

# BOULDER COUNTY BAR ASSOCIATION NEWSLETTER MARCH 2014

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# CALENDAR OF EVENTS

**Tuesday, March 4**  
**SOLO / SMALL FIRM**  
Website Design and Search Engine Optimization  
Presenter: Adam Wolf  
Noon @ Faegre Baker Daniels  
\$25 CLE, \$15 New/Young Lawyers, \$12 Lunch

**Wednesday, March 5**  
Boulder Interdisciplinary Committee  
Containing the Conflict and Breaking Through Impasse in Mediation  
Presenters: Helen Shreves & Scott Peppett  
11:30 @ Avalon  
Register at Boulderidc.org

**Tuesday, March 11**  
**BUSINESS**  
Telluride Venture Accelerator Start-Up Legal Issues  
Presenter: Jack Donenfeld  
Noon @ Hutchison Black & Cook  
\$25 CLE, \$15 New/Young Lawyers, \$12 Lunch

**Wednesday, March 12**  
**CRIMINAL**  
DITC - What It Is and What's New  
Presenter: Judge Norma Sierra  
Noon @ Justice Center, Courtroom C  
\$25 CLE, \$15 New/Young Lawyers, Brown bag lunch

**Thursday, March 13**  
**PARALEGALS**  
When Taking Money Isn't Stealing  
Presenter: David Sanderson  
Noon @ Faegre Baker Daniels  
\$25 CLE, \$15 New/Young Lawyers, \$12 Lunch

**Friday, March 14**  
**ALS**  
Lunch Roundtable  
Noon @ BCLS office

**Tuesday, March 18**  
**ALTERNATIVE DISPUTE RESOLUTION**  
Standards for Court-Appointed Mediators  
Presenter: Robyn McDonald  
Noon @ Hutchison Black & Cook  
\$25 CLE, \$15 New/Young Lawyers, \$12 Lunch

**Wednesday, March 19**  
**FAMILY**  
Social Security 101: A Primer for Family Law Practitioners  
Presenter: Ruth Irvin  
Noon @ Justice Center  
\$25 CLE, \$15 New/Young Lawyers

**Thursday, March 20**  
**IN-HOUSE COUNSEL**  
The 4 P's of Construction Contracting (People, Parts, Provisions, and Pitfalls) - A Primer for IHC  
Presenter: Jon Madison  
Noon @ Real D, 5700 Flatiron Parkway  
\$25 CLE, \$15 New/Young Lawyer, \$12 Lunch \*Please note:

**All lunch orders must be placed by Wednesday, March 20 at noon.**

**Thursday, March 20**  
**BANKRUPTCY**  
Lunch Roundtable  
Noon @ Agave

**Thursday, March 27**  
**NATURAL RES / ENVIRONMENTAL**  
New Issues of Discovery in Meth Lab Testing  
Presenter: Mike Richen  
Noon @ Bryan Cave  
\$25 CLE, \$15 New/Young Lawyers, \$12 Lunch

**Thursday, March 27**  
**YOUNG LAWYERS**  
Family Law 101  
Presenters: Tucker Katz & Josh Anderson  
Noon @ Dietze & Davis  
\$25 CLE, \$15 New/Young Lawyer, \$12 Lunch

**Friday, March 28**  
**IMMIGRATION**  
Breakfast Roundtable  
8:30 @ Broadway Suites



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# FOOD WINE JAZZ ART 2014



Left to right: Dave Harrison, Keith and Nicole Collins



Left to right: Randy Anglen, Tom Swett, Alice Walker and Mark Detsky



Left to right: Alan Frieberg, Ann Rhondes and Bari



Left to right: Star Waring, Professor Latos, Dan Johnson and Greg Evans

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## RECENT LIMITATIONS ON CLAIMS BROUGHT UNDER TITLE VII OF THE 1964 CIVIL RIGHTS ACT

BY JOSH MARKS AND JILL ZENDER

The United States Supreme Court recently issued two significant decisions addressing Title VII of the 1964 Civil Rights Act, the federal law that prohibits workplace discrimination against anyone with respect to “compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex or national origin.” 42 U.S.C. § 2000e-2(a)(1). The following is a summary and analysis of each of these important decisions.

