

Boulder COUNTY

BAR ASSOCIATION

MARCH SIDE BAR

Please join us for a very special Side Bar presentation on Thursday, March 10 with renowned artist Valentino Dixon. This will be an interactive drawing class where we will spend an hour together creating artwork while hearing the very moving story of Valentino and his wrongful conviction and subsequent release. This presentation will be limited to 24 in-person attendees with a virtual option for others. Valentino will be appearing via video. We expect this event to fill quickly, so sign up as soon as you can! **Please click here to register.**

VALENTINO'S STORY: THE STORY OF A SON, A FATHER, AN ARTIST, A FREE MAN

Born on October 20, 1969, Valentino Dixon grew up in East Buffalo, New York, the inner city. Valentino was his mother's only son and was raised by both of his parents. As a child, Valentino was a gifted artist who loved to draw.

At the time of his arrest in 1991, Valentino's daughter, Valentina, was six months old. Although Valentina has lived most of her life without a father present, their bond has remained strong. Valentino's mother, wife Louise and daughter, Valentina, were his strongest advocates.

On August 10, 1991, a late-night fight broke out at a gathering outside of Louie's Texas Red Hots restaurant at the intersection of East Delevan and Bailey Avenue in Buffalo, NY. In the ensuing mayhem, Torriano Jackson was shot and killed. Based on an anonymous tip, the police arrested Valentino Dixon for his murder and for shooting at three other people.

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New Offices
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MARCH SIDE BAR CONTINUED

Just two days after Valentino's arrest, Lamarr Scott confessed to the news media that he had in fact shot and killed Jackson. Despite this confession, Scott was not taken into custody, and detectives continued to pursue Valentino. Prosecutors then built a case against Valentino based on several shaky eyewitnesses (some of whom later recanted and claimed to have been pressured by the police to frame Valentino). At trial, Valentino was convicted and sentenced to 38 1/2 years to life in prison when his court appointed attorney failed to call eight eyewitnesses and introduce the confession to the jury.

Valentino struggled to adjust to life in prison, until he reconnected with his inner passion for art. He regained his motivation to draw by following his uncle's advice: "if you reclaim your talent, you can reclaim your life." Valentino has been drawing ever since; for more than two decades, he drew from six to ten hours a day.

At one point, the warden at Attica Correctional Facility asked Valentino to draw the 12th hole of the legendary Augusta National Golf Club. Valentino, who had never set foot on a golf course and knew

nothing about the sport, starting drawing images inspired by photos in the magazine Golf Digest. Eventually, Valentino even drew his own golf creations and said that golf art became his escape from the harsh reality of prison.

In 2012, Golf Digest editorial director Max Adler featured Valentino and his stunning artwork in his ["golf saved my life" column](#). Adler also researched Valentino's case, and concluded that Valentino was truly innocent of the murder for which he had been wrongfully convicted. The next year, The [Golf Channel ran a segment](#) about Valentino's case as well, gaining him — and his artistic talent — national attention.

Today, Valentino lives in Buffalo, NY with his family and uses his freedom not only to create beautiful commissioned art pieces but is now devoted to working with lawmakers to achieve prison and sentencing reform, and champion the voices of the wrongfully convicted until they have achieved freedom.

Please click [here](#) to register for this amazing March Side Bar event.



David Wolf, JD

CEO | BSW Wealth Partners, PBC
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BCBA members are welcome to contact me directly for a complimentary, confidential, and no obligation discussion.

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303.444.9696



CALENDAR OF EVENTS

Wednesday, March 2

Bagels with the Bar - Alternate Dispute Resolution

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

Free for BCBA Members

Wednesday, March 9

Bagels with the Bar - Paralegal

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

Free for BCBA Members

Wednesday, March 9

BCBA CLE: A Library District for Boulder?

