

# Boulder COUNTY

## BAR ASSOCIATION

## THIS IS [NOT] WHO WE ARE SCREENING & DISCUSSION

Holiday  
Toy Drive  
Page 5

The BCBA presents a screening and panel discussion of "This is [Not] Who We Are" at The Dairy Arts Center on Tuesday, November 28, sponsored by Hutchinson Black and Cook, LLC.

The documentary film by Boulder-based filmmakers Beret Strong, Katrina Miller, and John Tweedy, explores the gaps between Boulder's progressive identity and the lived experiences of its Black community, and traces how race and exclusion have affected the City of Boulder and its institutions from the 1860s.

This discussion is a poignant opportunity for our legal community to reflect on and raise awareness of the racial disparities present in our justice system and how we as advocates are challenged to further the cause of racial justice in tandem with our client advocacy. For more information, see [www.thisisnotwhowearefilm.com](http://www.thisisnotwhowearefilm.com).

*We have submitted this program for 2 EDI CLE credits.*

[Please click here to register](#)

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# CALENDAR OF EVENTS

**Thursday, November 2**

**Annual Judges Dinner**

Special thanks to our event sponsors [Our Family Wizard](#), [Berg Hill Greenleaf Ruscitti LLP](#), [Peek Goldstone, LLC](#) and [Lyons Gaddis](#)

5:30 - 9:00 PM @ St. Julien Hotel

**Tuesday, November 14**

**Business Section Membership Lunch**

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

\$20 for BCBA Section Members

[Please click here to register](#)

[Please click here to sponsor](#)

**Wednesday, November 15**

**Bagels with the Bar: Longmont**

8:30 - 10:00 AM @ Lyons Gaddis (515 Kimbark St.

Suite 200, Longmont)

Free for members

**Thursday, November 16**

**Starting a Long Overdue Conversation**

Special thanks to our event sponsor [Peek Goldstone, LLC](#)

Presented by Azra Taslimi, Arnulfo Hernandez, The Reverend Nicole Garcia, Deborah Yim, and Emiliano Salazar

12:00 - 1:00 PM @ BCBA Zoom Meeting Room

1 EDI credit. Free for BCBA Members

[Please click here to register](#)

**Tuesday, November 21**

**Tales of the Marshall Fire, and the Water Aftermath**

Presented by TBD

12:00 - 1:00 PM @ BCBA Zoom Meeting Room

1 CLE credit. Free for BCBA Members

[Please click here to register](#)

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**Every Wednesday**

**Bagels with the Bar**

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

Free for BCBA Members

**Tuesday, November 28**

**This is [Not] Who We Are Screening & Discussion Panel**

Special thanks to our event sponsor **Hutchinson Black & Cook, LLC**

5:00 - 7:00 PM @ The Dairy Arts Center

2 EDI credits. \$30 for BCBA Members

[Please click here to register](#)

**Wednesday, November 29**

**Special Needs Trust Regulation in Colorado: First-Party Trusts and Third-Party Trusts**

Presented by Diedre Braverman

12:00 - 1:00 PM @ BCBA Zoom Meeting Room

1 CLE credit. Free for BCBA Members

[Please click here to register](#)

[Please click here to sponsor](#)

**Tuesday, December 12**

**ADR & Civil Litigation Sections Membership Lunch**

Special thanks to our event sponsor [Shoemaker Ghiselli & Schwartz LLC](#)

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

Free for BCBA Section Members

[Please click here to register](#)



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# PRESIDENT'S PAGE

## EMILY ELLISON

With Thanksgiving and the holidays approaching, it's a good time to reflect on the year and practice gratitude. Merriam-Webster defines gratitude as "the state of being grateful: thankfulness." [1] In positive psychology research, gratitude is strongly and consistently associated with greater happiness. [2]

On behalf of the BCBA, I'd like to express our gratitude to those who support us. First, we are grateful to you, dear members. Without you, this organization would not exist. We appreciate your support of the bar by paying dues with your hard-earned money, attending events, CLEs, sharing your knowledge, mentoring, supporting other members, and furthering the BCBA's mission of ensuring that "the Boulder County legal community is connected and thriving."