### *University of Texas Southwestern Medical Center v. Nassar*

Generally speaking, statutory retaliation claims require proof that an employee has engaged in protected conduct, that an employee has been subjected to an adverse employment action and that there is a causal connection between the two. In *University of Texas Southwestern Medical Center v. Nassar*, 133 S. Ct. 2517, 186 L.Ed.2d. 503 (2013), the Supreme Court clarified that a retaliation claim based on Title VII contains a “but-for” causation requirement.

Nassar brought racial and religious discrimination claims against a public

hospital and also pursued a retaliation claim for complaining about alleged discriminatory harassment. 42 U.S.C. § 2000(e)-(3)(a) prohibits employer retaliation because an employee has opposed a practice made unlawful under Title VII, like discrimination. Shortly after Nassar had complained about discrimination, the hospital rescinded an offer allowing him to become a staff doctor. Both Nassar’s discrimination and retaliation claims were presented to a jury, who awarded him a substantial verdict. On appeal, the Fifth Circuit affirmed to support the retaliation claim, but utilized a “substantial and motivating factor” causation analysis that applies to discrimination claims under Title VII. The Supreme Court reviewed the Fifth Circuit’s decision and concluded that the Circuit Court had utilized the wrong causation standard for Title VII retaliation claims.

The Supreme Court largely based its analysis on statutory construction principles, concluding that changes to Title VII in 1991 modified the causation requirement for discrimination claims, but not retaliation claims. Because Title VII’s test for retaliation claims differed from discrimination claims, the Court likened

the causation requirement to that contained in the Age Discrimination and Employment Act (ADEA) and concluded that the ADEA’s “but-for” causation requirement applied to Title VII retaliation claims.

The decision in *Nassar* will make retaliation claims under Title VII more difficult for employees to prosecute, although at first blush, the difference between a “but-for” standard and a “substantial and motivating factor” standard for causation appears small. The “substantial and motivating factor” standard requires that an employee must show only that retaliation played a substantial factor in the adverse employment decision. Under a “but-for” analysis, an employee must show that retaliation played the determinative factor in an adverse employment decision. See *Jones v. Oklahoma City Public Schools*, 617 F.3d 1273 (10th Cir. 2010). While *Jones* is an ADEA case, its but-for analysis is instructive for Title VII retaliation claims after *Nassar*. It preserves the application of the burden-shifting analysis often utilized in Title VII discrimination claims for resolving retaliation claims.

*continued on page 5*

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The most significant difference between the “but-for” standard and the “substantial and motivating factor” standards lies in the burden of persuasion. The “but-for” standard places the burden of persuasion on the employee to demonstrate that a retaliatory motive was the determinative reason for an adverse employment action, like a termination. Conversely, under the “substantial and motivating factor” standard, the burden shifts to the employer to demonstrate that it would have made the same decision absent a retaliatory motive. This will ultimately play out more in the motion for summary judgment arena, where federal courts often have to apply these burdens in ferreting out which claims would be presented to a jury based on demonstration of a *prima facie* case.

One unintended consequence of *Nassar* may be the filing of more state claims under the Colorado Anti-Discrimination Act. C.R.S. § 24-34-402(1)(e)(IV) lists retaliation as an unlawful employment practice. Colorado courts, however, have employed the “substantial and motivating factor” standard for this statute. See *St. Croix v. University of Colorado Health Sciences Center*, 166 P.3d 230 (Colo.App.2007). Given the lack of any distinction between a discrimination and retaliation claim under the Colorado scheme, it is doubtful that Colorado courts would apply a “but-for” causation standard for a retaliation theory. Now that back pay and compensatory damages are recoverable under this statute against an employer due to the Job Protection and Civil Rights Enforcement Act of 2013, we may see more employees bringing retaliation claims under the Colorado counterpart to Title VII.

