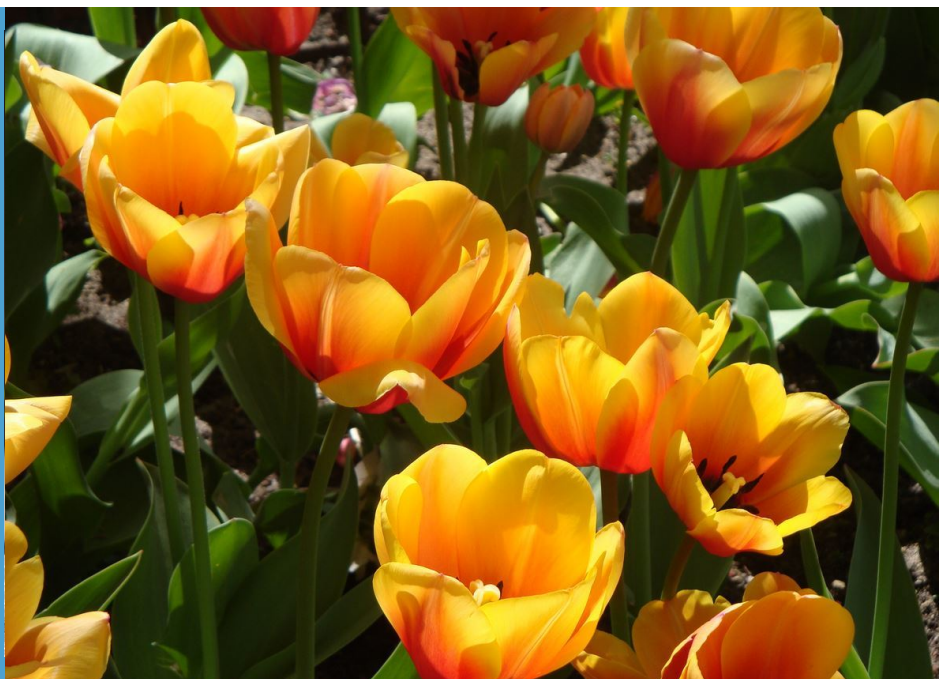
PRESIDENTS PAGE 5

2022 JUSTICE FOR ALL BALL 6-7

CIVIL PROCEDURE ARTICLE 8-9

PROFESSIONALISM & PRO BONO 11

CLASSIFIEDS 12



MEMBERSHIP SURVEY CONTINUED

performing arts and music, and volunteerism.

4. Content that members are interested in includes: Bar Association updates, professional news about members, member-generated content, editorial/opinion pieces, and content that gives an 'inside, personal view' of BCBA members and contributors.

5. 60% of you said that supporting and improving connection with colleagues was the top way that BCBA could help you in 2022.

6. Authentic, human connection was the overarching trend. Members indicated that they miss in-person activities and personalized experiences, and have lost connection with colleagues.

With this guidance from members in hand, we are crafting our 2022 content, event, education and activity plan.

Several changes are already being implemented in direct response to your ideas and input:

- Effective July 1, all CLE courses offered by BCBA will be FREE to members.
- Membership Dues for the upcoming year will be increasing slightly from \$160 to \$180. We have not implemented a dues increase in 7 years, and this modest increase will allow us to make all CLEs free for everyone - a great value to our membership.

Thank you for your support and membership in BCBA. We will have more announcements coming soon and look forward to seeing you at future events and activities.

Here's to continuing our good work together in the year ahead!

Our office, yours, or video?



Mediation • Arbitration • Facilitation

303-530-2137

[mediatelaw.com](https://www.mediatelaw.com)

BOULDER • DENVER • STATEWIDE



GUNNING

CLYMER

McQUISTON

CALENDAR OF EVENTS

Wednesday, April 6

Bagels with the Bar - Tax & Estate Planning

8:30 - 10:00 AM @ BCBA Office (3269 28th St.)