I'm grateful to the BCBA staff and Board of Directors who devote their time to ensure the bar is offering opportunities and resources that support our members and the legal community. BCBA Executive Director Laura Ruth and Executive Assistant Kyle Mares put in the day-to-day work to make certain the BCBA runs successfully. The BCBA Board of Directors generously give their time and ideas to help the BCBA stay relevant and an important resource to our members. Most recently, the BCBA Board members cooked chili at the 2nd Annual Chili Cook Off. Congratulations to Rachel Mentz for winning the most votes at the chili cook-off.



I'm grateful to ex officio BCBA Board members, Judge Dea Lindsey and Marci Fulton. Judge Lindsey serves as the current 20th Judicial District liaison and ensures the BCBA is updated on new practices and procedures in the 20th Judicial District so that our members are informed.

Marci Fulton, JD, who works in the Career Development Office at CU Law, keeps the BCBA up-to-date on the latest developments at CU Law.

The BCBA is grateful to all of the judges who support the local legal community by giving their time to present CLEs that further the BCBA's mission of ensuring "we make a positive impact on individuals, the legal community, and Boulder County as a whole." To express our



# PRESIDENT'S PAGE CONTINUED

gratitude to the judges in the 20th Judicial District, we are holding our Annual Judge's Dinner on November 2nd from 5:30pm to 8:30pm at the St. Julien. This is a great opportunity to get to know your fellow BCBA members and judges while sharing a meal together.

There are other upcoming events in November with opportunities for CLEs and socializing. The BCBA is hosting a screening of "This is [Not] Who We Are" followed by a discussion panel at the Dairy Arts Center on November 28th at 5:00pm. This documentary "explores the gap between Boulder's self-image and the more complex lived

experiences—both historical and contemporary—of its Black citizens." [3] BCBA member John Tweedy worked as an editor and videographer on this documentary. Attendees will receive 2 EDI CLE credits. Please click here to register.

We are grateful for you and hope that you can join us at some of these events in November!

[\[1\] Citation here](#)

[\[2\] Citation here](#)

[\[3\] Citation here](#)

## The BCBA is participating in the 2023 Precious Gift Toy Drive!

Please email Kyle if you would like to participate.



### PRECIOUS GIFT TOY DRIVE



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

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A PROGRAM OF A PRECIOUS CHILD

# THE 2023 ANNUAL JUDGES DINNER

We look forward to celebrating our local judges at the St. Julien on Thursday, November 2. Please look for photos and coverage of the event in the December BCBA Newsletter.

**A special thank you to our event sponsors**



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# THE CHANGING LANDSCAPE OF LANDLORD-TENANT LAWS IN COLORADO

## BRIAN L. ALLARD

In 2023, the Colorado legislature passed seven different bills related to residential landlord-tenant laws. Two Colorado court cases were also decided in 2023 which have impacted residential landlord-tenant actions. The following is a list of all the new landlord-tenant laws with their effective dates, a general description of the new requirements, and a brief explanation of the two new cases.

### **HB 23-1120 (effective June 6, 2023)**

**Landlord-Tenant Actions.** Now requires that an affidavit be filed with any complaint for possession showing that pre-suit mediation requirements were met. Tenants that receive supplemental security income, social security disability insurance, or cash assistance under Colorado Works may provide written notice to a landlord that they are entitled to pre-suit mediation with the Office of Dispute Resolution. If pre-suit mediation did not occur, the affidavit must state the reason why. The demand for compliance must contain a statement to the tenant that they may provide a written request for pre-suit mediation to the landlord if they receive supplemental security income, social security disability insurance, or cash assistance under Colorado Works. The execution of a writ of restitution for tenants who are receiving rent assistance, as outlined for pre-suit mediation requirements, is stayed for thirty days from its issuance rather than the typical ten days.

### **HB 23-1186 (effective January 1, 2024)**

**Residential County Court Actions.** The Court must now permit the parties and witnesses to appear remotely, allow the filing of answers electronically for pro se defendants, and if a motion for waiver of fees is submitted, the court may request additional documentation and give



twenty-four hours to provide such documentation to the court.

### **HB 23-1068 (effective January 1, 2024) Pets in Leased Spaces.**

An Officer that executes a writ of restitution shall inspect the premises for pets and either give the tenant the pet, if the tenant is present, or contact local animal control. The landlord shall post a notice to the tenant of what local animal control has the pet. The landlord cannot receive more than \$300 additional security deposit or \$35 or one and one-half percent per month extra rent for pets.