### ***Vance v. Ball State University***

In *Vance v. Ball State University*, 133 S.Ct. 2434, 186 L.Ed.2d 565 (2013), the same sharply-divided Supreme Court narrowed the definition of “supervisor” within the context of Title VII cases. Specifically, the Court held

that “an employer may be vicariously liable for an employee’s unlawful harassment only when the employer has empowered the employee to take tangible employment actions against the victim, i.e., to effect a ‘significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits’” (*Slip Op. at 9*) (*quoting Burlington Industries v. Ellerth*, 524 U.S. 742, 761 (1998)). In reaching its decision, the *Vance* Court stated: “We reject the nebulous definition of a “supervisor” advocated in the EEOC Guidance and substantially adopted by several courts of appeals.” *Id.*

The *Vance* case arises out of claims brought by Maetta Vance, an African-American woman who became employed by Ball State University (BSU) in 1989 as a substitute server in the school’s Dining Services division. Ms. Vance was eventually promoted to a full-time catering assistant in 2007, and worked with an individual named Sandra Davis, a white woman employed by BSU as a catering specialist. Over the course of their working relationship, Ms. Vance made repeated claims of racial discrimination and retaliation against Ms. Davis, including allegations that the latter engaged in various acts of intimidation, including blocking her path to the elevator, slamming pots and pans in her presence, and glaring at her. Although BSU attempted to resolve the situation, the conflict continued, and Ms. Vance eventually sued the university based on being subjected to a racially hostile work environment in violation of Title VII.

Both parties produced evidence regarding the nature of Ms. Davis’ duties, some of which was disputed. What was not disputed, however, was the fact that Ms. Davis did not have the authority to hire, fire, demote, transfer or otherwise discipline Ms. Vance. Accordingly, the Supreme Court concluded that Ms. Davis was not Ms. Vance’s “supervisor” within the meaning of Title VII because she did not have the power to direct the terms

and conditions of her employment, and therefore, BSU was not strictly liable for Ms. Davis’ actions.

Like *Nassar*, the Court’s decision in *Vance* is clearly a victory for employers since it limits the extent to which they will confront strict liability under Title VII. In addition, it provides employers with more opportunities to prevail on dispositive motions in Title VII harassment cases where the alleged harasser is shown to be something other than the alleged victim’s supervisor. However, employers will need to take care in clearly defining which of its employees are in fact “supervisors,” which may involve a comprehensive review and rewriting of employee job descriptions, handbooks and organizational charts, if used.

Employers should also be vigilant in striving to maintain a harassment-free work environment, and continue to take prompt and thorough investigations of any allegation of workplace harassment, regardless of whether the alleged harasser is deemed to be a supervisor. As the *Vance* Court noted, if the harassing employee is the victim’s co-worker, “the victims will be able to prevail simply by showing that the employer was negligent in permitting this harassment to occur, and the jury should be instructed that the nature and degree of authority wielded by the harasser is an important factor to be considered in determining whether the employer was negligent.” (*Slip Op. at 24-25.*)

***Jill Zender, co-chair of the Employment section with Josh Marks. Jill is a solo practitioner in Boulder practicing in employment law. Josh Marks is a partner at the law firm of Berg Hill Greenlee Ruscitti LLP and practices in the areas of litigation, employment, and real estate.***



## LAWYER ANNOUNCEMENTS

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### Boulder Mediators!

The Boulder County Court is seeking volunteer mediators to facilitate mediation in Small Claims cases. Mediators will need to have either certified mediation training or mediation experience, but do not need to have Small Claims mediation experience. The Court will provide some onsite information and training for mediating Small Claims cases.

We will be providing a Small Claims Clinic for litigants (or potential litigants) every 1st and 3rd Tuesday of the Month to be held in the Jury Assembly Room at the Justice Center in Boulder from noon-1:30 beginning March 4, 2014. We would like to start requiring mediation for Small Claims cases beginning May 5, 2014 if we are able to recruit enough mediators willing to volunteer their time. We will begin with mediation slots on Mondays from 1:00-5:00, for one hour each. Litigants will be required to come in one hour prior to their hearing to participate in the mediation process. We hope to recruit enough mediators to where volunteers would only need to come in once, or at the most twice a month.

Some of you may have participated in the Small Claims Mediation Project when it was active in Boulder in 2011. We thank you for your commitment in the past and hope you will consider joining us once again. Your service was greatly appreciated. For those of you who will be new to the program, thank you for considering volunteering your time.

