

JANUARY 2011



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CALENDAR OF EVENTS

Pre-registration is required for all BCBA CLE programs. Register by e-mailing lynne@boulder-bar.org, or pay online with a credit card at www.boulder-bar.org/calendar. You will be charged for your lunch if you make a reservation and do not cancel prior to the CLE meeting. BCBA CLE's cost for members is \$20 per credit hour, \$10 for New/Young lawyers practicing three years or less. \$25 for non-members.

Tuesday, January 11
Employment Law
Tax Issues for Employment Lawyers
Presenter: Susan Lindley
Noon at Caplan and Earnest
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10 (turkey, veggie, beef or
salad w/ or w/o meat)

Tuesday, January 11 ADR

Mediation in Small Claims Court Noon brownbag at Boulder County Justice Center Courtroom D 1 CLE \$20, \$10 for new/young lawyers

Wednersday, January 12 Solo/Small Firm Happy Hour 5 PM at The Rib House, 13th & Walnut

Thursday, January 13
Intellectual Property
Open Source Software: Your Client is
Using It, Now What?
Presenter: Jilayne Lovejoy
Noon at Hutchinson Black and Cook
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10(turkey, veggie, beef or salad
w/ or w/o meat)

Friday, Janauary 14 Availability of Legal Services Noon brownbag at Boulder County Legal Services in Louisville Tuesday, January 18
Paralegals and All Lawyers
Casemaker: Making It Work For You
Presenter: Reba Nance
Noon at Caplan and Earnest
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10

Wednesday, January 19
Real Estate and Availability
of Legal Services
Housing Warranty of Habitability
Presenter: Bruce Wiener
Noon at Caplan and Earnest
1 CLE \$20, \$10 for Young lawyers
Lunch \$10(turkey, veggie, beef or salad
w/ or w/o meat)

Wednesday, January 19
Family Law
Wills and Estates Issues in Family Law
Presenters: Russell and Scott Osgood
Noon brownbag at Boulder County
Justice Center Courtroom B
1 CLE \$20, \$10 new/young lawyers

Wednesday, January 19 Co-Chairs Mid-Year Meeting 4 PM at Caplan and Earnest Happy hour follows

Wednesday, January 19 Young Lawyer Happy Hour 5:30 at The Med Thursday, January 20 Bankruptcy Lunch and meeting Noon at Agave

Wednesday, January 26
Taxation, Estate Planning and Probate
The CLASS ACT: Community Living
Assistance Services and Supports
Presenter: Michael Bellmont
Noon at Hutchinson Black and Cook
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10 (turkey, veggie, beef or
salad w/ or w/o meat)

Wednesday, January 26
Young Lawyers
Trial Skills: Persuasion: Opening
Statement and Closing Argument
Presenter: Professor Pat Furman
Noon – 1:30 at Boulder County Justice
Center, Courtroom TBA
2 general CLE's free to those judging
High School Mock Trials, lunch free
For those not judging,
\$40 for seniors, \$20 for new/young
lawyers, Lunch \$10

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The Boulder County Bar Foundation is the charitable arm of the bar association. The individuals listed below have made a financial commitment of \$1000 for ten years to support the work of the Foundation which supports a variety of organizations and worthwhile projects through grants. Many of the Fellows have continued their financial commitment to the Foundation top become Sustaining Life and Life Benefactors Fellows. All members of the Boulder County Bar Association owe them a debt of gratitude for their support of the legal profession and the adminstration of justice in Boulder County.

Recent grant recipients are: BCBA Law and Justice Program, Center for Persons with Disabilities, Boulder County Legal Services, Boulder High School Mock Trial Program, Peak to Peak High School Mock Trial Program, Immigrant Legal Center of Boulder County, Native American Rights Foundation, St. Vrain Parenting Center, Voices for Children, The Carriage House, CU Law School Loan Assistance Program, VORP, YWCA divorce and co-parenting programs.

You can be a Foundation Fellow by making a pledge today. We will welcome the new 2011 Fellows at our annual lunch meeting on Wednesday February 23. Please contact Christine at 303.440.4758

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(continued on page 4)

JANUARY 2011 3

BOULDER COUNTY BAR FOUNDATION (continued from page 3)

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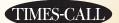
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Publishes: Sunday, March 20, 2011 Deadline: Monday, February 14, 2011

PRESIDENT'S PAGE BY RICH IRVIN



"I am Max Cady You don't remember me but I remember you."

This was said during the first but not the last encounter between Max Cady and Sam Bowden. Max Cady had just gotten out of prison and came to the small southern city, probably Wilmington, North Carolina, where Sam Bowden now practices law.

My movie this month, "Cape Fear," examines lawyer-client relations. In "Cape Fear" Max Cady has an issue with his attorney Sam Bowden. He has a dispute with Bowden's prior representation which sent him to prison. Rather than file a formal complaint, Cady personally takes revenge on his ex-attorney. This sets up a climatic confrontation between Cady and Bowden on a houseboat on the Cape Fear River. This is not how we as lawyers want disputes with clients to be resolved. Sam Bowden wants to resolve his dispute in a civil manner, but Max Cady has another agenda.

Attorneys are often looked on with suspicion by their clients. Somehow it's always the attorney's fault or lack of skill, not the client's actions, which lead to unfavorable consequences to the client.

Clients are not totally at fault in believing that their attorney has a magic wand that can make black into white. Sometimes the lawyer has said what the client wants to hear. When a lawyer first meets with a client, he or she has to be very careful in setting the expectations of the client. The client, unless they are very sophisticated (this does not apply in a strictly business relationship or in legal transactions such as wills.) is a vulnerable stranger in a strange land. He doesn't know the lingo or process. He relies on the attorney to guide and protect him from fearsome consequences.

