

Boulder COUNTY

BAR ASSOCIATION

2023 BENCH-BAR RETREAT

Please join us on Thursday, September 14 as we host the BCBA Bench-Bar Retreat in the Wolf Law Building at CU Boulder. **Special thanks to [Sloat, Nicholson & Hoover P.C.](#), [Tenge Law Firm LLC](#), and [Dietze and Davis, P.C.](#) for being our event sponsors.**

This event will include three separate CLE presentations, starting with a discussion on ethics and professionalism led by Boulder County Court Judge Elizabeth Brodsky and members of the Boulder Bar's Professionalism Committee. Then, two appellate court jurists, Colorado Supreme Court Justice Maria Berkenkotter and Court of Appeals Judge Craig Welling, will provide tips and insights for practicing in their courts. Finally, several Boulder District Court judicial officers, including District Court Judges Robert Gunning, Bruce Langer, Thomas Mulvahill, and Nancy Salomone, in addition to Magistrate Thomas Ward, will lead informative breakout sessions in civil litigation, criminal litigation, and domestic relations. We hope you will be able to attend and enjoy this valuable bar retreat.

\$50 for BCBA Members | \$35 New/Young Lawyers | \$75 Non-members

[Please click here to register](#)

**BCBA &
CWBA Joint
Hike
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BENCH-BAR RETREAT CONTINUED

2023 BENCH-BAR RETREAT AGENDA

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

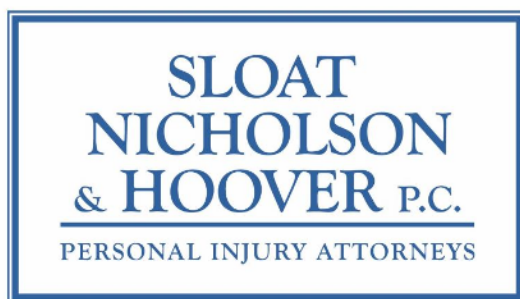
5:00 - 5:50 pm – *Ethics presentation*- Judge Brodsky and other members of the BCBA Professionalism Committee will present an ethics presentation (1 Ethics credit).

6:00 – 6:50 pm – *Colorado Supreme Court and Court of Appeals presentation*- Justice Berkenkotter and Judge Welling's will present on the Colorado Supreme Court and Court of Appeals (1 General Credit).

7:00 – 7:50 pm – *Breakout sessions (1 General Credit)*

- *Civil*- Judge Gunning and Magistrate Ward
- *DR*- Judge Mulvahill and Judge Langer
- *Criminal*- Judge Salomone

Thank you to our sponsors



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

PRESIDENT'S PAGE

EMILY ELLISON

September is a time of year that feels transitional, full of new beginnings and opportunities. In grade school, returning to new classes with new teachers and friends always felt like there were new possibilities. At the BCBA, we are looking forward to robust programs and events with new opportunities to support our members.

In keeping with my theme of connections, since the **Bench-Bar Retreat** is in September, it seems an appropriate time to focus on the connection between the bench and the bar. The bench-bar connection is important for our members and the community at large.

Practicing law is meaningful work, but it can leave us with feelings of uncertainty, which lead to increased feelings of stress. In litigation, one can rarely be one hundred percent certain of a client's outcome. Sometimes there is no controlling law on a legal issue and the outcome is unclear. This uncertainty is a stressor in my life. There are ways we can ease this feeling of uncertainty and reduce some of the stress.

One way is through the bench-bar connection. Attending presentations with judges where they give their perspective and opinions on attorney best practices and procedures in their courtrooms gives attorneys insight to feel more prepared and comfortable when in front of judges.

We are fortunate that our local judges are open to giving their time to present and have open discussions with attorneys about best practices and court procedures. An open dialogue between attorneys and judges can help ensure that attorneys understand how to best fulfill their role before the court and deliver better results for



clients, which enhances the administration of justice in our community.

The BCBA offers ways to connect with and learn from your local judges and we are grateful to the judges who generously give their time to strengthen the bench-bar connection. We hope you can join us at the **Bench-Bar Retreat** on September 14th from 4:15pm - 8:00 pm at CU Law, where we'll hear from Colorado Supreme Court Justice Maria E. Berkenkotter, Court of Appeals Judge Craig R. Welling, District Court Judges Nancy W. Salomone, Robert R. Gunning, Thomas F. Mulvahill, Bruce Langer, County Court Judge Elizabeth Brodsky, and Magistrate Thomas M. Ward. Attendees will receive one (1) Ethics credit and three (3) general CLE credits. Please [click here](#) to register.