If you would like to volunteer or for more information regarding the Small Claims Mediation project,  
please contact

Christine Fleetwood at (303)441-4741 or email  
Christine at [BoulderCourtSelfHelp@judicial.state.co.us](mailto:BoulderCourtSelfHelp@judicial.state.co.us)

# LIFE INSURANCE BENEFICIARY DESIGNATIONS IN THE 2014 ESTATE PLAN

By KURT C. HOFGARD

As both an estate planning attorney and a Chartered Life Underwriter™ for the past twenty years, I have witnessed the glazed look of many a client when I bring up the topic of life insurance. However, I have also witnessed the glimmer of hope in the grieving widow's or widower's eye when presented with the death benefit check.

Estate planning in 2014 goes well beyond simply drafting wills, trusts, and powers of attorney. Because life insurance can constitute a sizeable portion of a client's estate, the estate planning attorney needs to be able to effectively integrate it into his or her clients' estate plans.

Of particular importance in any estate plan is the life insurance beneficiary designation and its close cousins the IRA, 401k, and annuity beneficiary designations. It is ironic that the complex, tax-savvy tomes we estate planning attorneys draft can be overridden by a simple boilerplate insurance company form. Unfortunate is the family that might have counted on life insurance, only to have the proceeds taken out from under them by a former spouse due to the decedent's inattention to the beneficiary designation.

Colorado,<sup>1</sup> and many other states,<sup>2</sup> have statutes stating that divorce revokes probate or non-probate transfers of assets. Even divorces prior to the enactment of the Colorado revocation statute are covered by the Colorado statute.<sup>3</sup> Though former spouses might have wished otherwise, Colorado courts have consistently upheld the Colorado revocation statute to deny former spouses life insurance death benefits.<sup>4</sup>

So, even if a client forgets to change the beneficiary on his or her life insurance after divorce, the Colorado revocation statute will take care of it,

right? Not necessarily, said the U.S. Supreme Court in June 2013. In particular, not if the life insurance was part of a Federal employee benefit program, which applies to many of our clients in the Boulder area (think NIST, NOAA, NCAR, UCAR, NREL, etc.).

Though much of the focus of the estate planning and taxation community focused last term on the *Windsor* decision<sup>5</sup> ruling the Defense of Marriage Act (DOMA) unconstitutional, *Hillman v. Maretta*<sup>6</sup> also has relevance for the estate planner. In *Hillman*, a decedent's ex-wife and widow battled over life insurance death benefits worth \$124,558.03. Federal employee Warren Hillman was covered by a Federal Employees' Group Life Insurance (FEGLI) policy. In 1996, Hillman had named his then-wife, Judy Maretta as beneficiary. Hillman and Maretta divorced in 1998, and Hillman subsequently married Jacqueline Hillman in 2002. Hillman never changed the original beneficiary designation from Maretta, and Hillman died in 2008. When Jacqueline Hillman filed to claim the insurance proceeds, the FEGLI administrator instead informed Jacqueline Hillman that the benefit would go to the last named beneficiary, Maretta.

Jacqueline Hillman filed a lawsuit in Virginia Circuit Court, claiming that Maretta was liable to her for the policy proceeds under the Virginia Statute<sup>7</sup> that is simi-

lar in scope and function to Colorado's revocation statute. The Circuit Court found for Hillman, but the Virginia Supreme court reversed.

The U.S. Supreme Court granted certiorari to "resolve a conflict among the state and federal courts over whether FEGLIA (the Federal Employees' Group Life Insurance Act of 1954, 5 U.S.C. §8701 *et seq.*) pre-empts a rule of state law that automatically assigns an interest in the proceeds of a FEGLI policy to a person other than the named beneficiary or grants that person a right to recover such proceeds."<sup>8</sup> In an opinion written by Justice Sotomayor, and affirmed by all nine justices in one form or another, the Court ruled that, due to the Supremacy clause, FEGLIA, as an act of Congress, pre-empted the Virginia statute.