Presented by Kim J. Seter, Janet Michels, and David Farnan

12:00 - 1:15 PM CLE @ Boulder Creek Room,
Boulder Library (1001 Arapahoe Ave)

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

Please click [here](#) to register

Thursday, March 10

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

Wednesday, March 16

Bagels with the Bar - Criminal

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

Free for BCBA Members

Wednesday, March 16

Natural Resources CLE: The Law of the Colorado River: Emerald Mile Edition

Presented by Gregor MacGregor

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

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

Please click [here](#) to register

Wednesday, March 23

Bagels with the Bar - Intellectual Property

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

Free for BCBA Members

Wednesday, March 30

Bagels with the Bar - Natural Resources

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

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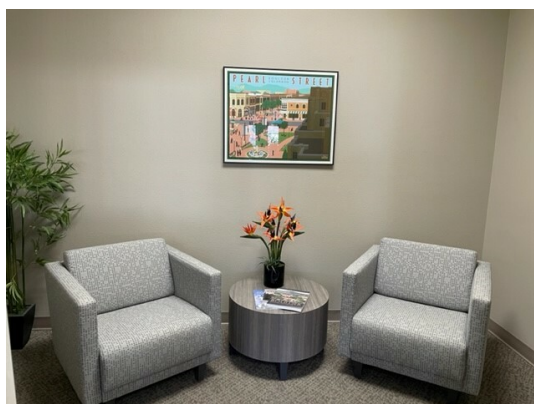
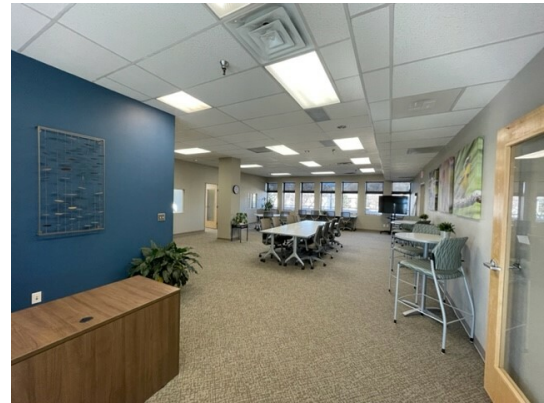
GUNNING

CLYMER

MCQUISTON

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

I recently got to participate in the Kick Off meeting for the Legal Aid Foundation of Colorado's Associates Campaign. For anyone who is unfamiliar, the Associates Campaign is a friendly fundraising competition amongst law firms to see who can raise the most money for civil legal services. This competition is celebrating its 17th year, and this year, it began at 8 AM over a Zoom call. The fact that more than 80 people were willing to be present for this cause at 8 AM over Zoom was impressive, but more so, I enjoyed hearing about all the creative ways the firm representatives were planning to cajole their colleagues into donating money. Ideas ranged from firm-sponsored happy hours to Flip-Flop Fridays to incentivize hitting fundraising goals. This made me think of our local Boulder fundraiser, the Justice For All Ball.

The Justice For All Ball (or JFAB) is our annual fundraiser for the Legal Aid Foundation of Colorado, supporting the work of Colorado Legal Services to provide civil legal services to low-income and senior members of our community. It has been going on since 2018, and 2022 will be the fifth year this incredible fundraiser has been held.

JFAB replaced the Food Wine Jazz Art benefit and been a successful and fun way to support the work of legal services. From live music and dancing to a silent auction and cocktails, this is a great way to spend an evening! On my office corkboard, I have pictures of the Boulder County Legal Services staff in the photo booth, and it always touches my heart to see these pictures.

In 2021, JFAB was held remotely. Despite Zoom fatigue, Laura and the committee put together an event that felt inspirational (as we featured client stories) and fun! This year's event will return to in-person programming, and I can't wait to see our



legal community gather together and enjoy themselves!

To support JFAB this year you can:

- Buy a ticket! If you have the resources, bring a spouse or friend! If you have a lot of friends, buy a table! Then, dance the night away with us! Please [click here](#) to purchase an Early Bird ticket (\$50) before the price goes up on Friday, April 1.
- Join the planning committee! This group comes up with creative ways to increase the fun and the overall dollar amount at the end of the event! Please [click here](#) to join.
- Help to sponsor the event! This is a great way for firms to support the work on a larger scale and get good publicity at the same time. Email Laura to confirm your sponsorship today.
- Can't afford to donate? Volunteer your time with Boulder County Legal Services/Colorado Legal Services. Giving your time to clients in need can be the most valuable use of your skills as an attorney.

JFAB will take place this year on April 9, 2022 at 7 PM at the JCC, 6007 Oreg Ave, Boulder, CO. Please join us!

Special thanks to our 2022 Philanthropic sponsor of the Justice For All Ball, Lyons Gaddis.

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!