In November, come share a meal with your fellow BCBA members and 20th Judicial District Judges at the **Annual Judges Dinner** on November 2 from 5:30pm - 8:00pm at the St. Julien Hotel in Boulder. Please [click here](#) to register.

We are grateful to 20th Judicial District Court Judge Dea M. Lindsey, who currently serves as the BCBA's judicial ex-officio member, for generously donating her time to attend BCBA Board meetings and events. Judge Lindsey will present on Diversity,

PRESIDENT'S PAGE CONTINUED

Equity, and Inclusion on November 14th from 12:00pm - 1:00pm via Zoom. This will be for one (1) EDI credit and one (1) general CLE credit. Please [click here to register](#).

Another way to reduce the stress of uncertainty is through focusing on well-being. Some level of uncertainty may exist, but we can only do our best and take care of our physical, mental, and emotional well-being. To care for our physical and mental well-being, we can get out in nature, take your dog for a walk, exercise, engage in activities that bring joy, put time towards restoration and relaxation, practice yoga, meditate, develop mindfulness and compassion, and cultivate relationships with others.

Come enjoy nature and develop relationships with BCBA and Colorado Women's Bar Association

(CWBA) members on September 13th from 4:30pm - 6:00pm on a joint hike at Sanitas Valley and Dakota Ridge Trail in Boulder. Please [click here to join the hike](#).

Then, join us for a free happy hour in Longmont at Bootstrap Brewery on September 21st from 4:30pm to 6:00pm. While I hope to see many fellow Longmont attorneys, you do not have to work or live in Longmont to attend. Please [click here to RSVP](#).

The BCBA continues to host weekly Bagels with the Bar at the Bar office every Wednesday from 8:30am to 10:00am. Drop in, grab a free Moe's bagel and coffee, and meet other BCBA members.

We hope you find these opportunities help support you both professionally and personally.

JOIN US FOR A BCBA & CWBA JOINT HIKE



Please plan to join us on Wednesday, September 13 from 4:00 - 6:00 p.m. for a hike with members of the BCBA and the Colorado Women's Bar Association (CWBA) Boulder Chapter. The group will be hiking Dakota Ridge Trail. The CWBA is generously contributing snacks and drinks to enjoy after the hike.

The Sanitas Valley and Dakota Ridge Trail is a 2.4 mile loop with minimal elevation gain. Leashed dogs are allowed on this hike. After meeting at the Centennial Trailhead parking lot, the group will cross over Sunshine Canyon to begin the loop at the Sanitas Valley Trail. After the hike, the group will head back to the Centennial Trailhead parking lot for some post-hike networking, beverages, and snacks. Feel free to bring a folding chair!

We look forward to seeing you out in nature! This event will be capped at 25 attendees. Register quickly to secure your spot! **Please [click here to register](#).**

BoulderCOUNTY
BAR ASSOCIATION

CWBA
COLORADO WOMEN'S BAR ASSOCIATION
Advancing Women
AS LEADERS IN THE LAW

CALENDAR OF EVENTS

Wednesday, September 6

BCBA Solo/Small Firm Section Membership Lunch

12:00 - 1:00 PM @ BCBA Office

\$20 for Section members

[Please click here to register](#)

[Please click here to sponsor](#)

Wednesday, September 13

BCBA & CWBA Joint Hike

4:00 - 6:00 PM @ Dakota Ridge Trail

Free for BCBA & CWBA members

[Please click here to register](#)

Thursday, September 14

BCBA Bench-Bar Retreat

Special thanks to our event sponsors

Sloat, Nicholson & Hoover P.C.

Tenge Law Firm LLC

Dietze and Davis, P.C.

4:15 - 8:00 PM @ Wolf Law Building, CU Law
(2450 Kittredge Loop Dr.)

\$50 BCBA Members | \$35 New/Young Lawyers

[Please click here to register](#)

Wednesday, September 20

Longmont Lawyers Happy Hour

Special thanks to our event sponsor Ellison Law

4:30 - 6:00 PM @ Bootstrap Brewing (142 Pratt St, Longmont)

Free for BCBA Members

[Please click here to RSVP](#)

Tuesday, September 26

Free Webinar for Members

On Workers' Compensation Law

Presented by Greg Cairns

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

Free for BCBA Members

[Please click here to register](#)

[Please click here to sponsor](#)



Every Wednesday

Bagels with the Bar

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

Free for BCBA Members

Wednesday, September 27

Free Webinar for Members

Meet & Greet Q&A with the Court

Presented by Court Supervisors

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

Free for BCBA Section Member

[Please click here to register](#)

[Please click here to sponsor](#)

Sunday, October 8

2nd Annual Chili Cook Off

Special thanks to our event sponsor

Sloat, Nicholson & Hoover P.C.