In practicality, Mr. Hillman's mistake of omission robbed his widow of over \$100,000, and Justice Sotomayor was not blind to this seemingly unjust result, writing:

*"One can imagine plausible reasons to favor a different policy. Many employees perhaps neglect to update their beneficiary designations after a change in marital status. As a result, a*

(CONTINUED ON PAGE 8)



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## BENEFICIARY DESIGNATIONS (CONTINUED FROM PAGE 7)

legislature could have thought that a default rule providing that insurance proceeds accrue to a widow or widower, and not a named beneficiary, would be more likely to align with most people's intentions . . . *But that is not the judgment Congress made.*" (Emphasis added.)<sup>9</sup>

Though the outcome seems patently unfair, it rests soundly on the pre-emption doctrine. The Hillman decision basically re-affirmed early Supreme Court decisions holding the same, namely that death benefits governed by Federal acts such as FEGLIA and ERISA go to the last named beneficiary, pre-empting state law that would annul such a result due to the divorce of the insured/owner and named beneficiary.

Colorado courts, and Boulder County in particular, have similarly held that, due to pre-emption, life insurance benefits go to the named beneficiary despite divorce. In the case *In re Estate of MacAnally*, the Colorado Court of Appeals upheld the Boulder District Court's ruling that an ex-spouse, not the decedent's estate, was entitled to the life insurance benefits the decedent had through TIAA-CREF.

The take-away for the Boulder County estate planner or even general practitioner who drafts simple wills, whose clients certainly include those in Federal life insurance programs, is clear. Make it a point to remind your clients regularly to update their beneficiary designations. We remind our clients to make codicils to wills to change personal representatives, guardians, and trustees, or to update plans to reflect changes in tax law. When hundreds, perhaps even millions, of dollars of possible inheritance are at stake through life insurance death benefits, the beneficiary designation is equally important.

In addition to reviewing a client's life insurance beneficiary designations in light of recent divorces and re-marriages, the estate planner should also integrate the beneficiary designation with any testamentary trusts for children. Clients are often surprised that, as a non-probate asset, life insurance goes directly to the

named beneficiary regardless of what a will or trust directs. In other words, when Junior gets to be 18, he gets the dough if he was named beneficiary. Better to name the newly executed testamentary trust as beneficiary, ensuring that a trustee will invest and distribute the death benefit proceeds for Junior's college education rather than allowing Junior to use the funds for the various expensive and potentially unhealthy activities and diversions that our fine state offers.

Finally, as long as we are discussing beneficiary designations, remember to check those on IRA, 401(k)s, and other qualified plans. Though many of our clients' taxable estates are well below the 2014 Federal estate tax threshold of \$5,340,000, their assets usually will not escape tax free. This is due to the income, not estate, tax on "income in respect of a decedent," that is, income taxes on distributions of qualified plans of decedents to their heirs. Fortunately, a named beneficiary can often "stretch out" distributions over his or her life expectancy. However, if an estate or non-qualifying trust is beneficiary, the IRA or 401(k) must generally be distributed within five years of death. The distributions are income taxed over the five years with no opportunities for tax deferral that the "stretch out" offers.

Though not the client's favorite topic, a discussion about the client's current life insurance, and possible need for additional future life insurance, is central to effective estate planning.

**Kurt C. Hofgard, JD, CLU, ChFC, AEP, is an attorney at Hofgard & Associates, P.C. in Boulder, and is also Co-Chair of the BCBA Taxation, Estate Planning and Probate Section.**

1. CRS § 15-11-804 et seq.
2. For example, see Va. Code Ann. §20-111.1(A) addressed in *Hillman v. Maretta*, \_\_\_ U.S. \_\_\_, 133 S.Ct. 1943 (2013).
3. *In re Estate of DeWitt*, 54 P.3d 849 (Colo. 2002).
4. For example, see *In re Estate of Johnson*, 304 P.3d 614 (Colo.App.Div. 5 2012), rehrg. Denied (2012). For a more detailed and comprehensive discussion of the effects of divorce on estate planning see "Divorce and the Effects of CRS § 15-11-804 on Estate Planning Documents," Colo. Law. 93 (January 2005).
5. *United States v. Windsor*, \_\_\_ U.S. \_\_\_, 133 S.Ct. 2675 (2013).
6. *Hillman v. Maretta*, \_\_\_ U.S. \_\_\_, 133 S.Ct. 1943 (2013).
7. Va. Code Ann. §20-111.1(A).
8. *Hillman*, *supra*.
9. *Id.*
10. See *Ridgway v. Ridgway*, 454 U.S. 46, 102 S.Ct. 49, 70 L.Ed.2d 39 (1981); *Wissner v. Wissner*, 338 U.S. 655, 70 S.Ct. 398, 94 L.Ed. 424 (1950); see also *Egelhoff v. Egelhoff*, 532 U.S. 141, 121 S.Ct. 1322, 149 L.Ed.2d 264, 69 USLW 4206 (2001).
11. *In re Estate of MacAnally*, 20 P.3d 1197 (Colo.App. 2000), rehrg. denied and cert. denied (2001).