Free for BCBA Members

Saturday, April 9

Justice For All Ball

7:00 - 9:00 PM @ Boulder JCC (6007 Oreg Ave)

\$50 Early Bird Tickets (\$75 after April 1)

Please click here to register

Wednesday, April 13

Bagels with the Bar - Real Estate

8:30 - 10:00 AM @ BCBA Office (3269 28th St.)

Free for BCBA Members

Wednesday, April 13

Civil Litigation CLE: Valuable Pointers for Practicing in Front of New Boulder District Court Magistrate, Hon. Timothy Johnson Presented by Magistrate Johnson

4:00 - 6:00 PM CLE & Happy Hour @ BCBA Office (3269 28th St.)

\$25 CLE | \$15 New/Young Lawyer | \$5 No CLE

Please click here to register

Thursday, April 14

CBA Presidential Visit & Happy Hour Co-Sponsored by the BCBA & the CWBA

4:00 - 6:00 PM @ BCBA Office (3269 28th St.)

Free for BCBA & CWBA members

Please click here to register

Wednesday, April 20

Bagels with the Bar - Employment Law

8:30 - 10:00 AM @ BCBA Office (3269 28th St.)

Free for BCBA Members

Tuesday, April 26

Real Estate & Natural Resources CLE:

Environmental Due Diligence: New Standards Presented by Maki Iatridis

12:00 - 1:00 PM @ BCBA Office (3269 28th St.)

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

Please click here to register

Wednesday, April 27

Bagels with the Bar - Family Law

8:30 - 10:00 AM @ BCBA Office (3269 28th St.)

Free for BCBA Members

Thursday, April 28

Intellectual Property CLE & Happy Hour: Intellectual Property Law Updates From An In-House Lawyer's Perspective

Presented by Aaron Brodskey

4:00 - 6:00 PM @ BCBA Office (3269 28th St.)

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

Please click here to register

Thursday, May 12

Side Bar CLE: Valentino's Story

Presented by Valentino Dixon

5:00 - 6:00 PM CLE @ BCBA Office (3269 28th St.)

\$35 In-Person | \$25 Virtual

Please click here to register

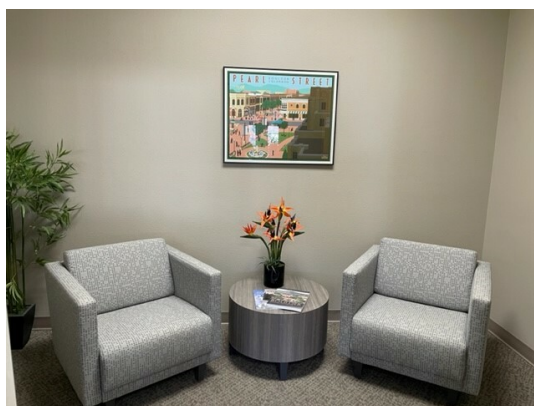
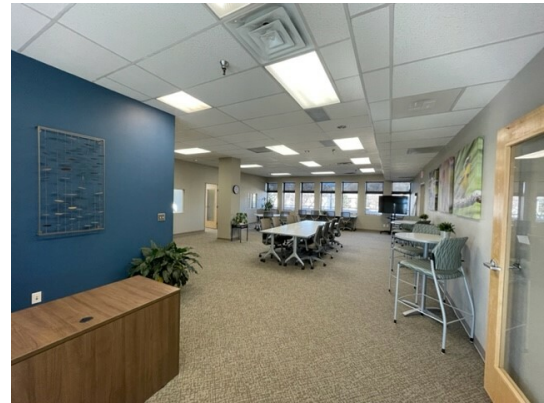
Please join us on Thursday, April 14 for a joint happy hour with the Boulder County Bar Association and the Colorado Women's Bar Association as we welcome CBA President Joi Kush. Joi will be discussing current happenings at the CBA, and we will also have brief remarks from BCBA President Brett Landis and CWBA President Gina Glockner.