11:00 AM - 3:00 PM @ Altona Grange (9386 N 39th Street, Longmont)

\$15 Attendees | \$10 Children

[Please click here to register](#)

[Please click here to sponsor](#)

SPECIAL NEEDS TRUSTS: MORE COMPLICATED THAN YOU THOUGHT?

DIEDRE BRAVERMAN

Special needs trusts (SNTs) are a critical tool for people with disabilities including developmental disabilities, physical disabilities, mental illness, and substance abuse issues. SNTs ensure the disabled beneficiary remains eligible for public assistance like Medicaid or Supplemental Security Income (SSI), while simultaneously benefiting from trust-held assets. But the complexity behind these trusts is surprising and demands attention.

Is an SNT Helpful?

Eligibility for Social Security Disability Insurance (SSDI) and Medicare does not depend on assets or income so an SNT is not helpful if those are the only benefits being received. In most cases when a disabled person is receiving SSDI and Medicare, they still receive Medicaid to supplement Medicare. These beneficiaries' medical costs can be significant. A disabled person receiving Medicaid does need an SNT to retain eligibility for that benefit. Potential beneficiaries may also be receiving other needs-based benefits such as SNAP food or Section 8 housing that would call for an SNT.

First-Party vs. Third-Party SNTs

Differentiating between the two primary types of SNTs is essential. First-party SNTs contain assets belonging to the beneficiary with special needs, often from an inheritance or legal settlement. (First-party SNTs are also known as OBRA SNTs and (d)(4)(A) SNTs.) Third-party SNTs contain assets from someone other than the beneficiary. The two have unique rules, particularly concerning asset management after the beneficiary's passing. Notably, first-party SNTs may require repayment to the state for Medicaid benefits provided.



Precision in Language

The trust's wording must clarify its goal: to supplement, not replace, government benefits. Ambiguities or terms that may permit direct monetary disbursements to the beneficiary could ruin the SNT's protections.

Trust Monitoring

Continuous monitoring of the trust is crucial. Legal changes can impact its operation or the beneficiary's eligibility. Regularly reviewing distributions ensures they don't inadvertently disqualify the beneficiary from benefits.

Pooled Trusts: An Alternative

For smaller amounts, pooled trusts, managed by non-profit organizations, are an appealing choice. Each beneficiary has an individual account, but assets are combined for investments. They often cost less up front but charge higher annual fees.

SPECIAL NEEDS TRUSTS CONTINUED

Choosing a Trustee

The trustee, tasked with managing trust assets and distributions, plays a pivotal role. While family members are commonly chosen, the complexity of SNTs might make professional trustees or trust companies more appropriate.

Colorado's Department of Healthcare Policy and Financing

In Colorado, setting up a first-party special needs trust demands approval from the Colorado Department of Healthcare Policy & Financing. This thorough and time-consuming process might extend from months to years because of currently slow response times from the Department and confused demands that don't always comply with Colorado regulations.

The Department also requires regular reporting. As examples, trustees must notify the Department of each expense over \$5,000 paid from a first-party trust and must provide the Department with annual

accountings.

Third-party trusts must also be submitted to the Department but are not subject to approval or the rigorous reporting requirements applicable to first-party trusts.

Conclusion

Special needs trusts are woven with legal intricacies. Estate planning attorneys, by grasping these nuances and staying updated on regulations, can guide families effectively. Meticulous planning and comprehension ensure disabled individuals receive necessary care and financial support without endangering vital needs-based public benefits.

Diedre Braverman is Managing Attorney of Braverman Law Group, LLC. For over a decade, she's been an influential voice in CLE, frequently teaching through well-known associations and companies like Stafford and Wealth Counsel. She is the current Section Chair of the BCBA Tax & Estate section.



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Doug McQuiston

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2ND ANNUAL BCBA CHILI COOK-OFF

The Boulder County Bar Association is excited to announce the Second Annual Chili Cook Off will be held on Sunday, October 8 from 11:00 am - 3:00 pm at the Altona Grange (9386 N 39th Street, Longmont). We are expecting over 100 attendees. This is a great family friendly event and social gathering for the BCBA. Live music and activities will be included.