A lawyer has to be very careful in not setting unrealistic expectations. A lawyer might have said one thing but the client heard something else. Both could be given a polygraph and both could pass. I have seen too many defendants being led out of court by the sheriff who seemed surprised. This happens in every kind of case in which the outcome is uncertain, criminal, civil, domestic. In such ways a Max Cady is born, bitter because his expectations were not fulfilled. I have always been careful to not paint too rosy of a picture. Telling somebody something they want to hear only creates bitterly disappointed, angry clients. It's better not be hired than to be resented later because of the result.

(continued on page 8)



LAWYER ANNOUNCEMENTS

Volunteers are needed to help score and judge the Boulder County High School Mock Trials

Friday, Feb. 11 at 3:30 PM

Saturday, Feb. 12 at 8:30 AM 10:45 and 1 PM

The trials will be held at the Boulder County Justice Center and will last about 2.5 hours each.

> <u>PLEASE</u> call or email 303.440.4758 christine@boulder-bar.org

CHRISTIE COATES IS TAKING A SABBATICAL.

I'm excited to announce that I'm closingmy office as of February 28, 2011 and will be taking a 6-month "semi" sabbatical from the private practice of ADR.

I will continue to provide court-ordered mediation services in domestic cases in Boulder as
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My phone number remains 303.443.8524.

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Lyons Gaddis Kahn & Hall



is pleased to announce that

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Robinson Tweedy, PC is pleased to announce that

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has joined the firm as an associate attorney.

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PRESIDENT'S PAGE (continued from page 5)

Often lawyers forget that we are dealing with people. Unfortunately we are viewed as setting up a legal system that is incomprehensible to ordinary people. This is a not a new phenomenon. Shakespeare is replete with complaints about lawyers. "First let's kill all the lawyers" (Henry IV). We of course know that they wanted to get rid of the lawyers who were obstacles to their plot for illegal usurpation of power. They wanted lawyers gone because they could call them on their illegal pursuit.

In the early American Republic there were complaints about the legal system and how lawyers just enriched themselves at the expense of the people. "Lawyers and men of learning and money men, that talk finely, and gloss over matters so smoothly." In the 1790's it was said "Lawyers...have wooled up the practices of the law in such a heap of formality on purpose so that we can not see through their entitlement to oblige us to employ them to untangle them, and if we go to them for advice they will not say a word without five dollars." Democratic Republicans of New York (I have no idea what \$5 in the 1790 is worth now, but it's not insubstantial.)

Unfortunately many people have always (and still to this day) see lawyers as setting up a maze that only the lawyers can negotiate. Our job as lawyers is to demystify the system to show why it exists for the people (clients) not for the benefit of the lawyer. We are not part of a mystical system. We must be as fellow travelers in this world and show empathy that the profession exists for the benefit of the citizenry. The law provides rules which we as lawyers use to help people settle disputes, engage in commerce and importantly protect them from society.

We are not priests, we are tradesmen. When we act like priests, where only we know the rites, we bring Max Cady on ourselves. It has always been instructive to me that Otto Bismarck, the father of the Iron Chancellor, was devastated that Bismarck obtained a law degree. He father noted that Bismarck would now have to come through the back door with the tradesmen not through the front door like a gentleman.

It is important to keep things in perspective. We do important work, but ultimately we work for people. We must treat clients not as supplicants, on whom we bestow our favors, but as our employers.

Perceptions of lawyers haven't changed for years and they won't change next week. As Rumpole points out, people won't invite us to dinner until they need us, like a plumber or a carpenter. We just have to live with it and treat each client as an individual. So even if a client is disappointed in a result maybe he/she won't blame the lawyer, and maybe Max Cady won't seek physical vengeance against Sam Bowden. (He always will anyways because he is crazy.)

(continued on page 10)

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PRO BONO PAGE

Pro Bono Referrals

Eleven cases were referred during November. Thank you to the following attorneys:

Howard Bernstein Elizabeth Brodsky Susan Bryant Daniel Flynn Peggy Goodbody Wallace Grant Ruth Irvin Keith Moskowitz Craig Small

Pro Se Program Volunteers Elizabeth Brodsky M.L. Edwards Tucker Katz Leonard Tanis

Mediators

The following mediators accepted a pro bono case in November.

Mike Ruderman

BCAP Volunteers

Thank you to the following attorneys who accepted pro bono referrals for the Boulder County AIDS Project in November.

Christina Ebner 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.

Boulder County Bar Association Professionalism Committee On-Call Schedule

 Jan. 3
 Helen Stone
 303.442.0802

 Jan. 10
 Curt Rautenstraus
 303.666.8576

 Jan. 17
 Bruce Fest
 303.494.5600

 Jan. 24
 Trip DeMuth
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 Jan. 31
 Lee Strickler
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JANUARY 2011 9

PRESIDENT'S PAGE (continued from page 8)

See Cape Fear if you want a good thrill about client-attorney relationships.

P.S. There are two versions. The 1991 version stars Robert DeNiro and Nick Nolte. The 1968 film stars Gregory Peck and Robert Mitchum. The 1991 version is scarier of the two, Christine is still frightened, and Nick Nolte is a more than flawed attorney. Gregory Peck plays another side of Atticus Finch in the earlier version; Robert Mitchum is evil and scary.

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JANUARY 2011 11



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