We look forward to seeing everyone at this in-person event! Registration is free, but this event will be capped at 50 attendees. Register quickly to secure your spot!

Please click here to register

OFFICE SPACE AVAILABLE AT THE BCBA

The BCBA has a unique opportunity for individual attorneys or even a small firm with two new permanent offices. This is a great way to instantly grow your network and have access to all the bar association has to offer. Each 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. Offices are leasing for \$1200 per month and are available now. Please contact Kyle or Laura for more information.



PRESIDENT'S PAGE

BRETT LANDIS

Our nation is a more diverse place now than at any point in its history. Our understanding of the concepts of diversity, equity, and inclusion and the ways in which we practice these concepts is critical to our culture evolving into a more just society.

In Colorado, we have a new EDI (equity, diversity, and inclusion) requirement for our CLEs. This will hopefully expose us to new perspectives and new ways of viewing the legal system, so that we can approach our work as representatives of the legal system in a more informed and well-rounded manner. The more we understand, the better advocates we become.

We also see EDI issues play out on a national stage. Many commentators have already weighed in about the confirmation process for Judge Ketanji Brown Jackson. Judge Jackson is the first black woman nominated to the United States Supreme Court, and if confirmed, she would be the first black woman and third black person to serve on that court. The ABA Standing Committee on the Federal Judiciary gave Judge Jackson its highest rating ("Well Qualified") after a thorough process of reviewing her decisions and interviewing attorneys who appeared in front of her. Nevertheless, a group of Senators used the confirmation process to question Judge Jackson on issues unrelated to her legal analysis process. Instead, they questioned her on private school curriculum, the definition of a woman, and individual sentencing decisions. Her questioning (and her need to maintain her poise in the face of this questioning) demonstrated much about the differences in how we treat women of color in this country and what our expectations are for their qualifications. However, if there is a silver lining to some of the questions regarding sentencing, it is that many people are now learning about the importance of sentencing reform.

Many aspects of the criminal justice system reflect systemic racism. Prof. Aya Gruber, who presented a



CLE to the BCBA in 2020 on Race and Policing, has written extensively on the subject. (If you have an hour, I recommend reviewing the recorded version of this CLE: [please click here to view.](#))

Sentencing reform is an important part of reforming our criminal justice system. Oftentimes, people are given extraordinarily long sentences, and black men are more likely to receive these disproportionately long sentences.

I was fortunate enough to hear from Valentino Dixon, an exonerated person who had been incarcerated. He spoke on this issue more eloquently than I could hope to do while teaching a number of bar association professionals how to draw a rose. Mr. Dixon's experiences with the criminal justice system exemplify many of the problems with our system, and his remarkable ability to maintain his dignity and sense of purpose during his time in prison make him one of the most persuasive advocates for reform I have met. He stated that sentencing reform was the most important reform from his perspective.

The BCBA is hosting Mr. Dixon for our May Side Bar (May 12, 2022), and I highly encourage anyone who can to attend. He uses his skill as an artist to facilitate difficult conversations about his case, wrongful convictions, the criminal justice system, the school to prison pipeline, and the experience of being incarcerated. He has lived through an extremely difficult experience, and he has shown remarkable resilience. I encourage you to attend and learn from his story.

Boulder County Bar Foundation - Our 20th Anniversary Fundraising for Colorado Legal Services!



JUSTICE FOR ALL BALL

Saturday, April 9
7:00 pm to 9:00 pm
Boulder JCC (6007 Oreg Avenue)

[Click here to register](#)

About JFAB

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

The 2018 Boulder County Justice For All Ball was the beginning of our new era. We kept the event geared toward the legal community, but expanded further to include partners, clients, and friends. We held the event on a weekend evening to accommodate those who find a weeknight event hard to attend and brought in members who have never attended a bar event. The event was a huge success.

