

BOULDER COUNTY BAR ASSOCIATION NEWSLETTER JULY / AUGUST 2014



TABLE OF CONTENTS

CALENDAR OF EVENTS	2
DITC REACHES 5TH ANNIVERSARY	3
LAWYERS ANNOUNCEMENTS	4
VOX POPULI	6
PRESIDENTS PAGE	7
PRO BONO PAGE	9
RULE 223 PRO BONO/EMERITUS ATTORNEY	10
CLASSIFIED ADS	11



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CALENDAR OF EVENTS

JULY 23

Senior Lawyers Committee
5:30 PM at
Via Toscana in Louisville
\$20 per person
appetizers, beer, wine, cocktails

AUGUST 5

11 - 1 PM

CRAYONS TO CALCULATORS.ORG
BCBA volunteers will help fill backpacks with school supplies for economically challenged school children in Boulder Valley and St. Vrain Districts. We need your help. Please call the bar offices to volunteer for the very worthwhile project.
303.440.4758
laura@boulder-bar.org

AUGUST 9

SENIOR LAW DAY
8 AM to 2 PM
Calvary Bible Church
3245 Kalmia Ave. Boulder

AUGUST 27

Boulder County Bar Association
ALL member Happy Hour
5:15 PM - TBD
Please join us for appetizers and drinks as we say good bye to summer and meet the section co-chairs and Board of Directors. We have been busy planning for fall and winter CLE programs
AND as always, the first drink is on the bar!

MARK YOUR CALENDARS

SEPTEMBER 17

Louisville Lawyer Happy Hour
Time and location TBD

OCTOBER 23

Longmont Lawyer (East County) Happy Hour
Time and Location TBD

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DITC REACHES FIFTH ANNIVERSARY

By Judge Norma Sierra

As the DITC celebrates its fifth anniversary, a number of important changes were adopted by the steering committee this year.

The DUI Integrated Treatment Court (DITC) coordinates the sentence components of defendants with three or more alcohol or drug-related driving convictions. Participation is also available to a second time offender who admits to a probation violation and had a blood alcohol content of .2 or above. The program attempts to address the root causes of an individual's alcohol or drug dependence or addiction which have resulted in their drinking and driving behavior. A significant aspect of the court involves judicial review, with defendants appearing before a judge on an every other week basis to discuss their progress in treatment and compliance with program rules.

As the court is one of incentives and sanctions, depending on the participant's status, the judge will either award an incentive, typically a gift card, or impose a sanction, which are graduated depending on the nature of the violation. As sanctions, participants can anticipate verbal warnings, writing a paper, serving Fast Tracks, serving jail, or a sanction tailored specifically to the defendant.

Previously, defendants in DITC were sentenced to 240 days in the work release program. By operation of the program, this broke down to a participant serving 84 days in work release, 84 days in the day reporting program, and the remaining time on probation. Due to the wait for work release beds, the steering committee opted to modify the typical sentence to 365 days of work release, with the defendant to begin day reporting immediately after sentencing until a work release bed becomes available. Once work release can begin, the defendant will still serve 84 days of work release and then transfer to day reporting. The participant's

staffing team will then determine how much longer a defendant will remain on day reporting, but the net effect of this change is not intended to increase the length or nature of participants' sentences.

The Steering Committee continues to tweak the sentencing structure to respond to ongoing issues, but counsel and participants should understand that a DITC is not intended to be more punitive than that of a non-DITC 3rd time offender. Judges understand that DITC participants are expected to meaningfully engage in treatment and comply with all program rules, and the sentences will reflect consideration of this effort on the part of participants.

The staffing team meets immediately before Court to individually discuss each participant. The team consists of the judge, the coordinator for integrated treatment courts, the probation officers, the individual and group therapists, and the court judicial assistant.

In representing defendants eligible for DITC, attorneys are asked to consider the following:

- DITC offers the best treatment options, delivered through either ROC (Restoring Our Communities), Boulder County Public Health, or Center for Change. This treatment is provided at lower cost than otherwise available in the community.

- At graduation, a DITC participant has the probation supervision fee – commonly \$1,200 – waived.

- Generally, a DITC sentence typically includes a shorter punitive sanction than a non-DITC sanction for a DUI 3+ offender.

- Offenders with three or more DUIs who are not sentenced to DITC may be referred by probation to a private DITC-like program. This program does not include judicial involvement and treatment costs are higher.

Since its inception in 2009, 175 participants have graduated from DITC, 142 men and 33 women. The graduation rate for this Court is 76.4%, which is regarded as high for a problem-solving Court. While the length of the program varies depending on an individual's particular issues and progress, typically graduations occur between 12 to 16 months after sentencing.