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## PRESIDENT'S PAGE



Outliers, 10,000-hour devotees, the top of the game and the food chain. The embodiment of the mystique. These folk talk it and walk it. From those striding within our profession, do you think there's anything which the rest of us might poach? How did they get to the top?

I suspect such success comes from desire, mixed with pride, and a lot of commitment. To lawyer (like a plumber plumbs) requires a desire to want to help others. We are a service industry. To rise to the top of this profession however, you need a little ego – hell, simply to believe you can reach the top requires some starch. But getting there requires sacrifice, dedication, long hours, loss of sleep, and preparation, much preparation. It

doesn't hurt to be clever either, to help organize and direct that preparation, to anticipate the next chess move and block it in advance, keeping one step ahead.

But instead of my pontifications, I want to share my notes of discussions with local lawyer outliers. We are lucky to have a broad collection of outstanding legal talent in our community, and these three individuals certainly embody that character. I reached out to Sonny Flowers, a decorated litigator, and leader of many lawyer organizations, including our own local bar. Sonny is recognized by his peers as peerless, and frequently shares his knowledge as an instructor of trial law technique. I asked him what he thinks makes for an exceptional lawyer, and his response, somewhat atypical for Sonny's gift, was one-word: perseverance. Asked what advice he'd give other lawyers, he offers: "stick with it." That is strong, simple advice from a man reaching his fourth decade of practice.

George Berg had a little more to say. He is the managing partner of one of Boulder's largest firms, bearing his name, and three other outliers. He too has been practicing for over 35 years, and is recognized by his peers as an outstanding lawyer. George offered that to become exceptional requires creativity, an ability to think outside the box. He observes that creativity does not magically appear, but evolves from a thorough grasp and mastery of the

fundamentals of a legal subject matter, which itself requires learning by experience and exposure, intense study, and time. George, whose practice is a mix of transactional and litigation matters, also recommends broad experience in both the transactional and litigation sides of the practice. Contracts are drafted better if the drafter has an understanding of how the contract might be litigated; and the litigator of a contract dispute will be a better advocate having an understanding of how an agreement is prepared. Each discipline has a different approach and different mindset, and a lawyer becomes more effective knowing both. Like Sonny, George observes that successful lawyers have to "stick with it" and persevere through the tough and trying times. He offers too that luck ("where hard work and opportunity intersect"), motivation, and effort have a lot to do with success.

I also picked the pocket of aptly named Star Waring, a shareholder with Dietze and Davis, practicing in that firm's Natural Resources and Water Law group. Star is an adjunct professor at DU's Sturm College of Law, and has written extensively and spoken widely on water law topics. She is also our president-elect (can you wait for it!), and gives generously of her time and effort to

*(continued on page 10)*

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## **PRESIDENT'S PAGE** *(continued from page 9)*

many local community service organizations. On what makes for an outlier lawyer, Star offers that you need to stand out in the profession, separate yourself by specializing, creating a niche and becoming expert at that uniqueness. You need to promote yourself. Write on complex topics of your specialized knowledge. Participate in speaking engagements and hold yourself out as an authority. Star notes that it is very important as well to develop good relationships with your clients, providing exceptional service and securing their trust and hopefully many referrals. Star closes with the cautionary observation that you should not drill down too deep into a specialization that you find no market for your skill set.

In short, to be exceptional at this practice, you have to be dedicated. So stick with it and let luck find you, or create your own.