Justice For All Ball Available Sponsorships

Thank you to our 2022 Philanthropic Sponsor



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ATTORNEYS & COUNSELORS

And our current 2022 Sponsors

Raymond James, Sacha Millstone - Magnanimous

Hofgard & Associates, P.C., Jung & Associates, P.C., Pacey Economics, Inc. - Humanitarian / Mentor

Altruistic

Donation pledge - \$2,500

Number of sponsorships available - 3

Included tickets - 20

Mentions/Exposure

- BCBA website for one year on Find A Lawyer page
- Firm name and logo in all PR articles
- Event website
- Signage/banners at event

Magnanimous

Donation pledge - \$1,000

Number of sponsorships available - 5

Included tickets - 15

Mentions/Exposure

- BCBA website for one year on Find A Lawyer page
- Firm name and logo in all PR articles
- Event website
- Signage/banners at event

Humanitarian

Donation pledge - \$500

Number of sponsorships available - 10

Included tickets - 10

Mentions/Exposure

- Firm name in all PR articles
- Event website
- Signage/banners at event

Mentor

Donation pledge - \$500

Number of sponsorships available - 2

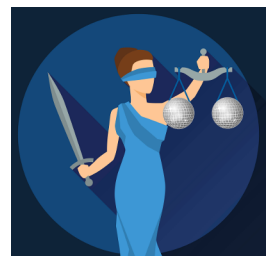
This level includes tickets for the mentor and one guest. Eight remaining tickets will be distributed to BCBA New/Young Lawyers and Paralegals who need assistance to attend.

Mentions/Exposure

- Firm name in all PR articles
- Event website
- Signage/banners at event

MAKE A DIFFERENCE!

CLICK HERE TO SPONSOR TODAY



HIGH TIMES AND LOW FLOWS ON THE COLORADO RIVER

GREGOR MACGREGOR

It's hard to imagine the sense of accomplishment in the Colorado River Basin in May of 2019. High atop the walls of Hoover Dam, representatives of the Colorado River Basin states and the federal government signed the Drought Contingency Plans (DCPs), a negotiated agreement on how to share shortages as reservoir levels in Lake Mead and Lake Powell declined under the weight of a 19-year sustained drought. The agreement was considered forward thinking, a just-in-case as more comprehensive guidelines were set for the negotiating table in 2025. Hardly two years later the Bureau of Reclamation declared the first ever shortage in the basin and fresh negotiations to conserve water began.

All stakeholders have recognized that the DCPs are not enough to avert the myriad possible crises. The reservoir levels in Powell and Mead are both approaching dead pool, the elevation at which water cannot flow into the dam's turbines. Dead pool would not only result in less renewable energy on the grid but endanger many infrastructure and environmental programs funded by power sales. Worse, a further drop in elevation would put the remaining water in the reservoirs below the final dam intakes, preventing any water from passing downstream. It's a fair question to ask how we have gotten here as the 100th anniversary of the Colorado River Compact comes and goes.

What we refer to as "The Law of the River" isn't a statutory scheme found in the index of a case book. Instead, it is a complex assortment of compacts, state water law, federal legislation, and Supreme Court decisions. The Colorado River Compact of 1922 serves as the foundation for the other 11 major components of the Law of the River and their various interpretations, minutes, and sub-agreements.



The Compact is as notable for what it does say as what it doesn't. Its core is an agreement between the two basins of the Colorado River, not the states, to distribute the River's flow. The Upper Basin States of Wyoming, Colorado, Utah, and a portion of New Mexico have the right to put 7.5 million acre-feet (maf) of water to beneficial use in perpetuity. The Lower Basin States of California, Arizona, Nevada, and a portion of New Mexico are allowed 7.5 maf a year, plus an additional 1 maf. Surpluses would go towards a contemplated future Mexican treaty and be split between the other users.

Absent from the Compact are allocations to individual states, an allocation for the future treaty with Mexico, or an allocation for the many Native American reservations in the basin. The Compact also lacks definitions for key terms such as "beneficial use" or the nature of obligations between the basins in times of shortage. The Compact Commissioners chose this structure as a matter of political expediency. In theory, the ambiguity provided politicians in each state legislature and Congress enough flexibility to ratify the Compact. This was true for all the states except for Arizona, which would

COLORADO RIVER CONTINUED

hold out through decades of litigation with California. However, the apparent abundance of water allowed the other six states and the federal government to go ahead with the systematic development of the basin. This apparent abundance was the result of the compact commissioners using expedient science to make the compact more palatable.