Currently, Boulder County incorporates many of the evidence-based best practices, including: a non-adversarial approach, participation of treatment providers and probation officers in the court review, monitored abstinence, a continuum of services, ongoing judicial intervention with the judge spending five or more minutes each session engaging in motivational interviewing with each participant,

(continued on page 5)



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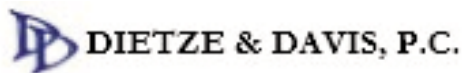
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Jim Christoph, JD

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LAWYERS ANNOUNCEMENTS



is pleased to announce that

Jennifer L. Lorenz

has become Of Counsel with our Firm.

Ms. Lorenz's practice will continue to focus on Civil Litigation, Employment Law, Business Law and Real Estate.

Ms. Lorenz may be reached as follows:

**2060 Broadway, Suite 400
Boulder, CO 80302**

Phone: (303) 447-1375 • Fax: (303) 440-9036

**Website: www.dietzedavis.com
Email: JLorenz@DietzeDavis.com**



We are pleased to announce that Bridge to Justice obtained tax-exempt, nonprofit 501(c)(3) status on June 20, 2014. In the past year, we have provided reduced-rate civil legal services to over 200 individuals of modest means in Boulder County and surrounding areas who did not qualify for free legal aid. This has been possible because of community support. All donations are now tax-deductible and can be made by visiting our website at www.boulderbridgetojustice.org. Referrals are also greatly appreciated.

Thank you for your continued support.
Bruce Wiener and Michelle Haynes



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is proud to announce that

partner **Kristan Wheeler**

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in Arvada Municipal Court.



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DITC REACHES FIFTH ANNIVERSARY *(continued from page 5)*

and the imposition of immediate sanctions on violations.

If attorneys are anticipating a plea including a DITC screen, please contact the division involved several days ahead of the date of plea, as the judicial assistant must set up appointments with probation and treatment in advance. Also, please communicate with your clients about the need to have a land line set up for day reporting to begin on the sentencing date.

The DITC handbook in English and Spanish is available on the 20th Judicial District's website. This document includes complete information about eligibility criteria. If you have any additional questions, please contact Harry McCrystal, treatment courts coordinator, at 303-441-4912.

Judge Norma Sierra is a 20th JD County Court Judge. She was a domestic relations magistrate from 2002 - 2011 and became a county court judge in January 2011.



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VOX POPULI



We are going to randomly chose a BCBA member to be highlighted each month. So don't be surprised if we call on you. We will only ask you to answer 5 questions about yourself and then you will be famous.

This month you have the pleasure of meeing Steve Meyrich.

1. Name and area of practice
Steve Meyrich - professional neutral doing arbitration and mediation
2. Where did you graduate? CU Law
3. What do you think is the best benefit of being a member of the bar? Collegiality and competence - getting to know your colleagues as real people and keeping up on the changes in the law through CLE's and bar programs

4. What do you do when you are not practicing law?

I have a farm out in the county raising grass hay and I am also an avid equestrian - my newest horse is a wonderful Friesian gelding who is a fabulous equine athlete! I also play the dobro (lap slide guitar) and guitar a lot.

5. Name one thing about yourself that not many people know.

Well...I went to Woodstock - seriously! I had just finished high school in 1969 and quit my summer job for three days of peace and rock and roll!!! I had no idea I was going to a major cultural event - it was amazing!

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PRESIDENT'S PAGE

By Star Waring



Serendipity

“Serendipity” means a “fortunate happenstance” or “pleasant surprise.” The term was coined by Horace Walpole, an English art historian, in a letter he wrote to a friend. Walpole explained an unexpected discovery he had made by comparing it to a Persian fairy tale, *The Three Princes of Serendip*, in which the princes were “always making discoveries, by accidents and sagacity, of things which they were not in quest of.”

I think “serendipity” explains how many of us ended up becoming lawyers. A large number of lawyers know from an early age that they will become lawyers. Perhaps they were drawn to law because they had a precocious desire to promote social or environmental justice or they had a relative who was a lawyer and therefore knew first hand that the law was a noble and attainable profession. On the other hand, some of us did not set out to become lawyers and in many cases we aspired to do something entirely different. So, we came to this profession in a roundabout, serendipitous way and the result for many of us has been a “fortunate happenstance.”

I was in the latter category. I was born in Japan to a career army officer and a stay-at-home mom and there were no lawyers on either side of the family. My early years were spent moving around to some very exotic (e.g. Panama, Paris, New York City) and some not-so-exotic (e.g. Mississippi, Kansas, Georgia) locations with our large family. We lived in the Deep South during a very historic period of racial tension and we were acutely aware of the injustices inherent in racial discrimination. I never attended the same school for more than a single year until ninth grade. Although our formal education included

some mediocre public schools, most of them were surprisingly decent. The saving grace was that our parents were highly educated, mostly progressive and they encouraged us to live interesting and adventurous lives. They made education a priority and there was never any doubt that we would attend college and have fulfilling careers.