This year, we're excited to return to the Boulder JCC. We will have music led by Jessica Ahmed of the Diamond Orchestra. She will be performing with a solo piano which showcases her amazing talent. Hors d'oeuvres will be available along with delicious desserts from Front Range Catering. This year continues to bring new sponsorship opportunities if you are unable to attend but still want to contribute to a worthy cause. We are asking for Young Lawyer and Paralegal sponsorships to allow those that might not have the funds in their budget to purchase a ticket.

We look forward to seeing you at the Justice For All Ball!

Huge Thanks to Our 2022 JFAB Sponsors!

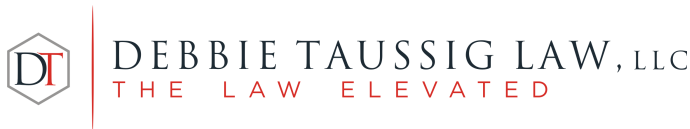
Philanthropic



Altruistic



Magnanimous



Humanitarian & Mentor

Meyer, Walker & Walker, P.C.

Shoemaker Ghiselli + Schwartz LLC

Hofgard & Associates, P.C.

RBC Wealth Management, Brenda Dixon

Jung & Associates, P.C.

Pacey Economics, Inc.

Ollanik Law, LLC

UPDATES TO THE COLORADO RULES OF CIVIL PROCEDURE EFFECTIVE MARCH 2022

COLLEEN KOCH

As any civil litigator (and attorney in general) knows, we are all tied to the applicable rules of procedure. Recent amendments have been made to several of the commonly used Colorado Rules of Civil Procedure, of which all practitioners should be aware:

Changes to Rule 30(b)(6) Depositions

As an initial matter, it is important to remember that Rule 30(b)(6) has always included two duties for the parties. For the party taking the deposition, the Rule 30(b)(6) notice must identify the topics of examination with reasonable particularity. For the organization being deposed, that organization has a duty to prepare a witness (or witnesses) who are knowledgeable and can speak on the designated topics. However, these duties have been open to some gamesmanship by both sides, as many of us have probably experienced.

The corresponding Federal Rule of Civil Procedure was amended in December 2020, adding a requirement that the parties confer regarding the topics that will be covered prior to the deposition's taking place. The Colorado Standing Committee on the Rules of Civil Procedure decided to take up that issue to determine whether Colorado should add a similar requirement, given that disputes often arise under this Rule.

The Committee recommended—and the Supreme Court adopted—four changes to the Rule that were made effective March 1, 2022:

1. Rule 30(b)(6) Now Specifies that a Deposition Can Be Taken of a Non-Party Organization by Way of a Rule 45 Subpoena. There is also a corresponding amendment to Rule 45, directing that a subpoena for the deposition of an organization is subject to the requirements of Rule 30(b)(6), as are the responses to the subpoena. *See* C.R.C.P. 45(e)(3).

2. Good-Faith Conferral on the Proposed Deposition Topics Is Required. This conferral must take place either



prior to the notice of deposition being served, or, for non-party organizations, promptly after the subpoena is served.

3. The Duration of a 30(b)(6) Deposition Is Now Clarified. This rule change makes clear that the deposition is subject to the same presumptive limit as for an individual's deposition, regardless of the number of witnesses the organization presents as its designees. In Colorado, this limit is governed by C.R.C.P. 30(d)(2)(A) and is six hours.

4. A New Comment Clarifies the Reciprocal Duties Imposed by the Rule. This comment provides that “the serving party must provide advance notice of topics that are sufficiently detailed and proportional to the time for the deposition such that the organization may fairly prepare a representative(s) to testify.” The new Comment also reinforces the duty of substantive conferral on the proposed topics. Lastly, “the organization has an obligation to identify and adequately prepare its witness(es) to testify on the specified topic.”

CIVIL PROCEDURE CONTINUED

Changes to Rule 16.1

Generally, Rule 16.1 provides for simplified procedure for cases where less than \$100,000 is at issue. Now, it is the default starting point, and parties must affirmatively opt out via a certification on the Civil Cover Sheet.