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## PRO BONO PAGE

### Pro Bono Referrals

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

**William Benjamin  
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Alice Ierley  
Charles Martien  
Gary Merenstein  
Laura Moore  
Thomas Moore  
Curt Rautenstrauss  
Craig Small  
Sharon Svendsen**

Thank you to the following attorneys who accepted a mediation case in January: **Beth Ornstein**

### Pro Se Program Volunteers

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M.L. Edwards  
Lauren Ivison  
Tucker Katz  
Michael Morphew  
Craig Small  
Todd Stahly  
Michelle Stoll**

Thank you to the following attorneys who accepted a mediation case in January: **Joan Norman**

### BCAP Volunteers

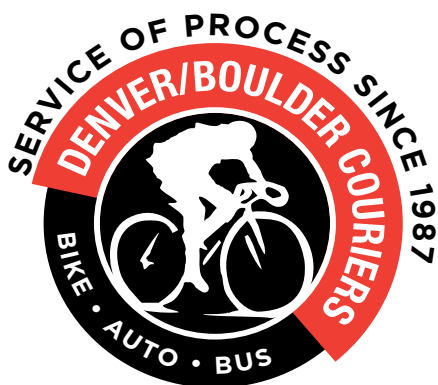
Thank you to the following attorneys who accepted pro bono referrals for the Boulder County AIDS Project in January: **Paul Bierbaum.**

### Pro Bono Corner

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

### PROFESSIONALISM ON-CALL LIST

March 3	Tom Rodriguez	303.604.6030
March 10	Karl Kumli	303.447.4758
March 17	Trip DeMuth	303.447.7775
March 31	Anton Dworak	303.776.9900



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## CLASSIFIED ADS

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**Downtown Boulder law firm is seeking a Legal Assistant for an immediate opening.** This position involves basic administrative and clerical tasks such as answering the phone, making files, taking deposits to the bank, scheduling appointments, and some litigation support. Additional responsibilities and job growth possible depending on qualifications. Previous law firm or other legal experience preferred. We use all Microsoft products and WordPerfect. Attention to detail is essential and conversational Spanish is a plus. **Please email resume, references, and salary requirements to Meghan@rt-law.com.**

**Part-Time Corporate Paralegal: Hutchinson Black and Cook, a downtown Boulder law firm, is looking for a part-time corporate paralegal** to assist with formation, maintenance, compliance, and amendment of corporations, partnerships and LLCs in Colorado and other states; draft and manage documentation for closings of corporate transactions; draft and file SEC records and comply with state reporting requirements; prepare UCCs and conduct UCC searches; assist with real estate transactions and preparation of documentation such as agreements, deeds, authorizations and statements of authority, and file same using SimpliFile; **Please provide a cover letter, resume and salary requirements to [law@hbcboulder.com](mailto:law@hbcboulder.com).**

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## RIDICU - LAWS

### Alabama Code Section 13A-12-1 Certain acts prohibited on Sunday.

Any person who compels his child, apprentice or servant to perform any labor on Sunday, except the customary domestic duties of daily necessity or comfort, or works of charity or who engages in shooting, hunting, gaming, card playing or racing on that day, or who, being a merchant or shopkeeper, druggist excepted, keeps open store on Sunday, shall be fined not less than \$10.00 nor more than \$100.00, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than three months. However, the provisions of this section shall not apply to the operation of railroads, airlines, bus lines, communications, public utilities or steamboats or other vessels navigating the waters of this state, or to any manufacturing establishment which is required to be kept in constant operation, or to the sale of gasoline or other motor fuels or motor oils. Nor shall this section prohibit the sale of newspapers, or the operation of newsstands, or automobile repair shops, florist shops, fruit stands, icecream shops or parlors, lunch stands or restaurants, delicatessens or plants engaged in the manufacture or sale of ice; provided, that such business establishments are not operated in conjunction with some other kind or type of business which is prohibited by this section. It shall also be lawful to engage in motorcycle and automobile racing on Sunday, whether admission is charged or not; except, that this proviso shall not be construed to prevent any municipality from passing ordinances prohibiting such racing on Sunday.

(Code 1852, §73; Code 1867, §3614; Code 1876, §4443; Code 1886, §4045; Code 1896, §5542; Code 1907, §7814; Acts 1923, No. 417, p. 559; Code 1923, §5539; Code 1940, T. 14, §420; Acts 1951, No. 433, p. 783, §1; Acts 1953, No. 230, p. 297; Code 1975, §13-6-1.)

We would welcome any additions to this new section to the newsletter.  
There are some wacky laws out there that are still current.



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