### **HB 23-1099 (effective August 6, 2023) Portable Tenant Screening.**

A landlord is not permitted to charge a prospective tenant a rental application fee if the tenant provides a portable tenant screening report. A portable tenant screening

# LANDLORD-TENANT LAWS CONTINUED

report is a consumer report prepared for the tenant by a consumer reporting agency and includes rental and credit history and criminal history. The landlord can set some parameters on portable tenant screening, such as requiring the screening to be within the last thirty days.

**SB 23-184 (effective August 6, 2023) Income and Rental History.** If a landlord uses financial information, including rental history or credit history, it shall not consider the tenants' amount of income, except for determining if income equals or exceeds two hundred percent of the annual cost of rent, unless required by federal law.

**HB 23-1095 (effective August 6, 2023) Prohibitions in Rental Agreements.** A residential rental agreement:

- cannot have a one-way fee-shifting and, if there is a fee-shifting provision, must have a determination by a court that the party prevailed, and the fee is reasonable;
- cannot waive a jury trial except for a possession hearing;
- cannot preclude class actions; and
- cannot waive the covenant of good faith and fair dealing, the implied covenant of quiet enjoyment, affix damages for non-renewal of the lease except for actual losses, misconstrue rent, mark up third-party services, or permit a provider to pursue eviction for non-payment of utilities.

**SB 23-206 (effective August 6, 2023) Radon Disclosures.** Requires the landlord to disclose to a tenant whether a radon test has been done. The

tenant must sign an acknowledgment of receiving the disclosure and the landlord must provide the tenant with a brochure from the Colorado Department of Health and Human Services showing the potential health hazards of radon exposure.

In *re Arvada Village Gardens v. Garate*, 2023 CO 24, May 15, 2023. Before filing for forcible entry and detainer in Colorado, landlords of property which are "covered" by the CARES Act must give thirty days' notice of a lease violation.

*Anderson v. Shorter Arms*, 2023COA71 July 20, 2023. A tenant must strictly comply, not just substantially comply, with the written notice requirements of Section 38-12-503 C.R.S. to maintain a warranty of habitability claim against a landlord.

There have been a lot of changes to residential landlord-tenant laws in recent years. As such, there are many pitfalls that landlords and tenants can run into. It is important that practitioners review and understand the new landlord-tenant laws to properly advise clients. If you have any further questions, you can reach Brian Allard at [ballard@lyonsgaddis.com](mailto:ballard@lyonsgaddis.com).

Brian L. Allard is an associate attorney with Lyons Gaddis. Brian represents individuals and business in real estate and business transactions. His real estate work includes the leasing, purchase and sale of residential and commercial real estate, creation of easements, covenants, and license agreements, mechanic's liens, deeds, and general real estate matters.



# BCBA OCTOBER PHOTOS



A foggy Bagels with the Bar



A spooky Bagels with the Bar



The BCBA at the Marshall ROC Marshall Fire Recovery Event



# BCBA OCTOBER PHOTOS



**2nd Annual BCBA Chili Cook Off**  
Special thanks to our event sponsors:  
Sloat, Nicholson & Hoover P.C.  
Hofgard & Associates  
Klein Frank, P.C.



**2nd Annual BCBA Chili Cook Off**



**2nd Annual BCBA Chili Cook Off**



**2nd Annual BCBA Chili Cook Off**



# BCBA OCTOBER PHOTOS



**Rachel Mentz**

**Winner of the 2023 Chili Cook Off**

## BCBA 2nd Annual Chili Cook Off Winning Recipe

### Two-Corn Chicken Green Chili

#### Ingredients

2 cups shredded cooked chicken  
1 lb Yukon gold potatoes, cut into 1" chunks and cooked until fork tender  
1 tbsp olive oil  
1 onion, chopped  
2-3 cloves garlic, crushed

3 fresh mild red cherry peppers, diced (or 1 fresh red bell pepper diced)

1 tsp mild ancho dried chili powder

2 tsp ground cumin

1 tsp chili powder

1 tsp dried oregano

½ tsp garlic powder

1 tsp salt

(2) 4 oz cans diced green chiles

(1) 28 oz can hominy, drained

1 cup fresh sweet corn, cut from the cob or frozen corn

6 cups chicken broth

1/2 cup heavy cream

chopped chives for garnish

Juice from 1 lime

#### Directions

Sauté onions in olive oil for 4 minutes over medium heat until softened. Add crushed garlic and fresh diced red pepper, cook for 1 minute. Add cumin, ancho dried chili powder, chili powder, oregano, garlic powder and toast for 30 seconds or until fragrant. Add in diced green chiles, salt, hominy, corn, and shredded chicken and cook until combined and heated through, 1-2 minutes.