This new certification must include a signature by *both* the party *and* counsel that they reasonably believe the value of the claims “against one of the other parties is reasonably believed to exceed \$100,000” in order to opt out of the simplified procedure. C.R.C.P. 16.1(d)(1). The new Civil Cover Sheet also includes a line for both the attorney *and* client’s signature. *Id.*

The new Rule 16.1 clarifies that it applies to all civil actions other than “civil actions in which any one party seeks monetary judgment from any other party of more than \$100,000, *exclusive of interest and costs*,” clarifying an earlier point of confusion regarding what all is included in that \$100,000 limitation. See C.R.C.P. 16.1(b)(2).

Changes to Rule 16

In light of the changes to Rule 16.1, two minor—but important—changes were made to Rule 16 governing Case Management and Trial Management.

1. Update to Rule 16(b)(6). This new language requires that the proposed case management order include a description of the categories of damages sought and a computation of any category of damages claimed if the parties have opted out of Rule 16.1.

2. Update to Rule 16(d)(3). This update provides that, “[i]f the case is proceeding under C.R.C.P. 16 because of a certification of value filed pursuant to C.R.C.P. 16.1(d), the court has discretion to strike the certification for good cause.”

Colleen Koch is an Associate Attorney with Hutchinson Black and Cook, and a Co-Chair of the BCBA Civil Litigation section.



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?

- +\$1.5 billion in assets-under-management
- 100% independent & employee-owned
- Fee-only fiduciaries
- National clientele, offices in Boulder & Denver

BCBA members are welcome to contact me directly for a **complimentary, confidential, and no obligation** discussion.

david@bsw.com
303.444.9696



THANK YOU TO OUR JUDICIAL OFFICERS

The Boulder County Bar Association would like to recognize the efforts of the Judicial Officers of the 20th Judicial District for their exemplary work in responding to the pandemic and maintaining operations at the Justice Center. With jury trials resumed and the mask mandate lifted, the dedication to ensuring safety while working to return to normal operations is greatly appreciated.

SEEKING VOLUNTEER BOARD MEMBERS

The BCBA is looking for a few talented and motivated volunteer board members to lead and strengthen our association. This is an interesting time in our community, and now more than ever we need great leaders who have the creativity and dedication to lead us into uncharted waters. This gives you a great opportunity to have your voice heard and help with important decisions moving forward. The BCBA will have 3 terms available: (2) 3 year positions, and (1) Secretary/Treasurer position which will move into leadership. All terms will begin on July 1, 2022. **Applications are due by April 29.**

If you have any further questions, please contact Laura Ruth at laura@boulder-bar.org. We look forward to welcoming our new board members!

[Please click here to apply for board service.](#)

BCBA AWARD NOMINATIONS NEEDED

The 2022 BCBA Annual Meeting will be held on Thursday, June 9. We will be awarding the Outstanding Young Lawyer award and the Sonny Flowers Award of Merit at the Annual Meeting, and seek nominees for both awards from our membership. If you have a candidate for either award, please send their name and a brief description to [Laura](#). These awards are an important way to recognize deserving recipients in our legal community, and we look forward to considering each and every nomination received.

[Please click here to nominate a fellow member](#)

WELCOME NEW BCBA MEMBERS

Bernardo Belloso Lizarzabal

Caroline Maxey

Logan O'Connell

Casey Alexander

Alexandra Trevino

Ariel E Williams

James P Vernon

Jeffrey W Mangus

Blake Brockway

Stephen Acquario

Yuzheng Wang

Catherine Kelly

John Bellipanni

Song Faulkner

Rebekah Townsend

PROFESSIONALISM ON CALL

April 4	Lee Strickler	303.443.6690
April 11	Tim O'Neill	303.682.7292
April 18	Steve Clymer	303.530.2137
April 25	Mike Rafik	303.444.9292

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	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 March. Thank you to the following attorneys:

Stephen Hennesey
Judson Hite

PRO SE VOLUNTEERS

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

Kathleen Franco
Patricia Riley
Josh Anderson
Brett Landis
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