Thank you to Sloat, Nicholson & Hoover for being the first sponsor of this event. We have 4 sponsorships slots remaining: please [click here to sponsor](#).



Are you interested in joining the competition? Please contact us to see how you can get more involved!

If you just want to come and have a good time, we can't wait to see you! Please [click here to register](#).

Thank you to our sponsor



WELCOME NEW BCBA MEMBERS

Emma Tomso
Natalie Tofflemoyer
Noah Simcoff
Susan Soklin
Kate Fatica
Eliot Fladen
Savannah Stewart
Cary Carricato

Megan Christensen
Chelsea Deeder
Christopher Ernst
William Featherston
Jill Fernandez
Elizabeth Froehlke
Blake Gabriel
Jeffrey Glotzer

Obie Johnson
Jennifer Kaufman
Savannah Nelson
Tasha Power
Meg Reeder-Cramer
Daniel Rubin
Gentry Schaab
Amber Zeidner

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David J. Driscoll
Commercial Litigation
Insurance Law
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Glen F. Gordon
Personal Injury Litigation - Plaintiffs

Kimberly M. Hult
Medical Malpractice Law - Plaintiffs

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PROFESSIONALISM ON CALL

September 4	Tom Rodriguez	720.931.3231
September 11	Karl Kumli	303.447.1375
September 18	Trip DeMuth	303.447.7775
September 25	Peggy Goodbody	303.440.5736

The Professionalism Committee assists lawyers, clients, and other members of the community with questions or complaints about behavior by lawyers that fails to meet generally accepted standards of professionalism and courtesy, or that is contrary to the BCBA Principles of Professionalism.

The Professionalism Committee does not address allegations of criminal or ethical violations by lawyers, as regulated by the Colorado Rules of Professional Conduct, and any such violations should be addressed to the Office of Attorney Regulation Counsel.

BOULDER COUNTY FREE LEGAL CLINIC

The 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	David Harrison	Beth Montague
Georgiana Scott	Ann England	Kurt Hofgard

PRO BONO REFERRALS

Five cases were referred in the months of August. Thank you to the following attorneys:

Yun Wang
Ugyen Tshering
Mark Grimaldi
Jud Hite
Jodie Gilbert

PRO SE VOLUNTEERS

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

Kathleen Franco
Stephanie Fournier
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

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.

Experienced Estate Planning Attorney Position. Lyons Gaddis is seeking an experienced estate planning attorney and will consider mid-career (3+ years of relevant experience) to senior-level laterals to join us in our Longmont office. At Lyons Gaddis, we imagine a world where the legal system serves as a platform to allow our community to thrive and helps us improve the lives of our clients and colleagues. Join our pursuit of this vision as part of our Estate Planning & Probate Team. With the combination of practice group growth and anticipated retirements, we have an opportunity to expand to continue serving our client base. Base compensation ranges from \$100K – \$250K, depending on experience, billing rate, portable business, and productivity, with bonus incentives, a generous 401(k) match, and other employee benefits. Please submit a cover letter and resume to careers@lyonsgaddis.com.

Water Law Attorney Position. Lyons Gaddis has an opportunity for an attorney with a proven interest in Colorado water law to join its water team as an associate. An applicant must have experience in Colorado waterrelated matters, such as court proceedings and transactions, and have 4-8 years of legal experience. Depending on experience and qualifications, the salary range is \$110,000 to \$130,000, exclusive of production bonus and benefits. Lyons Gaddis is a dynamic, growing Colorado law firm offering health insurance, life insurance, 401K match, and more. If you want to join our team, please submit a cover letter and a resume to careers@lyonsgaddis.com.

Legal Executive Assistant Position. UCAR is excited to announce a unique Legal Executive Assistant opportunity. You will love this job if you are the type of person who thrives playing a key role on a small, collaborative team and who is eager to share your broad legal administrative support experience, excellent organizational and problem-solving skills, curiosity and pride of ownership, and sense of humor. You will primarily provide general administrative support, at an executive level, to the Chief Legal Officer, the five team members of the Office of General Counsel, and the Board of Directors of the UCAR Exchange. You will also provide occasional para-professional support as well. Please see this webpage for more information and to submit your application: [click here to view](#).

Boulder^{COUNTY} 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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