So, imagine my parents’ utter shock and disappointment when I dropped out of the University of Colorado after only two weeks to return to California where I had worked on a tomato harvest in the San Joaquin Valley the previous summer. I spent most of that fall working at the Ahwahnee Hotel gift shop in Yosemite National Park and later at See’s Candy Shop in Hollywood. All in all, having that break from school was an inspiring thing to do: I got to see a beautiful part of the country, meet many fascinating people, attend a Doors concert in San Francisco, learn to be more independent and, after a



(continued on page 8)

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PRESIDENT'S PAGE *(continued from page 7)*

few months, college started to look pretty good after all.

I went back to C.U. where I majored in anthropology. I loved everything about anthropology and was convinced that my future career path lay in that field. I considered becoming an archaeologist, working in a remote jungle location or perhaps doing underwater archaeology in the Mediterranean. But I was particularly drawn to the notion of being a primatologist, a scientist like Jane Goodall who specializes in the study of primate behavior. I fancied myself living in the jungles of Borneo or the mountains of Africa, patiently befriending a troop of Orangutans or mountain Gorillas and studying every nuance of their behavior. These were certainly romanticized visions of what the actual work would have been. As it turned out, there was a major recession when I finished college and there were no jobs in anthropology or much of anything else.

During college I worked for a company that owned student apartments. The apartments were designed for four people but not everyone had room-

mates so my job was to match them. My job title was "roommate locator." It was a great job which involved handing out free beer to those who stopped by the office and figuring out who would be compatible with whom. After college, because of my prior experience, the only job I could get was as a leasing agent for a large apartment building. I worked my way up to become manager for the entire building which provided an introduction to the legal system. I helped the company's lawyers revise the lease agreement and testified in court against those who skipped out on their leases. I also got to know a number of law students who lived in the building. Based on these experiences, I started to think that law school might be interesting and I liked the idea that you didn't need any prerequisites.

I started at the University of Wisconsin Law School in Madison where I was one of the few people who actually liked first year. Madison is an awesome town and I had a difficult time deciding to transfer back to Colorado to finish law school. But, nonresident tuition was tough and I worried that it might be difficult to break into the job market here if I stayed

there. It was during my first semester at C.U. that I decided on a whim to take a class in water law. My professor was Sandy White who later was recognized as one of the deans of Colorado water law. He hired me as a law clerk at his firm in Denver which was a very lucky break because I not only got to work with some of the best water lawyers in the business, I also got to work on some very high profile cases that affected the direction of Colorado water law.

After twenty years of commuting to Denver, I happened to bump into an old acquaintance, Karl Kumli, at a CLE. He convinced me that I should move my practice to Boulder and join Dietze and Davis. So here I am all these years later, still practicing water law at Dietze and Davis and still enjoying the practice of law even though I followed a very circuitous route to get here. It has indeed been a pleasant surprise.

I am very much looking forward to my year as president of the Boulder County Bar Association. BCBA continues to be a valuable resource for local lawyers: networking and social opportunities for lawyers and judges, volunteer opportunities such as the recent tree planting effort spearheaded by the BCBA Young Lawyers, convenient and low cost CLE's, client referral services, professional mentoring, and the list goes on and on. Two of my personal goals for the year are to develop programs to promote diversity within BCBA and to encourage senior and retiring attorneys to help mentor those who are just starting out. I particularly look forward to getting to know as many of the members of BCBA as possible and doing my best to promote and hopefully enhance the traditions and policies of this organization.



Orangutans in Borneo - June 2014

PRO BONO PAGE

Pro Bono Referrals

Ten cases were referred during the month of May. Thank you to the following attorneys:

Christina Ebner
Daniel Flynn
Alan Friedberg
Judson Hite
Scott Osgood
Curt Rautenstrauss
Jennifer Terry
Chelsea Victor

Fourteen cases were referred during the month of June. Thank you to the following attorneys:

Josh Anderson
Steven Barnett
Joyce Bergmann
Michele Clark
Christina Ebner
M.L. Edwards
Peter Jarldane
Charles Martien
Michael Miner
Michael Morphew
John Seebohm
Jeff Skovron

Thank you to the mediators who accepted pro bono cases in May:

James Christoph
Jim Lionberger

Pro Se Program Volunteers for May
Sheila Carrigan
Mary Louise Edwards
Lauren Ivison
Tucker Katz
Anne Pignatiello
Alice Robbins
Michelle Stoll
Leonard Tanis

Pro Se Program Volunteers for June
Mary Louise Edwards
John Hoelle
Tucker Katz
Matt James
Chris Jeffers
Michael Morphew
Craig Small
Chris Tomchuck

BCAP Volunteers

Thank you to the following attorney who accepted pro bono referrals for the Boulder County AIDS Project in May and June: Paul Bierbaum

Pro Bono Corner

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

We will be recruiting volunteer lawyers for our first legal clinic of Boulder Free Law Clinic which will begin in September and will be quarterly throughout the year.