Associate Attorney. Full-time Associate Attorney for established Boulder personal injury firm to prepare and negotiate demands and litigate disputed cases. We are seeking an individual with 2 to 5 years' associate or paralegal experience in personal injury law who is compassionate and committed to client service with excellent legal research, writing and advocacy skills. Relaxed but serious working environment, starting salary between \$65,000 and \$85,000 depending on experience, with performance & origination bonuses available. Excellent company-paid benefit package including health, dental, vision and 401k match. Colorado Bar Admission or Practice Pending Admission required. Please e-mail resume, cover letter and references to Robert Hoover at robert@sloatlaw.com.

South Boulder Office Condo for Sale. Two generous sized office rooms plus a small front room. Modern Common Areas. 4150 Darley Avenue Unit 9. Easy access to Broadway, Foothills Parkway and Hwy 36. 814 Square feet, \$239,500. Call Maureen at (303) 449-2131 x 123.

Office Space For Lease. Incredible Flatirons Views, located at 2575 Pearl Street, Suite 230, Boulder. Furnished office space with 2 executive offices, glassed-in conference room, kitchen/work room, and reception area. 850 Square Feet. Monthly rent: \$3,250. Call Todd at (303) 859-3840.

Paralegal (Multi-practice). Lyons Gaddis has an opportunity for a paralegal to join our team. Magical Paralegal Opportunity to work with great people and to work on challenging and stimulating work. No day is ordinary or boring. Great and diverse skills are required. The ability to create solutions to problems is highly valued. Primary responsibility to work with established general practice attorney/litigator. Practice areas include litigation, family law, real estate, estates and estate planning, and business and transactional law. Expectations include: (1) real world experience; (2) the ability to use all current legal software programs; (3) great verbal, writing, and typing skills; (4) the ability to manage continuous email; and most importantly, (5) empathy and kindness. Living in or near the Longmont area is a plus. Salary Range \$50,000 – 75,000 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

Office Space Available near Foothills and Arapahoe. Three professional offices for rent-- bright with natural sunlight, close-in free parking, ADA access for clients, and available for immediate move-in, for up to three attorneys/staff. Conference rooms and copier/scanner/fax also available. Email mfavela@hurth.com for details.

FIND A LAWYER LISTINGS 2022-23 RENEWALS

It is time to update our Find a Lawyer listings for 2022-23. This is the main resource we use to refer calls for attorneys, and is the primary search mode on the BCBA website. The cost for one section is \$75, and each additional section is \$25: once your updated listing is received, we will invoice you for your overall selection.

This year, we are also adding banner ads to listings. If you would like to create a rectangular banner ad that will accompany your listing, including an ad with your listing is an additional \$100.

The deadline for completing the online form is Friday, April 29. [Please click here for the online form](#). Thank you, and please [contact Kyle](#) with any further questions or concerns.

BoulderCOUNTRY BAR ASSOCIATION

THE BCBA NEWSLETTER IS A MONTHLY ELECTRONIC PUBLICATION BY THE BOULDER COUNTY BAR ASSOCIATION. ARTICLES BY GUEST LAWYERS MAY NOT BE REPRODUCED WITHOUT PERMISSION FROM THE BOULDER COUNTY BAR ASSOCIATION OR THE AUTHORS.

COMMERCIAL ADVERTISING INFORMATION IS AVAILABLE BY CONTACTING
laura@boulder-bar.org
OR THE BAR'S WEBSITE
www.boulder-bar.org



LAWPAY
CREDIT CARD PROCESSING

**PAYMENT PROCESSING,
EXCLUSIVELY
FOR ATTORNEYS.**

BOULDER COUNTY BAR ASSOCIATION
Proud Member Benefit Provider

1.95% per transaction | No swipe required | No equipment needed

www.LawPay.com/bcba | 866.376.0950

AffinityPay is a registered ISO/MSP of BMO Harris Bank, N.A., Chicago, IL