It is received wisdom that the Colorado River had some of its wettest years leading up to the compact negotiations. We typically speak of this as a stroke of terrible luck, that the negotiators did the best with what they had, even as they made allocations the Colorado could never deliver. The mistake could be forgiven if the narrative were true, but it isn't. John Fleck and Eric Kuhn in their recent book "Science be Dammed" instead show that there were much more accurate reports available, both in their technical rigor and in their inclusion of the very dry mid-19th Century. The commissioners' own notes demonstrate a confusion about the methodology, but there was no serious inquiry into the numbers. The result was a politically expedient Compact that allocated as much water to the states as they wanted. But these allocations were based on a presumed 17.3 maf of flow, instead of the more realistic 11.3-13 maf figures available to the commissioners.

The story of the Compact is the story of the Law of the River writ large. Sound hydrological methodology and clear terms have been eschewed in the name of development and political expediency. This was true when Hoover Dam was authorized, when the Treaty with Mexico was signed, and when the Central Arizona Project was authorized. Each major facet of the Law of the River represented an opportunity to step back and consider the assumptions underlying the Compact, but each time expedience was aided by above-average runoffs, obfuscating the underlying hydrological reality. The structural deficit, the

difference between the amount of water we have allocated and the amount of water available, has been waiting in the wings for the last 100 years. Our current drought, likely the new normal, and the complete development of the basin have combined to reveal the true extent of last century's wishful thinking.

For outside observers, the rush to negotiate successive agreements between the states, like the Lower Basin's 500+ Plan, may seem off. In a state of strict prior appropriation, within a basin of prior appropriation states, we might expect that our legal structure is built specifically to deal with scarcity and that there is a simple response – go down the list of priorities and shut headgates until the water supply matches senior water rights' demand. However, the ambiguity of key provisions of each Law of the River component makes any reliance on its provisions a risk. Placing new agreements between the states on top of the existing Law of the River is good adaptive management, but it also betrays a lack of confidence in that law to address the current crisis. As we look ahead to a drier climate, one we now know is the driest since the year 800, the structure of the Compact will be tested for the first time in 100 years.

If you are interested in learning more about the Law of the River join me and the BCBA for the CLE presentation **The Law of the Colorado River: Emerald Mile Edition** on Wednesday, March 16 at 12:00 pm ([click here to register](#)). I would greatly appreciate donations to CU's Law of the Colorado River Field Seminar. This seminar is a culmination for law students seeking their certificates in natural resources law, a floating symposium where they defend their research and graduate deep within the walls of the Grand Canyon. You can learn more about the symposium, the river runners, and make a donation at Boulder Crowdfunding (cu.edu).

WELCOME NEW BCBA MEMBERS

Ryan Ehlinger

Louise Fliegel

Colin Groves

Kristina Abdalla

Clarice M Tenorio

Kasey Moraveck

Dillon de Medeiros

Gianfranco Sotomayor

Alex Hambrick

Paul Stevenson

Catherine Kelly

Song Faulkner

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PROFESSIONALISM ON CALL

March 7	Meghan Pound	303.443.8010
March 14	Tom Rodriguez	720.931.3231
March 21	Karl Kumli	303.447.1375
March 28	Trip DeMuth	303.447.7775

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 February. Thank you to the following attorneys:

Stephen Hennesey
Judson Hite

PRO SE VOLUNTEERS

There were multiple Pro Se Clinics held in the month of February, 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

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.

Real Estate and Business Transaction 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. Large firm experience preferred 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.

Office Share Opportunity. The law firm of Vincent, Romeo & Rodriguez is downsizing from our current space in Tebo Plaza in Louisville. We're looking to share space with another Louisville law firm. We would need a copier/scanner to share, conference room to meet clients and conduct Will signings 1-2 days per week, and a small office where we could put a desk and couple of file cabinets. Handicap parking and access essential. We don't need phones answered or additional staff at this time. Contact Richard Vincent or Rick Romeo at 303-604-6030 or email to info@elderlawcolorado.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.

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.



We are updating group participation in BCBA Law Section Groups, and will use your choices to add or remove groups to your BCBA membership profile. Section membership is free, so please join as many sections as you like. We regularly send targeted e-blasts about CLE programs and other news to specific groups, and this will assist us in keeping you up-to-date on group activities.

Please click here to update your BCBA Group Preferences

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.

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