Volunteer lawyers will be asked to commit to 2 hours to assist with legal questions from the community. Please contact Christine at the bar offices to volunteer. This is a new clinic and we will have them quarterly through the year.

PROFESSIONALISM ON-CALL LIST

July 7	Curt Rautenstrauss	303.666.8576
July 14	Lee Strickler	303.443.6690
July 21	Mark Langston	303.440.9684
July 28	Meghan Pound	303.443.8010
August 4	Tom Rodriguez	303.604.6030
August 11	Karl Kumli	303.447.1375
August 18	Trip DeMuth	303.447.7775
August 25	Todd Stahly	303.797.2900

Rule 223 Pro Bono/Emeritus Attorney
RULES OF CIVIL PROCEDURE
CHAPTER 18 RULES GOVERNING ADMISSION TO THE BAR

Statement of Purpose. To provide a licensing status to allow retired or inactive attorneys to provide pro bono legal services to the indigent through nonprofit entities as defined in part 1, below.

(1) A pro bono/emergitus attorney may, under the auspices of a Colorado nonprofit entity whose purpose is or includes the provision of pro bono legal representation to indigent or near-indigent persons, act as legal counsel on behalf of a person seeking representation through such entity.

(2) To act in such a capacity the pro bono/emergitus attorney must be either:
(a) An attorney admitted to practice law in Colorado who:

(i) is now on inactive status;

(ii) is in good standing;

(iii) has no pending disciplinary proceeding; and

(iv) will not receive or expect compensation or other

direct or indirect pecuniary gain for the legal services rendered; or

(b) An attorney not admitted to practice in Colorado

who meets the following conditions:

(i) is licensed to practice law and is on active, inactive, or equivalent status in another jurisdiction in the United States;

(ii) is in good standing in all courts and jurisdictions

in which he or she is admitted to practice;

(iii) has no pending disciplinary proceeding;

(iv) agrees to be subject to the Colorado Rules of Professional Conduct, the rules of procedure regarding attorney discipline and disability proceedings, and the remedies set forth in C.R.C.P. 234(a);

(v) limits his or her practice to acting as pro bono counsel as set forth in this rule and will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered hereunder; and

(vi) completes the application described herein and pays a one-time administrative fee of \$50.00, payable to The Clerk of the Colorado Supreme Court and collected by the Attorney Registration Office. The application shall contain:

(A) A certification that the attorney agrees to the provisions of paragraphs (2)(b)(iv) & (v), above; and

(B) A certification that the attorney is in good standing in all courts and jurisdictions in which he or she is admitted to practice, and has no pending disciplinary proceeding in any jurisdiction.

(c) An attorney approved under this rule shall be assigned a certification number, which shall be used to identify the attorney's status as a pro bono/emergitus attorney.

(3) All fees collected by the Attorney Registration Office under this rule shall be used to fund the Attorney Regulation System.

(4) Pro bono/emergitus attorneys shall not be required to pay annual registration fees.

(5) All pro bono/emergitus attorneys shall annually file a registration statement on or before February 28 of each year identifying the organized nonprofit entity or entities, as described in section (1) of this rule, for which the attorney is currently volunteering at the time of filing the registration statement or volunteered in the prior calendar year. In lieu of filing such registration statement, the attorney may pay the registration fee that was applicable in the prior calendar year for registered inactive attorneys pursuant to C.R.C.P. 227(A) and, thereby, avoid termination of her or his pro/bono emergitus status. Failure

of a pro bono/emergitus attorney to file a registration statement or pay the applicable prior year's inactive attorney registration fee by February 28 of each year shall result in automatic termination of

pro bono/emergitus status.

(6) This Rule shall not preclude a nonprofit entity from receiving court-awarded attorney fees for representation provided by a pro bono/emergitus attorney and shall not preclude a pro bono/emergitus attorney from receiving reimbursement for otherwise recoverable costs incurred in representing a pro bono client.

Source: Entire rule added and adopted June 28, 2007, effective July 1, 2007.

Law reviews. For article, "New Rule Allows Retired and Inactive Lawyers to Provide Pro Bono Legal Services", see 36 Colo. Law. 75 (September 2007).

CLASSIFIED ADS

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