Add 6 cups of chicken broth, bring to a boil. Once boiling, add cooked potatoes, turn heat to low, cover and continue to simmer on low for 10 minutes.

Remove from heat and stir in heavy cream.

Squeeze in the juice of 1 lime. Add additional salt & pepper to taste.

Top with diced chives.

## WELCOME NEW BCBA MEMBERS

Stephen E Ryd  
Lydia A Holzman  
Lois B Voelz  
Malorie Stick  
Paige Autry  
Madeline Dwyer  
Helen Boone  
Tanya R Shimer

Amarysza Cahinhinan  
John Agbonika  
Carmen Magaña  
Jude A Biggs  
Meghan Bush  
Stephanie R Traynor  
Jack Strong  
Aidan Meadows

## PROFESSIONALISM ON CALL

|             |               |              |
|-------------|---------------|--------------|
| November 1  | Lee Strickler | 303.443.6690 |
| November 6  | Connie Eyster | 303.442.6514 |
| November 13 | Meghan Pound  | 303.443.8010 |
| November 20 | Tom Rodriguez | 720.931.3231 |
| November 27 | Karl Kumli    | 303.447.1375 |

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. We are always seeking new volunteers to assist the public: please email Kyle if you are interested in participating.

## 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          | Meghan Hungate | Beth Montague   |
| Georgiana Scott   | Ann England    | Kurt Hofgard    |

## PRO BONO REFERRALS

More than 10 cases were referred in the month of October. Thank you to the following attorneys:

**Jennifer Terry**  
**Jodie Gilbert (x7)**  
**Yun Wang**  
**Mireya Rios**  
**Laura Kinde**

## PRO SE VOLUNTEERS

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

**Kathleen Franco**  
**Ariel Williams**  
**Shana Beggan**  
**Pat Riley**  
**Todd Stahly**  
**Jared Rotzo**  
**Jennifer Huston**  
**Chris Jeffers**  
**Jennifer Terry**  
**Josh Anderson**

## 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

**Offices for lease.** West End individual offices for lease. Ideal for solo practitioners. Quaint Victorian office building with parking, in walking distance to Boulder County Courthouse, Pearl Street, Creek path. [Click here for more information](#). Call Maureen for more info: 303-449-2131 x 123.

**Free office furniture.** 6-foot modern style mahogany conference table, 4 black leather executive chairs; 2 drawer executive desk with three drawer L shape return, caramel finish, great condition. [Click here](#) and [also here](#) for photos. Please contact [patricia@theW.law](mailto:patricia@theW.law) if you are interested.

**Law Firm for Sale.** Lawyer with 50+ years' experience in Business Law, Real Estate and lots of litigation is planning to retire and is selling his practice. It is a turn key opportunity which includes client lists, furniture, fixtures, a complete computer and phone system, books, equipment and a current lease. The space includes two lawyer offices, a large conference room, support staff space and is in Longmont. Contact via email or call at 303.837.9600.

**Intelligent Office** – 4450 Arapahoe Avenue, Suite 100, Boulder, CO 80303 | Live Local Phone Answering | Private Offices | On-Demand Meeting Space. Intelligent Office is where savvy attorneys meet clients, get their

mail, and even have their phones answered. With top-notch staff, free parking, and a variety of turnkey meeting rooms, you are set up for success. Everything we do is customized for you – from how you want your phones answered to how you'd like your clients greeted, we are truly your team. We can even notarize and witness document signings. At Intelligent Office, you only pay for what you need. Call us at 303-447-9000 or email Dottie at [Dottie.Stowe@intelligentoffice.com](mailto:Dottie.Stowe@intelligentoffice.com) to learn more.

## **Bridge to Justice Legal Fellows Positions Available.**

Bridge to Justice is excited to announce the creation of the Justice for Domestic Violence Survivors Program. Under this program, we will be hiring two (2) Legal Fellows to learn how to become exemplary advocates for survivors of violence in family law and civil protection order cases. Fellows will participate in an intensive shadowing, training, and mentoring program to learn and implement best practices for representing survivors in a trauma-informed manner. Fellows will have an opportunity to advise and represent clients in a wide range of pre- and post-decree family law cases involving domestic violence. [Please click here for the full job listing and contact information](#).

# 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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